FOREWORD

In 1998, on November 5th-7th, at Centro Cultural de Belém, in Lisbon, IGAI organised its first International Seminar, after its creation from ground zero on February 26th, 1996.

The subject was "Human Rights and Police Efficacy. Police Oversight Systems".

We were far from realising that, three years later, the qualitative police/citizen relationship in Portugal would make possible to define a totally different subject for the second International Seminar of IGAI, in what concerned its essence and aims.

The truth is that such an event took place on October 8th-10th, 2001, at the Calouste Gulbenkian Foundation, in Lisbon, and its subject had manifestly in mind issues relating to contemporaneous societies and the future. It was no longer addressed only to the agents of the police forces but also to the ordinary citizen.

It consisted of a debate and discussion on questions of immigration, integration and insecurity. The myth and the fear of difference. The racism, the criminalization, the wreckage and the night.

The groups and the youths, the Internet, the local governments.

The press. Information and Communication.

The right to the difference.

About cultures. About minorities.

About the complex challenges which involve police activity.

About police activity. The how.

It is not about fight but rather about living together.

An open Seminar in which the high level of communications presented and the plurality of participants and speakers, coming from the most diverse countries and with the most different academic formation and training, with the significant highlight of the Portuguese opinion, were the responsible elements for the undeniable success of the event.

This book, now published in Portuguese and latter in English, is a compilation of those communications and approaches to the subjects discussed.

My sincere gratitude goes to all the participants.

For the closing session of this Seminar, IGAI invited Professor Eduardo Lourenço and, following his acceptance of the invitation, an honour to this Institution, we could count on a remarkable lecture by this great Essayist on the subject "The Culture of Insecurity".

Its reading is the exponential expression of all those who, at the highest level, have participated to make possible this work.

My sincere thanks.

The Seminar, whose texts are now published, constituted no doubt a reference to all police officers in what concerns their action in the always challenging scope of the way how to act in the context of the diversities of a world of cultures and differences.

To finish, I would like to express my gratitude to all my collaborators, without whose assistance this event could not have been organised.

I thank them all but I would like to make a special reference to the work done by Mr. Luis Pires, Mr. Molarinho, Mr. Eurico and Mr. Ulisses Costa.

IGAI has been, since its creation in February 1996, a project of accession to values and aims; thus, all its collaborators give their best in the perspective of a result that is the work of all and everyone.

Thank you very much.

Monserrate, July 18th, 2002.

António Henrique Rodrigues Maximiano
Inspector General of the Internal Administration

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The translation of the communications in this book was requested by IGAI and made by its Senior Technician, Ms. Maria da Conceição Matos Mendes dos Santos;

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INTERNATIONAL SEMINAR

CULTURES AND SECURITY

3 SUBJECTS:
RACISM, IMMIGRATION, YOUTHS IN GROUP

Lisbon, October 8-10, 2001

PROGRAMME

October 8, 2001

08.30 / 09.00 – **Reception** to the participants

09.00 / 09.45 – **Opening session**

- Opening speech by the Inspector General of the Internal Administration, Mr. António Henrique Rodrigues Maximiano

- Speech by His Excellency the President of the Republic, Mr. Jorge Sampaio

09.45 / 10.00 – **Pause**

10.00 / 11.40 – **1st. Subject:**

The 3 Is – Immigration, Integration and (In)security
Moderator: Rui Pena Pires (Sociologist, Lecturer at "Instituto Superior de Ciências do Trabalho e da Empresa")

Nuno Severiano Teixeira (Minister of the Internal Administration)

António Vitorino (Commissioner of the European Commission)

José Narciso da Cunha Rodrigues (Judge at the Court of Justice of the European Communities)

Thomas Feltes (Principal of the Police High School of Villingen-Schwenningen, Germany)

Ana Luisa Riquito (Lecturer at the Law Faculty of the University of Coimbra)

11.40 / 12.30 – **Synthesis / Debate**

12.30 / 14.30 – **Lunch break**

14.30 / 15.30 – **2nd. Subject:**

The Media, the Feeling of Insecurity and the Police

Round table

Moderator: Paula Moura Pinheiro (Journalist)

José Paulo Bisol (Secretary of Justice and Security of the State of Rio Grande do Sul, Brazil)

José Manuel Paquete de Oliveira (Vice-President of the "Instituto Superior de Ciências do Trabalho e da Empresa")

Ana Sá Lopes (Journalist)

Sara Pina (Press Officer of the Attorney General of the Republic)

Paula Serra (Journalist)

Luis Simões ("Subintendente" of the Police of Public Security)

15.30 / 15.45 - **Pause**

15.45 / 17.30 – **3rd. Subject:**

Internet and Racism

Moderator: José Eduardo Agualusa (Writer)

Willy Bruggeman (Deputy Director of EUROPOL)

Miloudi Hamdouchi (Direction Générale de la Sûreté Nationale du Maroc)

Béatrice Métraux (Scientific collaborator of the Swiss Institute of Comparative Law)

Paula Morais (Ministry of the Internal Administration)

Carlos Cabreiro (Coordinator of Criminal Investigation at the Criminal Police)

17.30 / 18.15 - **Synthesis / Debate**

18.15 – **Closing of the session**

October 9, 2001

09.00 – **Opening of the session**

09.00 / 10.30 – **4th. Subject:**

Local Integration: Territories and Security

Moderator: Maria Ioannis Baganha (Sociologist, Professor at the Faculty of Economics of the University of Coimbra)

Adão Manuel Ramos Barata (Mayor of Loures)

João Soares (Mayor of Lisbon)

Nuno Cardoso (Mayor of Oporto)

Isaltino Morais (Mayor of Oeiras)

José Leitão (High Commissioner for Immigration and Ethnic Minorities)

Augusto Madureira (Journalist)

10.30 / 11.00 - **Synthesis / Debate**

11.00 / 11.15 - **Pause**

11.15 / 12.55 - **5th. Subject:**

Juvenile Delinquency and the New Insecurities

Moderator: Maria de Fátima Carvalho (Deputy Inspector General of the IGAI)

Francisca Van Dunem (Portugal's Representative at the European Monitoring Center on Racism and Xenophobia)

Paulo Guerra (Judge, Professor at the Centre of Judiciary Studies)

Paulo Jorge Silva Rebelo Manuel (Captain of the National Republican Guard)

Yvon Tallec (Curator of Minors at the High Court of Paris)

12.55 / 13.30 - **Synthesis / Debate**

13.30 / 15.30 - **Lunch break**

15.30 / 17.10 - **6th. Subject:**

The Night of the World: cities and security

Moderator: Eduardo Prado Coelho (Professor at the FCSH of "Universidade Nova" of Lisbon)

Manuel Graça Dias (Architect, Professor at the Faculty of Architecture of the University of Oporto and at the Department of Architecture of "Universidade Autónoma" of Lisbon)

José Medeiros Ferreira (Member of the Parliament and Professor at the University)

Min Zhou (Professor of Sociology and Chair Asian American Studies at the University of California, Los Angeles)

Cândido Agra (Professor at the University of Oporto, and Scientific Director of the Security Monitoring Center of Oporto)

Maria João Seixas (Journalist)

17.10 / 18.00 - **Synthesis / Debate**

18.00 – **Closing of the session**

October 10, 2001

09.00 – **Opening of the session**

09.00 / 10.20 – **7th. Subject:**

Intolerances, Racisms and Crime Control

Moderator: Alberto Augusto de Oliveira (Assistant Attorney General, Member of the Consultative Council of the Attorney General's Office)

Teresa Pizarro Beleza (Professor at the Law Faculty of "Universidade Nova" of Lisbon, Member of the European Committee against Torture – CPT)

John Grieve (Deputy Assistant Commissioner – New Scotland Yard)

Júlio Pereira (Director General of the Service of Foreigners and Borders)

Manuel Martin Fernandez (Professor at the Police High School of the University of Barcelona)

10.20 / 11.00 - **Synthesis / Debate**

11.00 / 11.15 - **Pause**

11.15 / 12.30 - **CONFERENCE**

"The culture of insecurity", by Eduardo Lourenço, essayist

12.30 – **Closing session of the Seminar**

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António Henriques Rodrigues Maximiano | Inspector General of the Internal Administration

Good morning ladies and gentlemen.

Let me address you just a few words to open this International Seminar of the Inspectorate General of the Internal Administration on "Cultures and Security".

First of all, I wanted to thank the Calouste Gulbenkian Foundation, here represented by Ms. Isabel Mota, the important contribution she gave when she allowed us to use these premises, of such a high quality and nature, for the debate of a theme that pertaining to the citizens and, in a way, also to the police forces as far as their functional performed is concerned.

To His Excellency the President of the Republic who made himself available to make a speech in this Seminar goes my personal and institutional gratitude, as well as to the Minister, here present, and to all speakers who volunteered to contribute to what I think will be a new step towards the quality of police action and proximity of the police officers to the citizens. A project of citizenship and police.

To all of you here present, to participate in an active manner and hear the debates and communications, goes my appreciation since a project like this one, both to the police authorities and to the trainees, as well as to the public in general, only makes sense with the participation of all of us.

My sincere thanks to you all.

Mister President, you have the floor.

Jorge Sampaio | President of the Republic

I want, first of all, to thank the kind invitation to participate in the opening session of this international seminar on "Cultures and Security", which I gladly accepted.

I also want to salute the Inspectorate General of the Internal Administration and especially Mr. António Rodrigues Maximiano for his initiative, which I consider of great interest and whose opportunity is now more evident than ever.

In fact, the brutal impact of the terrorist attacks against the World Trade Centre and the Pentagon brought to the centre of our worries, both at international and domestic policy levels, the problems of security and, to a certain extent, also those of plural sociability of cultures.

We must immediately realise that the attacks, of an unprecedented scale and violence, caused a diffuse sentiment of anxiety, to which we must give a strong answer. That answer shall not only be based on our reinforced commitment to fight international terrorism, side by side with the United States and all our other allies, but also on a decisive action against complacency and lassitude, which are not tolerable in the field of security. That answer must be a responsibility of all, both the State and society, with an awareness of the indissoluble connection between liberty and security.

Likewise, the terrorist attacks to New York and Washington may create tensions towards the minorities and other cultures. We can not hide that the ultimate purpose of those barbaric acts is to cause a total opposition and create an irreparable gap among cultures and religions. That extremist polarisation would result in war, at international level, and prosecution of minorities, at domestic

level. Under penalty of becoming entangled in the web that the terrorism is building, we must refuse, without reserves, that splitting-up logic and oppose to the terrorism's culture of violence the culture of tolerance practiced by republican democracies.

We have the duty to prevent the settlement, in our society, of a vicious cycle. Terrorism causes a greater feeling of insecurity that, on its turn, translates into an attitude of fear and hostility towards the minorities, whose growing exclusion may, as we well know, draw them to extremism and violence.

That vicious cycle, as dangerous to social cohesion as to our liberty and security, may be deployed based on insecurity, persecution of minorities or their exclusion. We can not accept this risk without jeopardising our fundamental values.

During the last decades, with the institutionalisation of democracy, our society has deeply changed. The values of liberty, law and tolerance became an integral part of our national identity and of all political projects for our collective future. That radical change in the Portuguese traditional political culture must serve as a starting point to face another deep change. In fact, Portugal, a country of emigrants and a nation spread over all continents, has become an immigration country, the destination of people coming from all parts of the world, from Brazil to China, from Ukraine to Cape Verde, from Morocco to Timor.

Our society, the most homogeneous of all European national communities, is now receiving a growing number of immigrants who form a mosaic of multiple nationalities, different religions, distinct cultures. In principle, the force of our historic identity and the spirit of democracy give us confidence as to the Portuguese capacity to receive and integrate the immigrants and the minorities.

Notwithstanding, we all know about cases of discrimination and exclusion, and even racism and violent persecution of minority groups, even old minorities integrated in the national community.

That change in our society, which makes it more plural and diverse, and consequently richer, imposes a challenge on all of us. That challenge regards the way we must receive and integrate the immigrants into the Portuguese society and build a modern and open citizenship.

I would like, in this respect, to share with you three brief reflections. The first concerns the essential principle of the humanist tradition, inseparable from our history, which lies in the respect for the dignity of the human being.

This principle requires not only a civilised behaviour from all and each one of us towards the others, but also the general acknowledgement of the ownership of civic, economic and social rights of all persons, whether Portuguese citizens or otherwise, who live and work in Portugal. Those civic, economic and social rights only have as their limit the respect for the law and public order. In this sense, in our State based on the rule of the law, there are no persons without rights. This ownership of the fundamental rights includes the immigrants and the members of cultural or religious minorities who do not have Portuguese citizenship.

The second reflection concerns the fundamental principle of the western pluralist societies, based on the universal value of the human rights and consequently the rights of the minorities. For sure, no modern democracy refuses the legitimacy of the cultural or religious specificities of any minority, as long as they do not jeopardise the unity of the society nor express values contrary to the democratic values. The acknowledgement of those specificities is a condition for their good integration in our society and a landmark of our civilisation. It would, for instance, be absurd not to recognise the equal liberty of religious cult. The same way, any national minority must be able to exercise the liberty of education in order to ensure the learning of its language and history, as a complement to the Portuguese educational curriculum.

However, no one must be forced to integrate a minority against his or her will.

The third and last reflection concerns our capacity of integration. What is the sense of our national project? Do we have the capacity, and especially, the will

to receive in our national community a growing number of individuals from other origins, belonging to religious or cultural minorities?

As far as I am concerned, I think that all modern societies are, not only by definition, multicultural but must also be open, under penalty of becoming shut in a cycle of decadence.

This openness begins with the overture of the national community to the integration, not only economic and social but also civic and political, of individuals from other national origins. Those who have chosen to live with us respect the principles and the laws in which our society is based and participate in our collective life; those who, on their free will, want to belong to our national community and share with us a common destiny have the right of access to the Portuguese citizenship, respecting the duties deriving thereof.

I insist on this point because I consider it my duty to make the pedagogy of the republican spirit of the Portuguese democracy, whose civic nature implies the total respect for the rights of access to nationality and citizenship. Those rights force us to look from another perspective to the others, to those who are not yet, but may be in the future, our Portuguese co-citizens by own right. That acknowledgement is, I believe, the best way to fight against exclusion, discrimination and racism.

There are no perfect societies. We all have the responsibility of giving and improving our example of civility in the relations with others, all the others. Our democracies are always unfinished creations. So, we all have the obligation to contribute with our share to the effective exercise of our rights and the construction of a free and tolerant public space. The terrorist violence forces us to recognise the growing threats and makes imperative our fight for a fair society where all, without exceptions, may live in freedom and security.

Nuno Severiano Teixeira | The Minister of the Internal Administration

IMMIGRATION, INTEGRATION AND SECURITY

1. International migrations

The international migrations at a global scale have become one of the biggest problems of contemporaneous societies. Social sciences, from sociology to the theory of international relations, have made them one of the central topics of their theoretical debates, whereas societies, governments and non-governmental organisations see them as one of the fundamental challenges of the beginning of the twenty-first century. In a world heading for globalisation, the developed countries become the target of the destiny and refuge of mass migratory fluxes from the most different origins.

The reasons that may explain these migratory phenomena are multiple and well know: demographic imbalances and asymmetrical economic growth between rich countries with elderly populations and poor countries with youthful populations.

But these traditional reasons are nowadays increased and over-determined by two new factors: first of all, the globalisation of information, which broadcasts and generalises the knowledge of these imbalances and asymmetries and encourages the mobilisation of thousands of "excluded" (those who Franz Fanon used to call the "damnés de la terre") searching for "paradise" in the developed countries; secondly, the development of organised networks, of a criminal and trans-national nature, of traffic of human beings which have specialised in this global and flourishing commerce.

These phenomena create, from the start, a complex tension between the pressure of the migrant fluxes, always on the increase and with a trans-national sense, and the management and perception of these movements that still go on in a public space and in a fundamentally national logic: the States that, in the exercise of their sovereignty, seek to define migratory policies and control the fluxes within their territories as well as their public opinion, or rather certain sectors of that public opinion, which deem excessive the volume of those fluxes and create feelings of racism and xenophobia.

2. European union

Between the trans-national logic of the fluxes and the national logic of the states, an instrument of fundamental mediation within the Portuguese space of international insertion is a European policy of immigration.

A policy of immigration that the European Union, and especially the European Commission (an euphemistic way to refer to the Commissioner António Vitorino), has seek with equilibrium and realism, in the respect for the principle of subsidiarity and especially beyond ideological fundamentalisms.

Beyond, first of all, the model of "zero immigration" of a Fortress Europe which turned out to be not only unrealistic but, more than that, a myth. The forbidding of legal immigration gave way to the illegal immigration and an abusive use of the national systems of asylum, creating thus situations totally incompatible with the cultural matrix and even the economic interests of Europe.

Beyond, secondly, the model of an open and unregulated immigration of a Passing Europe. An open and unregulated immigration that, between the trans-national logic of the migratory fluxes and the national logic of public opinion, may constitute (beyond given percentages sociologically studied and known) the shortest way to generate feelings of racism and xenophobia in the receiving societies, as it has already happened in the European Union itself.

It is, consequently, a policy of balanced and realistic immigration in which the fundamental criteria of management of fluxes are those of efficacy of the

receiving capacity and the success of integration in the European societies. This means, therefore, a legal immigration and must imply the definition of a citizenship statute for the immigrant, i.e., a set of rights and duties, established but also ensured by the receiving states.

It is obvious that for the construction of a "space of liberty, security and justice", this binomial Immigration/Integration must necessarily have its reflection on the binomial Liberty/Security. To the reception and integration of those fluxes must correspond a reinforcement of the control of the exterior borders of the European Union and the cooperation among police and judiciary forces in the fight of illegal immigration traffic networks.

This is the matrix of the European Union policy on immigration and it is also the matrix that is present in the Portuguese Law on Immigration, in force as of January, 2001.

3. Portugal

This is a new law that intends to provide an answer to a new experience for the Portuguese society.

For Portugal, we must recognise, the immigration experience is a new one as it is, by consequence, the need to formulate an immigration policy.

This entire subject is naturally conditioned by a history and context.

The Diaspora was a phenomenon that deeply marked the historical experience, the collective memory and, why not say it, our national identity itself. In our contemporary history, it was the emigration that embodied that Diaspora, immortalised in our collective imaginary as the figure of the "Brazilian who returns from his voyage", at the beginning of the century, or the "carton suitcase" that symbolised the Portuguese emigration in the 1960s and 1970s.

The transition into democracy in 1974 and the European integration in 1986 changed the face of the country. And, in the historical context of that

change, the decolonisation, the democratic consolidation, the country's economic modernisation under the impact of the European integration and the Portuguese participation in the reinforcement of the European building, especially the accession to the "Schengen Space", changed, in a radical and decisive way, not only the sense but also the nature of the migratory fluxes in Portugal.

They changed, first of all, the sense. Portugal, once traditionally a country of emigration, becomes a country of immigration.

They changed, secondly, the nature of the fluxes. It is a recent story that may be told in three episodes (according with Ms. Maria Ioanis Baganha).

The first derives from the decolonisation process that led to the return to Portugal of about half a million Portuguese people, from which 25 to 35 thousand of African origin. In 1975, the Revolution Council, by its Decree-Law No. 308-A, withdraws the Portuguese nationality to a great part of those citizens creating thus, in retrospective, an emigrant community of African trait.

The second derives from the economic modernisation process under the impact of the accession to the European Economic Community, which significantly broadens the working market, in Portugal, during the second half of the 1980s. The new opportunities of the working market, increased by informal networks based on family ties and neighbourhood relationships, contribute to the increase and consolidation of the immigrant community coming from the African Countries of Official Portuguese Language, part of which in illegal situation.

The third begins with the accession of Portugal to the Schengen Agreement, in 1991, which has its reflection, in the domestic field, on a new juridical order for the migrations and the opening of a new period characterised by "extraordinary legalizations", in 1993 and 1996. To the African flux is now added the Brazilian flux and, because of the legalisation process, decreases, in a significant way, the number of illegal immigrants in Portugal.

The fourth moment is already connected with the conjuncture of the present-day migratory fluxes and, consequently, with the need to formulate a new policy of immigration.

From 1995 on, the entry into force of the Convention for the Implementation of the Schengen Agreement creates a more favourable regime for the admission into the Schengen Space of nationals from Russia and other countries from Central and Eastern Europe (it is the end of the mandatory previous deliberations for the granting of visas). This change, together with the conditions created in the origin and destination of the fluxes, i.e., the economic and social conjuncture in post-communist Russia and the countries in the erratic post-Soviet era and the free movement within the Shengen Space, determined a migratory flux from Eastern Europe into the European Union, to which Portugal is no exception. Furthermore, this situation is enhanced, in the Portuguese case, by the revision of the 1998 Immigration Law (Decree-Law No. 244/98, dated August 8th, 1998) which extends the scope of the mechanisms of legalisation of illegal immigration. Under the joint effect of the Convention for the Implementation and the 1998 Portuguese Law, there appears in Portugal a migratory flux coming from Eastern Europe, exploited by trans-national networks of labour traffic.

Side by side with traditional immigration, with few qualifications and supported by networks of solidarity based on individual relationships and family ties, whose official language was the Portuguese, there grows a new immigration, more qualified but alien to the Portuguese language and culture, coming from Eastern Europe and supported by organised and criminal networks of traffic and exploitation of illegal immigration.

It was to give an answer to this new and complex situation of the migratory phenomenon, in Portugal, that we passed a new law on immigration (Decree-Law No. 4/2001) that paves the way to the formulation of a new policy of immigration: a policy of openness, but regulated openness, in which the flux must be in direct proportion to the integration capacity of the country. First of all, an economic integration in the labour market, secondly, a social and cultural integration into the Portuguese society, which implies, as a last resort, the definition of a citizenship and juridical statute, a cautious but inclusive one.

These fluxes are the fundamental principles of guidance to an immigration policy in Portugal, which have to be developed and materialised around three fundamental strategic axles: regulation, control and integration.

First of all, the **regulation of the flux**, whose aim is to foster and accelerate the legal immigration and whose openness must be proportional to the absorption capacity of the Portuguese labour market. The economic integration is a basic condition for the integration and social dignity of the immigrant. The political principle defined, a lot has yet to be done in the technical plan and in what concerns the support to be given to the decision: first, the improvement of the mechanisms of statistical control of the fluxes, secondly, the prospective evaluation of the opportunities provided for in the labour market.

In the second place, the **control** with the aim to fight the illegal immigration, the networks of traffic of human beings and the employment and exploitation of illegal labour. The criminalization of the recruitment of illegal immigrants and the principle of joint responsibility of all the agents in the production chain allow a legal framework to achieve that goal. After the initial effort to legalise all immigrants in illegal situation, the competent services may now reinforce their control action.

In the third place, the **integration**. This is, no doubt, the more complex axle, the one with the longest duration and the one that requires, not only at a governmental level, a relationship of active collaboration with the civil society. Portugal faces nowadays a complex migratory phenomenon and an immigrant community socially differentiated, formed mainly by fluxes from different geographic origins, professional qualifications and cultural and religious backgrounds.

As a State based on the rule of the law, Portugal must define and ensure a set of rights and duties towards the immigrants, i.e., a citizenship and juridical statute, progressively inclusive. This tough common nucleus does not go against, rather completes, concrete and differentiated programs that may and shall be aimed at the specificities of each community of immigrants.

Just one word about the security issue. The same way the binomial Immigration/Integration has a translation into the binomial Liberty/Security in the European plan, so it is just natural that it also applies in the national plan. There is no direct correspondence between immigration and security. Crime has no ethnic, national, cultural or religious origin. However, from the established freedom of movements do also take benefit the crime agents, a fact that requires compensatory measures in the field of security: external control of borders and police and judicial cooperation. Security is a condition of Freedom: an undeniable truth when Portugal is part of the "space of liberty, security, and justice" of the European Union.

To define, in these days, a migratory policy we need to be in harmony with the European policy. But it means more than this: it means to change the paradigm.

It means to change a reactive migratory policy into a pro-active migratory policy. In one word: to define an immigration policy.

We, the Portuguese, know because of our own experience in the field of emigration during the 1960s and 1970s, that, in the first place, it brought benefits to the emigrants, in most cases of success, to Portugal and to the public finances, but it also brought the first approach to Europe in the close universe of the New State. But we know, especially, that our emigration brought benefits to the receiving countries as a factor for their economic and social development.

We now know how to receive and integrate our immigrants and use that immigration as a factor of economic and social development for Portugal. We know how to accept the cultural diversity, but with an essential assumption: the respect for the fundamental values of Democracy and Human Rights.

We must know how to define a policy that will recognise immigration not just as a problem that needs to be solved but rather as an opportunity to succeed.

António Vitorino | Portuguese Commissioner of the
European Commission

Your Excellency the Minister of the Internal Administration
Mr. Cunha Rodrigues, Judge at the Court of Justice of the European Communities
Professor Thomas Feltes
Mr. Inspector General
Members of the Judiciary and Public Prosecution Services
Officers of the Security Forces
Ladies and Gentlemen

I would like to begin by thanking the invitation addressed to me by the Inspectorate General of the Internal Administration to be present here, today, on an occasion of particular importance, to debate subjects such as immigration, integration and security, having in mind that this meeting takes place, today, on the aftermath of the recent terrorist attacks committed in the United States of America. It is obvious that those terrorist attacks reinforce the feeling of insecurity and enhance the need for the European Union to coordinate its efforts in such a way as to be able to contribute, in an efficient manner, to the struggle against international violence and develop common instruments to fight terrorism.

We are, right now, defining a framework in the scope of which it might be possible to develop a true cooperation among the States of the Union in the field of criminal matters. So, the European Commission is now preparing to adopt the proposals that define terrorist acts and corresponding sanctions, as

well as proposals regarding the creation of a European search and arrest warrant. This is the sign of our determination.

But it would be totally unacceptable that, under the pressure of these events, we would refuse to reduce all our political action to the issues of security.

We shall not be caught off guard.

We take security very seriously.

We have a scheduled program of actions to ensure the fight against trans-national organised criminality, including terrorism.

But we must not let the essential issue of contemporaneous societies in the European Union and, in general, in the Western World, i.e. the question of immigration and asylum, be a prisoner of the debate on security. And there, just as the Minister referred, the European Commission clearly states that we must initiate a new immigration policy at a continental level.

No more of the zero policy on immigration, which was no zero policy at all.

But mainly a policy of regulation of the migratory fluxes: in a context of decrease and aging of the population; in a context of economic development in which the labour force and the training of that labour force still plays an essential part.

The added value of Europe in this immigration policy is, in my opinion, basically that of the elaboration of a *policy mix* between, on the one hand, a set of regulations common to all European States and, on the other hand, coordination procedures between the governments of the Member States to control the migratory fluxes.

The common regulations concern:
- **First**, the juridical regime of family reunion, because we think that one of the essential elements of the integration policy is that the immigrants, people coming from third countries who choose a European State to establish themselves, may have their

conditions of settlement and integration improved if they have the company of their families; and

- **Second**, the European States must share a juridical statute, comprising rights and duties, for the citizens coming from third countries who are long-term residents in the European Union countries;
- **Third**, common regulations on admission for purposes of access to the labour market;
- **Fourth**, common regulations of admission for students, and
- **Fifth**, and last aspect, common regulations for those who intend to perform non-remunerated activities.

When we elaborate proposals on these issues (and I would like to note that most of them have already been presented by the Commission to the Council, the remaining two – students and non-remunerated activities – will be presented before the end of this year) our goal is not to increase the number of immigrants who are now living in the European Union but rather to ensure a better management and an orientation of the migratory fluxes.

This flexibility of the immigration policy must correspond to what I would call the two paradoxes that must be dealt with by the immigration policy.

The first one is that, when questioned, the great majority of the European people think that there are already too many foreigners living in the European Union.

But, on the other hand, when we look at the labour markets and the economic activity, we verify (and this is the second paradox) that there is still a constant offer of job opportunities that are not applied for by the citizens of the European countries, even in the cases in which there is a high rate of unemployment.

The difficulty of management of the migratory policy is that of conciliating this diffuse perception that exists in the European citizens' conscience that Europe must no longer admit more immigrants and, on the other hand, the circumstance that, in fact, in the plan of economic and social realities, Europe still asks for and, I would even dare to say, depends upon new migratory fluxes.

From there results that the challenge is simultaneously, as the Minister referred, that of defining a pro-active policy – and not merely a reactive one – but, in parallel, defining also a policy of fight against illegal immigration.

First of all, because the fight against clandestine immigration is carried out in the name of the values of human dignity of the immigrant workers themselves.

Then, because usually the clandestine immigration is fed by networks of traffickers who reduce to slavery the clandestine immigrant workers.

Then, yet, especially because those networks are the ones that fed a whole set of clandestine economic activities which, for that reason, have substantial profits resulting from not declaring the labour profits of clandestine immigration.

Europe is not inattentive.

Europe has a program to fight clandestine immigration that comprises the adoption of common criminal rules to define what may be qualified as a crime of traffic of human beings, for purposes of economic exploitation or for purposes of sexual exploitation.

Europe has a program of action to reinforce the role of EUROPOL, the European body entrusted with the fight against the traffic of human beings and the contribution to the repression of trans-national criminal networks that explore clandestine labour force.

But this is not all.

We must do better and the Commission has been preparing two supplementary proposals.

The first concerns the creation of a European College for the training of frontier guards. We think that it is necessary to develop concrete actions for the improvement of professional qualifications and the exchange of experiences among the security forces of the Member States who have the responsibility of controlling the frontiers of the European Union.

And the second proposal is that of, by means of a progressive formula, to create joint teams of border control. Teams that involve security forces of the Member States and security forces and of border control from the candidate countries.

We must realise that, in a short term, a very substantial part of the broaden European Union external terrestrial border control will be under the direct responsibility of the Central and Eastern European countries, which are now candidate countries to the accession to the European Union.

These joint teams will make possible, within a given delay, the creation (in my own opinion, an unavoidable reality) of a European Border Guard (EBG). A **common** Guard of European borders. Because only by the action of this EBG will it be possible to ensure, in a full scale, the eradication of the internal borders and a space of free movement.

But, the same way it is necessary to fight clandestine immigration, it is also necessary to have clearly into account that our priority must be an integration policy of the immigrants coming from third countries and that an essential instrument, to achieve the success of that integration policy, is to ensure the juridical conditions of access to the labour market and the respect for the rights and duties of citizens coming from third countries.

That integration policy is essential, not only to control the migratory fluxes but also to ensure peace and social harmony in the European societies that work as receiving societies.

And, in relation to this issue, I would not like to create unsubstantiated expectations.

I must recognise, as shown by the Euro-barometer polls, that the European people reveal, in a general way, a reduced emotional response to that fact that, more and more frequently, racial and xenophobic phenomena occur in the European Union Member States.

And the present conjuncture, the present atmosphere of insecurity and uneasiness caused by terrorist actions, constitutes a cultural mixture that may be potential for the increase of racist and xenophobic actions.

But it has to be said that it is in these difficult moments that we must state our fidelity to values. And all racist and xenophobic reactions are contrary to what Europe represents on the filed of values, human dignity, tolerance, dialogue and respect for democracy, which are essential to the European project.

It will be completely abusive to identify immigrants with terrorists.

And to take as hostage the immigration policy in exchange for the policy of fight against terrorism would be the denial of the very values that make us fight terrorism with all our strengths.

The integration policy has some fields that are as much sensible as they are urgent.

The question of the language, the learning of the language spoken in the receiving country, as well as the access to the labour market.

But also the need to define integration policies which will have into account the most vulnerable groups. And the most vulnerable groups are, usually, immigrant women and second-generation immigrants, especially the young ones.

The integration policy of first-generation immigrants is qualitatively diverse from the integration policy of second-generation immigrants: those who most times have already been born in the European receiving societies, who have no personal memory of their country of origin and from where their families have come, but do not feel, at the same time, integrated in the European receiving societies.

This integration policy is thus a policy that must be conducted, also at a European level. Through the exchange of experiences. Through the exchange of integration programs. And through the establishment of a common platform of rights and duties to which all immigrants must have access. But to which all of them must also be subjected.

The integration policy is a policy that makes the apology of tolerance, diversity, pluralism, of the advantages for the European societies to become more and more multicultural and multi-ethnic.

But it is also a policy that explains that there are fields in which intolerance must prevail.

We must be intolerant in what concerns the assertion of the defence of the values of Human Rights and the dignity of the human being.

We must be intolerant in what concerns the assertion of values such as religious freedom or equality between men and women.

Because these factors of intolerance about essential values that are a part of plural, open and sociability-based societies' identity, which is the case of the European societies, are the essential values for the success of the integration policy of the immigrant communities.

To achieve such purpose, the European Union Charter of the Fundamental Rights, adopted last December in Nice, is a good depository of these values, both moral and political, which define us as having a European identity.

That Charter recognises rights and duties, regardless of the nationality.

That Charter foresees that the acknowledgment of rights and duties regarding the citizens who have come from third countries, and who are long-term residents in the European Union, constitutes an essential instrument to ensure that the European societies will be, more and more, prosperous, developed societies. Plural and diversified societies. Open societies. But, especially, societies where those who live there may be happy. And the Right to Happiness does not recognise any difference based on the colour of the skin. Nor difference based on religion. Nor difference based on political ideology.

The Right to Happiness is the most basic right of human dignity.

José Narciso da Cunha Rodrigues | Judge at the Court of Justice of the European Communities

The existing relation between immigration, integration and security is, even in the methodological plan, a problematic one.

To a rapidly changing reality we must add the awareness that many of the instruments of analysis have lost their efficacy and nothing is the same anymore.

Formerly, the concepts seemed all ranged and there was a classification method. Migrations had a known genesis, stuck to biblical reminiscences or societal movements, slow and predictable, and allowed a sociological study of the events prior to the political sociology. Not anymore. The phenomena are implausible, uncertain, diffuse and the number of variables does not ensure that the same causes will produce identical results. Great migrations coexist with localised migrations caused by wars, economic crashes or employment crisis.

Also in the world of political philosophy and ideology, the orientation of the notions of freedom and security is no longer located in the same quadrants, whatever the speech made in homage to a claimed historical coherence.

The law reflects the same volatility and the jurists recognise that the time in which, based on the concept of freedom, we could extract practically everything that mattered to the life of the city is long gone. Or even the time in which the dialectic between freedom and security did not disguise the higher hierarchy of the first.

Nowadays we accept that there is an essential complementary nature between freedom and security, at least when we talk about the free man, i.e., the citizen.

Therefore, the problematic domain was expanded and the trilogy immigration, integration and security found new referents, from that of globalisation, whose importance never ceases to grow, to the very differentiation between external and domestic security, which seemed to follow different logics as to the threat thereof and the response thereto. Now, as recent events unfortunately proved, it is no longer so.

Under the influence of a realistic vision of the world, the notion of security had been classically analysed as a question of survival. It was based on the assumption of an existential threat and, therefore, it was the subject of defence and strategic studies.

The truth is that, for many authors, this perspective ignored a fundamental notion of security: the ontological and epistemological. Namely in texts by Hobbes, Descartes and Heidegger, security appears as a relationship with the human being, the existence, the knowledge and the inter-subjectivity or as a sort of mediation between life and death, between order and chaos. But security substantially presupposed a defensive attitude, ensured by the legitimate use of violence.

These streams preserved their explanatory value while bipolarity lasted.
However, since the 1970s, the worldliness and the emergence of trans-national networks gave way to a new reading in which subjects like chaos, disorder, heterogeneity, civilisations' crash, balkanisation and ethno-nationalisms are present.

The perspectives of analysis have multiplied.

From the functionalist analysis, characterised by the normative belief in the integration of the immigrants, to the functionalist-interacting analysis, which tends to call off the idea of a normative character and keep under control the expansionist tendency of the "domestic security" concept, articulating itself

around anti-ethnic axis, such as general/singular, national/international, administrative/political, truth/fiction, reality/appearance, cooperation/ competition. Or the constructivist-structuralist analyses that underline the idea of a "security continuum" which would include terrorism, immigration, asylum, organised criminality or hooliganism, establishing the conviction of a "permanent security deficit" and nourishing a unifying ideology in which all those phenomena would cohabit.

The decades immediately after the Second World War were characterised by different kinds of migrations. In the post-war period we witnessed massive migrations of displaced persons and refugees whose problems, well known, justified the United Nations' intervention by means of its Geneva Convention. Immediately afterwards, between 1960 and 1973, great labour migrations took place when the Northern industrialised countries recruited labour force from Southern countries, predominantly from Italy, Spain, Portugal, Turkey and Morocco. It was also the time for some bilateral agreements that tried to solve problems raised by the first impact of the differences, especially in the field of social security and family reunion.

With the first petrol crisis, we verified a realignment of the migrations phenomenon, even considering that the assessment of the causes is not a consensual one. At the same time, illegal migrations grew.

Notwithstanding the important migratory flows that took place in Europe in the 1960s, in which Portugal was one of the major protagonists, it was not until the 1980s, when the European construction was already in an advanced phase, that we became aware of the new implications raised by an immigration that no longer corresponded to the old stereotypes of the need of recruitment and training of labour force but rather represented a challenge to the concretisation of the ideas of a providence-State or a social-State.

The increase of poverty islets, the deterioration of living conditions in the cities, the multiplication of ghettos, the reappearance of feelings of racism and xenophobia or the expansion of multicultural societies have shaken communities in three areas which the common feeling traditionally regarded as fortresses: public order, cultural identity and stability in the labour market.

This evolution gave place to a gradual incorporation of the migratory policies into the Community structure. As a result of the European Single Act, the Maastricht Treaty (in force as of November 1st, 1993) introduced a third pillar regarding justice and domestic affairs, in which migrations were the object of inter-governmental regulation. A relative dissatisfaction as to the efficacy of this solution which, in addition, could not create expectations concerning an objective of harmonisation, was followed by the Community characterisation of the issues regarding immigration, asylum and refugees, provided for by the Treaty of Amsterdam (in force as of May 1st, 1999).

One of the more important innovations of the Treaty of Amsterdam was in fact the transfer of immigration and asylum issues to the scope of the Community competencies, although a transactional period of five years has been foreseen counting from the date on which the Treaty came into force. The Council's meeting which took place in Tampere, in October, 1999, announced an ambitious programme in which relevance is given to partnership with the countries of origin of the immigrants, a common European asylum system, the fair treatment of third-country nationals and the adequate management of migratory flows. In particular, the idea of partnership with the countries of origin will be a key element for a humanised and well developed project regarding the migrations.

To some extent, we may say that, while the internal market is especially concerned with the internal migrations, the area of freedom, security and justice is more attentive to the external migrations. These two phenomena clearly complement each other and the European Commission takes the opportunity to call our attention to the nucleus of what is known as democratic traditions and the understanding of the norms in force in a democratic State based on the rule of law by all Member States and to the aim set up in the Treaty of Amsterdam to entitle all citizens to the real ownership of those rights. To the Commission, the notions of "freedom", "security" and "justice" are linked together. It is difficult to enjoy freedom without security and without a judicial system in which the citizens may trust.

Article 14, paragraph 2, EC establishes that the internal market shall comprise an area without internal frontiers in which the free movement of

goods, persons, services and capitals is ensured. In what persons are concerned, this principle is, in general, directed to those who perform, who are preparing to perform or who have performed an economic activity. Community law, according to the Court of Justice, establishes a set of answers, namely:

- the abolishment of all restrictions concerning the freedom of movement and residence regarding workers, self-employed persons and those who seek to undertake an economic activity in other Member States, as well as the granting to all of them of the social and fiscal rights accorded to the citizens of the host State;

- the obligation of Member States to grant equal rights of residence to the spouses and children of those persons;

- the assurance of the right to social security benefits, in the host State, to Community migrant workers;

- the right of permanence in the host State after their work contract has ended, the independent economic activity has ceased or by reason of retirement (if that fact does not constitute an excessive burden to the host State);

- the general right of permanence or residence, especially for those who have sufficient economic resources;

- the right of residence for students.

The European attitude, which started with a mainly economic conception of freedom of movement, suffered an evolution and arrived, by the Maastricht Treaty, at a new category: citizenship.

However, between the situation of the Community citizens or residents and that of third-country nationals there is the situation of persons who benefit from several degrees of immigration rights, ranging from those granted to Iceland, Liechtenstein and Norway nationals up to those recognised by agreements concluded with several Central and Eastern European countries,

such as Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. Not to mention, with priority and a greater relevance, the association and cooperation agreements, namely those signed with Turkey and the North African countries.

In some cases, this experience of openness towards third-country nationals determined social statutes that are very close to those of the Community migrant workers.

Different species of immigrants, so to speak, came into existence in Europe.

So, migrations became a source of a wide range of personal legal statutes, challenging the classical dichotomy citizen/foreigner.

The arise of a new concept replacing that of foreigner, the concept of extra-Community worker, is no longer based on an appurtenance bond or cultural identity.

It is only an example of the several modifications that produced a fragmentation of identities and gave place to fortuitous and mutant identities.

These new immigrants often enter the Community space to do the work nobody else wants and contribute to the creation of clandestine economic islets in which the working conditions resemble slavery. Often pushed to the most far away and degraded areas of the cities, excluded from the ordinary ways of life, refusing education to their children in order to avoid the detection of their clandestine permanence in the country, they represent the absence of the mechanisms that would allow what was called progressive porosity among antagonistic classes. The poverty cycle is reproduced, when not increased, in the second generation. Nobody expects that a child, who did not even attend school, is fit for integration when reaches the adolescence. At this age, marginality and the delinquency world will offer him/her the possible survival solutions.

The Court of Justice has been dealing with these situations, especially in what concerns the matter of refusal of admission or expulsion of third-country nationals:

When it ruled that the allegation of "public order", "public security" or "public health" constitutes a derogation to a general principle and must be based on objectively accurate grounds; when it ruled on the prominence of Community law over national rights; when it established the limits imposed to the exercise of discretionary power by the authorities of Member States; when it clarified that the "public order" exception "presupposes, besides the disturbance of social order that any offence represents, the existence of a genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society"; and finally when it imposed that a measure regarding a person must be exclusively based on his or her conduct and not on alien grounds such as preventive purposes. In particular, the Court recalled that previous condemnations can not, by themselves, constitute grounds for the imposition of restrictive measures in what concerns the right of residence of a Community citizen; they can only be recalled as evidence of the continuance of a tendency to criminal activity by that person.

But another question is to know if policies can, in the short term, provide an interpretation and dominate cultural attitudes that have century-old roots and conditionals.

What we can say is that the speculative hypotheses have increased with this institutional development. With it, the security speech and technologies became part of the immigration policies. The increasing number of illegal immigrants and asylum applicants determined specific answers which, obviously attentive to public opinion, use appurtenance criteria to identify the threat.

Now, as we all recognise, it is the social groups that define what they consider to be the ideal life-style and, with that model as a starting point, they reify danger figures such as the criminal, the mentally ill or the intruder. The message that we are trying to get across is that the State is the first instrument of defence against fear and insecurity and that nationality is a bastion and an insurance. Thus, the feeling of nationality acquires a function of security against

the risk of losing a precarious job, the threat of social disintegration caused by the difference or the feeling of weakness of cultural identity.

The image of the ethnic offender appears then carved in its alleged condition as a member of a dissembled society. The strategies of exclusion, differentiation or isolation dominate the very criminal paradigm and they no longer apply solely to the individuals but also to ethnicity.

As a matter of fact, social representations play an important part in the process of formation of public opinion. Waever argued that, in the European integration, the fear of reversion to the European international system that was in force in the nineteenth century contributes to the reinforcement of homogeneity and cohesion. Another sign is that of the speech, which tends to identify the multicultural issue as a cause of social disintegration.

There is plenty of criticism against the security measures imposed on immigration and it starts right away with the risk of creating a ditch between the citizen or Community resident and the third-country national. Furthermore since the so-called Euro-emigration is far less numerous than third-country immigration.

It is said that, with the abolition of the internal borders, a reinforcement of the control of the external borders is in fact taking place, a circumstance that may transform Europe, little by little, into a fortress. Similarly, the abolition of the internal borders is allegedly being replaced by a personal identity control inside some countries, impairing the free movement of persons and the use without constraints of common spaces, a feature that seemed to be a landmark of the Community conceptions.

There are still those who see, in the construction of the European internal security, particularly in the Schengen spirit, corporative reactions and even of professional self-defence, aiming at evading political responsibilities and creating a mosaic of decision posts and bureaucratic powers.

Then there is the question of the speech.

To a considerable fringe of power and opinion, the speech on immigration has a tendency to become more and more a secondary issue.

Security has acquired the mobilising force of myths and is becoming a political technology used to defend and support governing conditions. So much that, in some countries, this kind of speech crosses partisan barriers and uses a panoply of arguments, often inspired in diffuse or non-proved realities. From the excuse that the developed countries can not host "all the misery of the world" and thus the need to share the burden and establish levels of tolerance to identity-based aggression, up to the arguments based on multiculturalism and republicanism, according to which the cultural, religious and civilisation-related differences would present themselves as obstacles to the development of a civic state culture.

Finally, in the same context, the moralising discourses speak of anomie and loss of values.

In one word, we may say that, in the symbolic plan, the anti-immigration speeches align with four motifs: the socio-economic, in which is emphasized the connexion between immigration, unemployment and crisis of the Providence State; the security-related, in which arise subjects like sovereignty, borders and internal and external security; the identity-based, in which is valued the relationship between immigration, invasion, demography and loss of identity; and the political, in which there is a predominance of the problems regarding racism and xenophobia.

Under this speech lies the thinking that was inherited from the nineteenth century and according to which the great causes explained the "enmity" and violence.

As we know, this speech ceased to have a meaning in a society of risk as the present one. The "weight of numbers", based on which the official services tend to transform in proof what most times is no more than a belief in a possibility, forms an alliance with those arguments to justify a speech of "decline" that may cause the social State to become a State of internal security or, in other words, a State of total surveillance.

As Jef Huysmans wrote, there is in latency the myth that, having existed in the past a homogeneous national community or, according to a certain conception, a "western civilisation", that situation could be re-established by excluding the immigrants, identified as cultural foreigners.

This is a field in which the importance of the speech is fundamental. For many people, security is achieved by the speech itself; it is a practice of self-reference. It certainly is a dilemma since we can always say that, if when we speak of immigration as a problem we are contributing to the securitisation of immigration, if we do not it can be translated into a methodological deficit.

These are issues that go beyond Europe.

According to the World Bank, in 1993 around 100 million people lived in a country that was not their country of origin and, since then, this tendency only increased. It is reasonable to ask if there is not an ontological contradiction in what concerns the liberal globalization which stimulates the free movement of capitals, goods and information but is restrictive as to persons. Likewise, it is harder and harder to make a distinction between immigration based on political, economic or ecological grounds. We only have to observe the millions of immigrants caused by the sub-Saharan desertification.

Finally, one of the best based critics addressed to immigration policies is that they aim mainly at the acquisition of legitimacy. This would be the reason why immigration is seen as a problem and not as a social fact. The objective would be the imperative of tearing apart of the social State.

Policies would work as a factor of restoration of the balance and legitimacy, caused by the disintegration process unchained by neo-liberal policies that would have led certain groups to extreme conditions of precariousness and vulnerability. To some authors, this strategy would even include a risk of perverse contamination that would disarm the ideological differentiation and affect the nucleus of a State based on the rule of law.

In my opinion, it is urgent to assume that an open society is a society of risk and accept a strategy that would impose daily life according to the relations of threat and confidence that can be foreseen. Just as it is necessary to have some sagacity in order not to convert, by the speech or communication, the knowledge and experience on security issues into social dangers.

So, as it has been mentioned, instead of a policy that only seeks the social stability of the foreign population and conforms the immigration flows to the conjuncture of social and labour relations, it would be wiser to have another ambition and put ourselves the question if, in Europe, immigration is not, after all, showing a tendency to reproduce the urban human being, with his characteristics of heterogeneity, density of relationships, superficiality of cultural interchanges and loss of codes of original identity. Similarly, what is at issue is the incapability to answer the challenge that multiculturalism represents for democracies and which leads to the temptation of defending the idea that State equals Nation and equals Culture. In other words, to go beyond the ethnocentrism that, even in an unconscious manner and often under the cover of universalism, conceals the fear of diversity.

The Community aim can not be that of looking at migrations as a problem. It must be that of facing them as an important factor of European construction.

Portugal is a country that knows and feels the migration phenomenon like few others.

Particularly during the second half of the twentieth century, there was a succession of migratory movements, under their multiple forms. Mass migrations caused by economic reasons or because of armed conflicts, migrations determined by labour market conjunctures; migrations of exit and return; double sense migrations; migrations almost always geographically diversified. America, South Africa and then Europe were the stage of these movements, which reached our days as a reality that translates some of the synthesis of this historical process: we still can watch the exit and return of our nationals while the immigration movements increase, coming those immigrants from a variety of places such as the African countries that have Portuguese as

their official language, especially Cape Verde, from Brazil and, more recently, from the Eastern European countries.

Especially in what concerns immigration, the aetiology of the cases had a first expression with the decolonisation process and was afterwards directed, in what concerns all countries but especially Brazil and the Eastern European countries, by factors of economic conjuncture and labour market opportunities. The common denominator has been the search for or the acceptance of competitive work force, to use a euphemism.

The fact of being a European Union Member State favours and stimulates the coming of these immigrants.

To this diversity did not correspond, however, a differentiation of integration models; either because they simply do not exist or because they usually are the product of isolated voluntary acts. The clandestine work, the impossibility of or impediments to family reunion, the absence or lack of cohesion of societal nuclei, the inevitable settlement in ghettos caused by a chaotic flow towards suburban areas, ultimately self-determined by ethnic groups, all this has been an obstacle to integration. An integration which, furthermore, has been left to the activity or re-activity of social movements, even in what concerns immigrants coming from African countries, regarding which the assimilation myth did not survive the decolonisation process and would have seemed to have forced the equation of alternative answers.

Regarding the speech, it must be pointed out the nuclear role that has been played by the media, of which significant examples could be provided; to start with, that of the not far away hot summers: the first, that of the spectacular murders and nevertheless, as it was later proved, covered by the traditional statistics; the second, that of the robberies committed the young delinquents.

In counterpoint, only recently seems to be in development an autonomous and particularly committed political speech.

Does immigration produce insecurity?

The causation relationship is yet to be proved.

In many cases, the immigrants claim to be and behave as true opponents to a hostile social environment and fight for a citizenship statute that is denied to them in name of the law, in name of the market or in name of the reflexes of those who look at the foreigner in the others' city.

It is true, as any manual on criminology would explain, that the concealment, the unemployment or the sub-employment, the badly paid work, the obstacles to family reunion, the inexistence of a feeling of appurtenance or the very weakness of the identity features are factors of marginality.

But this only means that, instead of securitising immigration, we must securitise the forms of organisation of our collective life.

In conclusion, I feel tempted to solve the somehow teasing theorem of the 3 Is (Immigration, Integration, Insecurity) with a simple equation: immigration + integration = security.

Thomas Feltes[1] | Principal

Immigration, Integration, and (In)security:
The Role of Police Ethics and Police Training

Migration in Europe

What we might call "Europeanisation" and "globalisation" are two developments, which already have great influence over the lives of people in Europe and will have even more influence within the next years. For the open societies in Europe which already have to tackle with migration processes, these developments will entail further drastic changes: living together in a multi-ethnic society with a high degree of mobility.

We must therefore prepare the rising generations and our police forces in all countries for this new situation, by fostering understanding for the causes underlying these processes, eradicating irrational fears and judgements, encouraging a keener perception of the positive effects of migration, building a capacity for tolerance in relations with others[2].

Migration brings people of different races, cultures and languages into closer contact with each other, making enormous demands on their tolerance. In many European countries, increasing numbers of immigrants are moving to cities that already harbour the majority of that country's population along with most of its problems, or to rural areas, where the people are not used to living together and door-to-door with foreigners or "aliens". This is especially difficult in countries or parts of countries, where it is already challenging for "natives" to move from one district to another, as it is e.g. the case in Germany, because of the different dialects, different philosophies of living and different cultures. Even after 10, 20 or more years, living in a neighbourhood, you are treated and feel like a "foreigner", even though you are "German".

The topic of migration is well known to and discussed by all institutions within the EU; in January and March 2001, the Council of Europe Parliamentary Assembly adopted three recommendations on that topic. One on "Health and legal rights of refugees and

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[2] Migrations in the 20th century and their consequences – ways forward for history lessons within a European context by Ralf Kaulfuss; http://culture.coe.fr/histoire/eng/rapports/erapportdillignen.htm; this paper also stresses on concepts of migration and gives an good overview on historical aspects in Europe and on strategies; see also http://www.unine.ch/fsm/mission_d.htm (Swiss Forum for migration studies); http://europa.eu.int/en/comm/eurostat/eurostat.html (Statistical Information Office of the European Communities); http://www.unicc.org/unece/stats/stats_h.htm (United Nations /Economic Commission for Europe); http://www.cemes.org (Centre for European Migration and Ethnic Studies), http://www.igc.ch/framstat.htm (Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia); http://www.ercomer.org (European Research Centre for Migration and Ethnic Relations)

migrants" (Appendix 1; 13.3.2001), one on "Clandestine Migration from the south of the Mediterranean into Europe" (App.2, 17.1.2001) and one on "Combating illegal immigration and trafficking of human beings" (App.3, 22.1.2001). There ware also a lot of recommendations on human rights and migration during the last years.

Discussions on migration unfortunately very often do not distinguish between the different aspects of legal and illegal migration, asylum, and illegal trafficking of human beings as part of organized crime. Furthermore, the sociological and historical background in a given country is very important if we talk about migration and immigration. Some countries like my home country Germany have been experiencing economic problems, in Germany at least partly caused by the effects of unification. Overburdened social and public services, increasing unemployment, the discussion whether to change the social security system, and declining individual financial budgets are challenging the German population. There are widening class divisions (the rich are getting richer), more broken families, more juveniles (and especially children) living below the poverty line and growing anger among the disadvantaged. It seems that this anger results in xenophobia and aversion to anyone who is or who looks like a foreigner.

In many empirical studies, I have conducted during the last years, we found a common aspect causing public fear: strangers. If we ask people about the reason for their fear of crime or feelings of insecurity, "strangers" are mentioned by more than three out of four people interviewed, followed by "darkness" or "dark places" (like public garages, train stations etc.) and "incivilities". The places that people find frightening are train stations and other public places where strangers (especially juveniles) are hanging around, behaving disorderly and sometimes fighting.

Germany´s international image regarding openness to people of other nationalities is quite negative, which is due to incidents of right-wing violence and reports of xenophobia. The cause of such incidents is to be found in a social reality characterized by ongoing foreigner-related conflicts often accompanied by violence and hate. By nature these conflicts are an object of police activities. Although Germany is not even one of the countries with a very high percentage of foreigners and therefore not endangered by dissolution of its national identity (some 9 percent of all people living in Germany are registered as foreigners), it seems to be part of German "national grammar" that particularly in times of general social insecurity foreigners serve as scapegoats. In addition illegal immigration after 1993, often perceived as connected to organized crime, became an important matter of policing in general and border policing in particular. Not least the influx of foreigners is accompanied by an increase in certain crimes.

The particularity of the German situation in a globalising world after the decay of the Eastern block, which was followed by an increase in migration and refugee movements, can be seen as a combination of both the conditions of social transition and insecurity and a latent xenophobic mentality which manifests itself in outbursts of violent acts by specific groups, namely young men. Right-wing extremist violence against foreigners and members of subcultures like homeless people has increased dramatically. Such activities cause feelings of threat and fear, not only for foreigners but also for the majority of the German population, and foreigners and native Germans are united by strong expectations toward the state in general and police in particular to guarantee security.

Speaking on a more general level, multicultural conflicts in most countries are seen as issues of internal security and therefore as a major challenge to social control and eventually police work[3].

Although the issue of multicultural conflicts seems to be of major concern, it is just part of a transformation of the whole system of social control and policing within a unifying Europe. As Koslowski describes it, *"although states may be enhancing their capacity to control 'unwanted' migration, whether on an individual basis or through cooperation with other states, so has the marketization of illegal migration by organized traffickers increased the capacities of the 'unwanted' to migrate"* (Koslowski 2000, 203 pp.). This perspective of criminalizing illegal migration became a guideline in conceptualising and organizing police work in the European Union. Immigration and refugee flows are seen and treated as threats to the internal security of the European Union or "Schengen-Country" and firmly connected to organized crime.

According to authorities, illegal immigration combined with human trafficking belongs to the top threats and dangers in Europe to be monitored and repelled by security forces. Therefore police work has to be related to these new "threat-scenarios", but we also have to challenge the question whether immigration itself is a "top threat", or special parts of migration or phenomenon, coming together with immigration.

It seems to be important to differentiate between
- the problem of and the causes for migration and immigration,
- asylum,
- and the problems of insecurity, coming along with increasing numbers of migrating people and the increasing cultural and economical gap within Europe and neighbour states.

Migration and Xenophobic Violence

The development and expansion of xenophobic attitudes and violence cannot be traced back solely to personality deficits and socialisation problems of individual perpetrators or to social, economic and cultural crises of the society as a whole. What we have to take into account in order to understand and explain what is happening is the manner in which the immigration and integration of foreigners are currently organised in some European countries. In Germany, all political parties, except the "Green Party" stated during the last years that there are too many foreigners coming to Germany, and that Germany is not an immigration country - contrary to the fact that in reality Germany is a country with a high rate of immigration and needs this immigration due to the age structure of its society. Slogans like "Das Boot ist voll" ("The boat is overcrowded"; used by the Federal Minister of the Interior, a member of the Social-Democratic-Party, in 2000) or "Kinder statt Inder" ("Children instead of Indians", a slogan used by members of the conservative party to fight plans for a "Green Card" for computer specialists – mostly coming from India - by the Federal government in 1999) gave certain political signals to the people and made the right-wing extremists believe there might be widespread support for their actions. What we have observed in Germany, as well as in other

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[3] In the face of these tasks in Germany an expert commission named "Zuwanderungkommission" (commission on immigration) was created in 2000 by the Minister of Internal Affairs to develop proposals and suggestions on how to cope with foreigner issues and immigration.

European countries, is the emergence of new ethnic conflicts and the rise of xenophobic nationalist movements, which reach far beyond the right-wing political margin into the centre of society as a whole.

For Germany, the following quote by a German Social Scientist and researcher in right-wing-extremis show the problem quite clear:

"The conflict about asylum is only the prelude to a new fundamental conflict: the conflict over immigration and by extension over the future definition of our society as a multicultural and multiethnic society. Youth violence gains political importance in these conflicts and is, under certain conditions, an efficient means of promoting change, as can be judged from the political processes brought about by the violence. Where right-wing or racist movements develop from here depends on (a) whether we are in a position to allow and control immigration, namely, to set quotas; (b) whether we are ready and willing to guarantee integration not only economically and socially but also legally; (c) whether we are capable of furthering and facilitating the necessary learning processes which are a prerequisite both to overcoming ethnocentric perspectives as well as to developing tolerance and solidarity beyond cultural borders; and (d) whether confidence in the social market economy can be restored to all those who see themselves (or others close to them) as threatened by unemployment, rent increases and erosion of social aid" (Willems 1995, 180 f.).

Police, Human Rights and Migration

Human rights organizations criticize violations of human rights of refugees and migrants by police and security forces in nearly every European country. In Germany, a documentation of a human rights organization reported a total of 89 dead and 114 injured migrants at the eastern border between 1993 and 2000[4].

Police today are more highly trained than ever before, and the quality of the training has probably never been higher. This is true for most of the Western European states. Some countries have already established special courses on "Police and Human Rights", and the Council of Europe has a "Police and Human Rights Program" with a lot of material, brochures, and posters provided[5]. Human Rights standards are available, as some dozen of international instruments and Council of Europe documents on that topic. The new publication "Essential Texts on Human Rights for the Police" is a compilation of the international instruments, global, regional and non-treaty, of direct relevance to policing[6].

The "Rotterdam Charter: Policing for a multi-ethnic society"[7], drawn up at a conference in Rotterdam in May/June 1996, and the 10 Basic Human Rights Standards for Law Enforcement Officials" by Amnesty International are good examples for such "papers" and recommendations. The brochure "Police Work in a Democratic Society", published

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[4] Answering a request to present figures on dead and injured migrants and refugees at this border, the German government explained that no such statistical information was available. All cases of dead migrants known to the government were related to drowning or suicide. With respect to injuries between 1999 and 2000, 53 cases were registered where migrants suffered injuries through action of police or security forces. Most of the injuries were bites of police dogs. In this context 28 police officers became subjects of criminal investigations. While two of these cases are still pending, another two were dismissed on the basis of insignificant guilt; the rest was dismissed due to "no evidence".

[5] (see http://www.humanrights.coe.int/police/main/english.html)

[6] Essential Texts on Human Rights for the Police, ed. By R. Crawshaw and L. Holstrom, The Hague, London, Boston 2001; available also via Council of Europe, "Police and Human Rights – Beyond 2000", Linda.mcque-michael@coe.int ; www.humanrights.coe.int/police; Fax +33-388-412736

[7] This and the following documents are available on www.humanrights.coe.int/police

in 2000 by the Council of Europe Police and Human Rights Program in English, French and German, is also a step in the right direction.

What I also realize is a trend to establish guidelines, ethical standards and Codes of Ethic all over Europe during the last decade. Most of the ideas, put into these papers, were part of the Resolution No. 690 on the Declaration on the Police by the Parliamentary Assembly of the Council of Europe, published in 1979.

The fact that nowadays nearly every police force has its own "Code of Ethics" might be a result of the discussions on police integrity and police accountability, which started during the last years. But one might question whether there is really a need for such a special "Police Ethic". The basic ethic and moral aspects of a society, their constitution and their laws should be the ethical background of policing. If one accepts this, we might not need a special Code of Ethics for the police.

On the other side, we must also realize that police forces are more and more loosing their old hierarchical structures, and with this structure a clear and easy understandable organization of accountability. One of the negative side effects of reorganizing and restructuring the police might be, that people who were not used to think and to work independently and to take over responsibility by themselves for what they are doing, need some time to cope with the new democratic structures. They also need a clear vision what their aims are and whom they are working for.

Generally speaking, there seem to be two major approaches to guide police discretion, to improve accountability and to strengthen integrity. The first advocates rule-tightening as a means of controlling police actions, while the second believes in changing the informal culture of police organizations. In a evaluation of the British law reform in the 80s, McConville et al. question the utility of law reform as a method of changing police practice, since the occupational subculture of the police appears resistant to change. To change police practice, an "attack upon police occupational culture" would be necessary. This is to be achieved by redefining the police mandate and instituting new forms of accountability.

Rob Reiner notes the uneven impact of law reform on police practice and concludes that legal regulations alone is of limited effectiveness for chancing police practice: "The key changes must be in the informal culture of the police, their practical rules". It is not the law or an administrative regulation, which influences the activity of an legal organization, but the informal culture of the institution respectively their members. If we compare different regions or areas, the way institutions act or react is definitely influenced by what we may call "the local institutional culture". The habits are strongly affected by the informal norms, attitudes, expectations, practices and procedures of the local systems and protagonists.

Furthermore, the subjective elements of the local police community affect the level of concern with the existing use or misuse of power, the usual way complaints are handled and so on. It is rather obvious that ongoing systems and their actors develop stable patterns of behaviour. It is not easy to change those patterns just by imposing a new law or implementing some new administrative strategies. The local institutional culture within which a shared set of values exists, might be upset by a new set of official rules given by legislation or advice, resulting in an even worse situation. New rules may contradict existing values of the local culture and may be viewed as placing an unwelcome burden

on the practitioners with the result of ignoring or "undermining" the official rules or new norms.

The existence of local culture is a highly plausible explanation for many of the reported failures of past police reform efforts. One could say, that the irony is that the more the legal process squeezes the police to ensure propriety and accountability, the more the police are tempted to circumvent or undermine procedural restraints.

Legal regulations and established guidelines or codes alone are of limited effectiveness for chancing police practice. The informal local culture, supported or build up by supervisors and superiors, seem to be of most importance. It is the police agencies culture that encourage its employees to resist or tolerate certain types of misconduct. And therefore it is this culture, who encourage police integrity. Police themselves must establish effective boarders against misuse of power and unlawful acts by peers. Activities to improve integrity and to strengthen self-control within the police force must start with management training for those who are heading police forces. What I call a "healthy Police organization" might be reached with healthy, respectful and accountable supervisors. Leadership is an essential element in embracing accountability.

Empowerment and enlightment of those who are engaged in front line policing and in assuring police integrity is our task. But also to avoid vacuums in accountability and to accept, that accountability is a core institutional value, which should be secured by senior officers.

Police Training
But although the positive relationship between training and practice seems to be evident, this effect is not studied very much. The benefits of the training for institutions are generally more assumed, and serve as an important legitimating function for headquarters, rather than empirically demonstrated, and empirical studies have focused on officers' attitudes rather than actual behavior. A study by Mastrofski and Ritti[8] some years ago showed that the impact of training (in that case on drunk driving enforcement) depends on organization-level considerations. Training has a significant positive effect in agencies that provide a supportive environment, but fails to have an effect in agencies that otherwise are indifferent or hostile to the intentions the officers are trained for. The effect of the training therefore depends on the opportunities afforded by the institution to apply it, on supervisors who encourage the trained person and their intention, and on its relevance to the prospects for career advancement. The supervisor philosophy "Go out there and don´t get into trouble" or "Go out and behave properly" is not a good one to encourage highly trained officers (it is not a good one anyway). Because of the changing nature of society, as well as the changing nature and increased amount of crime and/or public fear, a police reform and a new understanding of police work is necessary.

Highly educated officers and better trained personal do not per se guarantee better cooperation and communication, but training and education is a sine qua non factor on the way to improve the quality of police contacts. As highly educated police officers could become frustrated in their jobs, grow cynical and look for formal or informal ways out, changes must occur not only in the recruitment, selection and training programs, but in the organizational environment as well. Otherwise, new personnel will have little chance of surviving in the organization. The pressures for conformity are so strong that a

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[8] S.D. Mastrofski, R.R. Ritti, Police Training and the Effects of Organizations on Drunk Driving Enforcement, Justice Quarterly 13, 2, 1996, S. 291 ff.

new officer will either be forced into the police subculture, with the values and orientation of the larger group replacing his own, or his life will be made so unpleasant he will decide to resign.

Within today´s fast-paced world it is necessary for police executives to cope with a barrage of changes that daily confronts them. The police must develop strategies to plan, direct and control change, and to build the necessity of change into their own philosophy. Problem oriented policing, team policing, and finally community policing are terms reflecting the changing of the philosophy of policing during the last years. Although this change might be for some outstanding visitors too slow, for the internal system of the police it is a tremendous challenge, because the main structures of leadership, the structure and the form of the organization have to be changed. This includes attitudinal, organizational, and sub-cultural changes.

Since the complexity of the workload is not only increasing, but also changing with time, police training must be constantly on the move. Contents and targets have to be changed and adopted to new circumstances. The police have to cope with an increase in volume, gravity and complexity, aggravated by the expanding international dimension requiring new resources, connections and information exchange. The development of new technologies and a greater mobility due to the abolition of borders affords criminal organizations access to larger markets with easier escape routes and the availability of effective communication systems. Furthermore, the unstable economic and social situation, economic crunch, massive unemployment and further migration waves from third world countries may cause massive problems for the police in the near future.

Police training in most European countries is both difficult and different to other training systems because of the "closed circuit" system of police training: Training is organized from the beginning until the end in and by internal police training institutions under the responsibility and supervision of the state ministries of interior. In order to broaden police officers' minds a new strategy of more external training in "open" institutions seems to be necessary. Until this is possible it is necessary to include as many people, topics and methods as possible from outside into the police training system. The employees are at the core of any service oriented institution: They produce the products, perform, communicate with customers and may spoil the image of the corporation.

New philosophies in policing like Community Policing do not solve these problems per se. But a community oriented strategy broadens the definition of an agency's function. It includes order maintenance, conflict resolution, problem solving and provision of services as well as other activities. There are many tasks police might fulfil which are not yet discussed or accepted by both troops and management. Police already tackle concerns about local crime and disorder problems, but they also have to discuss the problems of a multicultural society amongst themselves and with the public. In partnership with other agencies, not alone, police are responsible for maintaining peace, order and security in the community. The police can, to a large extent, serve as "detectors" of problems due to their daily contact with many parts of the population. However, police officers very often have the feeling that their work is currently not very effective or efficient, but highly wasteful and bureaucratic[9]. This feeling is often shared by politicians, resulting in mistrust and a steady call for more and closer regulation of the

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[9] Loveday, 1999: 139: "A combination of extended hierarchies, organizational culture and the lack of effective management had resulted in the police service taking on all the fine characteristics of a beached whale".

police. This mistrust is not based on the concern that the police might misuse its powers; it is mainly based on lack of knowledge about what they do.

In reality, whilst at least the German population is very satisfied with the police, police officers lack self-confidence and they think that the public do not trust the police and that the public believes that police are not doing their job very well. In Germany, the police always occupy top positions in public rankings, and more than 50 percent of all people surveyed by "EMNID" and "Der Spiegel" at the end of 1997 found that the police (and not schools, politicians, churches or families) should teach or bring "values" to the people. Usually, community surveys show a high degree of general satisfaction with the police service. The police ranks 5th among institutions young people trust (citizen groups, environmentalists, human-rights activists and courts come first); political parties and churches came out at the bottom of this ranking.

Police are very often placed in a position of having to defend themselves and to arrange intellectual retreat areas. But somebody who has to defend himself, no matter what he or she has done, is not able to act positively, proactively and in a future-oriented way. Communication and conflict resolution abilities are as important as the knowledge of different cultures and cultural peculiarities.

And: A Fool with a Tool is still a Fool. Training which provides just tools without delivering the philosophy and understanding of one's own role as a police officer as an integral part of the community is not only useless, but extremely dangerous for society.

The European police forces have to reshape their approach to crime fighting to attack organised crime that provides the backbone of illegal smuggling of human beings, drugs, and weapons, which is endangering both Eastern and Western European societies. A powerful, independent organisation on the European level, able to investigate even into political structures and institutions seems to be necessary. Too often police complain about obstructions of investigations by politicians on different levels and in different countries. But besides this operational aspect, the internal situation within the police forces has to be dealt with.

International cooperation in police training is obviously necessary to provide mutual understanding and mutual support in the everyday business of the police. A European standard for police training (requirements, curricula) has to be discussed, and a functioning infrastructure for communication and cooperation has to be established. First steps have been taken recently by the Council of Europe at a seminar in Barcelona in September this year (2001), where heads of police training institutions from more than 30 countries came together to establish an *"Pan-European Centre of Expertise and Information on Legal Universal Values and Principles of Policing* and by building up an European Police Knowledge Network by some Dutch colleagues.

On the European level, police matters must be seen as equally important to economical matters, and cooperative initiatives on fighting crime and xenophobia must be permanently on the agenda of European institutions.

Appendix 1:

Assembly recommendations on health and legal rights of refugees and migrants

Paris, 14.03.2001 - Improvements affecting the health and legal rights of refugees and migrants were called for by the 43-nation Council of Europe Parliamentary Assembly today, after its Standing Committee met in Paris to adopt a range of reports on these subjects. Also on the agenda were ethical guidelines for Europe's police forces and an innovative proposal for improving Europe's disadvantaged urban areas. The full texts of all reports can be accessed on-line at the Assembly's website: stars.coe.int.

Sent home for breaking the law - a 'double punishment'

The expulsion of legal, long-term immigrants is a disproportionate and discriminatory action. It should not be applied except in particularly serious offences affecting state security, of which they have been found guilty. It should not be applied at all to persons who have already served a prison sentence for the offence in question as this would represent "a double punishment".

"Non-expulsion of long-term immigrants" by Manuela Aguiar (Portugal, EPP/CD) for the Committee on Migration, Refugees and Demography, Doc. 8986.

The special health needs of migrants and refugees

Migrants fall outside the scope of existing health and social services in many European countries, despite being particularly vulnerable. In general, migrants and refugees are not provided with health services that are socially and culturally adjusted to their special needs. In countries of origin, diseases associated with poor nutrition, cold, overcrowding and bad sanitation are often their lot whereas in receiving countries their immigrant status can make them vulnerable to reproductive, occupational and mental health problems. Health screening for migrants and refugees should be standardised across Europe, and governments should improve and harmonise their laws and policies in the field.

"Health conditions of migrants and refugees in Europe" by Lord Ponsonby (United Kingdom, SOC), for the Committee on Migration, Refugees and Demography, Doc. 8650. Opinion of the Social, Health and Family Affairs Committee, by Francisco Arnau (Spain, SOC), Doc. 8878.

The right to family life for migrants and refugees

After a prolonged exchange of views, the Standing Committee decided to refer this report back to the Committee on Migration, Refugees and Demography for further elaboration and a debate at a later date.

"The right to family life for migrants and refugees" by Manuela Aguiar (Portugal, EPP/CD) for the Committee on Migration, Refugees and Demography, Doc. 8985.

Sound ethical guidelines for modern, democratic police forces

The draft European Code of Police Ethics – spelling out the values and standards required of police in a modern democratic society - receives the Assembly's support,

but with some proposed changes. Despite the requirement that police should respect the right to life, a police officer may be obliged, in exceptional cases, to use force and as a result a person may be killed. A requirement for clear instructions on when, where and how to use force, and adequate training, should thus be part of the Code. Other suggested additions include a total ban on the police exercising judicial functions, the need for an independent police complaints system and the need to actively recruit both men and women into the police.

"Committee of Ministers' draft recommendation on 'The European Code of Police Ethics' " by Kevin McNamara (United Kingdom, SOC) for the Committee on Legal Affairs and Human Rights, [Doc. 8994](#).

Local self-help projects to create brighter homes - and happier residents

The Council of Europe should help families and neighbourhoods in disadvantaged urban areas throughout Europe to undertake low-cost improvements to their house facades, hallways and grounds - for the positive social effects on the participants as much as for aesthetic improvement. Successful projects - which can be cheaply carried out by residents in just a few weekends - could be filmed and publicised to encourage others. Because of varying ownership patterns, different approaches should be adopted for western and eastern Europe.

"Amelioration of disadvantaged urban areas" by Latchezar Toshev (Bulgaria, EPP/CD) for the Committee on Environment and Agriculture, [Doc. 8811](#).

Note for editors

The Standing Committee acts for the Parliamentary Assembly in between sessions. It includes the Assembly's President, 18 Vice-Presidents, the Chairpersons of the Assembly's five political groups and of its 10 committees, and specially elected members.

Appendix 2:

737th meeting – 17 January 2001

Item 6.2

Clandestine migration from the south of the Mediterranean into Europe

Parliamentary Assembly Recommendation 1449 (2000)

(CM/Del/Dec(2001)736/6.1, CM(2000)123 and Recommendation 1449 (2000))

Decision

The Deputies adopted the following reply to Parliamentary Assembly Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe:

"The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe.

The Committee shares the Parliamentary Assembly's concerns as expressed in the Recommendation and points out that the final communiqué of the 6th Conference of European Ministers responsible for Migration Affairs (Warsaw, 16-18 June 1996) referred to the need for an overall strategy on management of migration.

The Committee agrees with the Assembly about the absence of reliable data on illegal migration generally and believes that co-ordination of the various European bodies responsible for data collection could remedy that lack.

It draws attention to the work of a European Committee on Migration (CDMG) working group which, in 1999, produced a report, "Towards a Migration Management Strategy" and which, like the Assembly, stressed that "emigration is a human right". The Committee of Ministers would point out, however, as did the report, that that right, as mentioned in Article 2, paragraph 2 of Protocol 4 to the European Convention on Human Rights, "can be exercised in conditions to be fixed by governments in legal instruments. It assumes that governments which are signatories to various conventions and expressions of human rights will apply them in the areas of their own jurisdiction".

The Committee of Ministers would assure the Assembly that it is aware that the complex problems caused by illegal migration to and between Council of Europe member states need addressing urgently. It informs the Assembly that, to that end, the new Committee of Experts on Migration Management Strategy, which held its first meeting on 17 and 18 April 2000, has begun looking into the underlying causes of illegal immigration so as to suggest ways of preventing it. It is planned to bring, in particular, Morocco into the committee's work from time to time.

The Committee of Ministers agrees with the Assembly that the sources of illegal migration are not restricted to North Africa and that there are arrivals of illegal migrants from, in particular, eastern Europe, South America, sub-Saharan Africa and south-east Asia. The Committee is keeping these questions under close review through the CDMG.

Like the CDMG, the Committee of Ministers believes that integrated, orderly migration management respectful of the individual's fundamental rights is the key requirement in any policy of migration management. Such management depends on co-ordination

between Council of Europe member states and migrants' countries of origin so as to prevent illegal migration and reduce the "likelihood of people entering Europe illegally".

The Committee of Ministers would inform the Assembly that, in 2001, the CDMG will:

- continue work on migration flows with a view to adopting guidelines for the prevention of illegal migration;

- organise a round-table conference open to all member States interested bringing together the countries of the northern and southern shores of the Mediterranean to discuss and explore the scope for co-operation between Council of Europe member states and the countries of the southern shore;

- reinforce co-operation with the European Union in the context of the European Union's plan of action with Morocco, which includes co-operation in the economic, social and political fields to cope with problems of illegal migration from that country and from time to time invite representatives from Morocco and other countries concerned to participate in the Committee of Experts on Migration Management Strategy's work."

Appendix 3: Parliamentary Assembly: combating illegal immigration and trafficking in human beings

STRASBOURG, 22.01.2001 - The Council of Europe Parliamentary Assembly today adopted a recommendation on transit migration through central and eastern Europe by Tadeusz Iwinski (Poland, SOC).

The Assembly said countries of central and eastern Europe were increasingly faced with substantial migration flows towards the European Union. For the countries concerned, this

relatively new phenomenon had a number of political, economic and social consequences.

Particularly worried by the two main distinguishing features of transit migration - illegality and the involvement of organised crime - the Assembly said that apart from migration

aspects as such, trafficking is primarily a human rights issue. One of the main ways of stemming the flow of illegal transit migration was to prevent trafficking in migrants. The

Assembly welcomed the efforts of the Budapest Group and said that the Council of Europe was particularly well-placed to stimulate and co-ordinate pan-European action.

The Assembly said that the most effective way of combating illegal migration was to deal with the prime causes in the migrants' countries of origin and that to increase

overseas development aid.

The Assembly called on the Committee of Ministers to promote the sharing of experience and information between member states to help combat illegal migration and

trafficking in migrants. It stressed the need to intensify co-operation and to give higher priority to programmes to combat illegal immigration and trafficking.

It also urged member states to review legislation with a view to adopting a new policy to facilitate legal short-term migration and to analyse the experience of countries which

offer foreigners lawful migration opportunities. It encouraged them to make a clear distinction between asylum-seekers and other migrants transiting through central and

eastern Europe and to afford all potential asylum-seekers access to a procedure for determining their status.

The Assembly called on member states to co-operate fully with each other in combating illegal migration and trafficking in human beings, to increase the financial and technical

resources allocated for this purpose and to grant additional resources to migration-related development projects, such as return incentives, assistance in the home locality,

demographic programmes, etc.

Lastly, it asked the European Union not to endorse regulations and practices likely to increase illegal migration pressure on the countries of central and eastern Europe and to

provide these countries with appropriate financial and technical assistance to combat illegal migration and trafficking.

Appendix 4:

The Rotterdam Charter :Policing for a multi-ethnic society

Drawn up at the Rotterdam Conference (30 May-1 June 1996)

The first draft of this charter was prepared by the steering committee for the Conference 'Policing for a multi-ethnic society; principles, practice and partnership' (May 30th-June 1st 1996, Rotterdam, the Netherlands). During the conference, a group of approximately 120 participants, consisting of police officers, representatives of Non-Governmental Organisations (NGOs) and officials from local, national and European authorities, discussed and revised the earlier draft of this Charter. In its present form, the Charter serves several purposes. Most important, it can be used to discuss the present situations in different European countries, while stressing the need for partnerships between the police, NGOs and local authorities. In addition, this Charter represents the steering committee's aim to encourage further development of general principles for police practice in a changing Europe.

A. INTRODUCTION FOR THE ROTTERDAM CHARTER: 'POLICING FOR A MULTI-ETHNIC SOCIETY'

Dr Robin Oakley

B. THE ROTTERDAM CHARTER : POLICING FOR A MULTI-ETHNIC SOCIETY

A. INTRODUCTION FOR THE ROTTERDAM CHARTER: 'POLICING FOR A MULTI-ETHNIC SOCIETY'

Dr Robin Oakley

A European Challenge

Europe, over the last half century, has been transformed in many ways - demographic, economic, social and political. These changes have produced major challenges to established institutions throughout Europe, including the police.

One significant change has been the increased prominence of cultural diversity and ethnic tensions. There have been a variety of causes of this development. Firstly, there have been changes in population composition resulting from the settlement of migrant workers and refugees in almost all countries. Secondly there have been economic factors, which initially encouraged labour migrants. Subsequently, economic recession has given rise to tensions as indigenous groups have sought to protect their access to employment and housing. Thirdly there have been political factors. These include the rise of nationalist movements of the extreme right, and the increased political assertiveness of established national minorities – especially in Eastern Europe following the collapse of communist regimes.

This greater prominence of cultural and ethnic diversity reflects global trends as we approach the new millennium. It is a potential source of great enrichment for Europe. However, if our institutions do not respond appropriately and in accordance with democratic principles, it is also a source of danger. If minorities continue to be subject to oppressive or unequal treatment, the fabric of society is threatened. Individuals suffer;

ethnic conflicts and violence erupt; and the framework of civil society may be severely damaged.

In this world of ethnic and cultural diversity, the role of the police is crucial. With their special responsibility for the maintenance of law and order in society, the police are essential guardians of our social framework. They are also the most visible of the agencies which perform a civic role. This has two major implications.

First of all, the police must always act - and be seen to act - with unquestionable fairness towards all groups, and with clear respect for ethnic and cultural difference. Because of their high visibility, police must accept that they need to act as a 'role-model' for all public agencies in promoting fundamental rights.

Secondly, if minorities are to overcome these threats and play their full part, the police must strive to use their special and unique powers in support of multi-ethnic ideals. They need to use the law to its fullest extent to combat acts motivated by racism and xenophobia. The police also need to work in a proactive manner to prevent such actions, and to assist ethnic and social integration.

In recent years, police performance has often been seen to fall far short of these ideals, especially by those in minority ethnic communities. There is a major legacy of lack of confidence and mistrust in the police among the minorities in Europe, which police must now overcome.

For all the above reasons, a passive response to these changes on the part of police will not be enough. An active lead is required, in the form of 'Policing for a Multi-Ethnic Society'.

The Creation of the Charter

The Rotterdam Charter is an initiative which has grown out of the partnership between the Rotterdam-Rijnmond Police, Rotterdam City Council, and RADAR - the anti-discrimination organisation for Rotterdam. This three-way partnership reflects their view that the necessary changes in policing cannot be achieved by the police alone. Everywhere the police have the primary responsibility for dealing with these matters. But for success, they are dependent also on the co-operation both of the civic authorities, and of non-governmental organisations (NGOs) which are concerned with ethnic issues.

The City of Rotterdam deserves full credit for bringing forward this initiative. But it is no accident that the initiative should have been born in this great European port. From the Middle Ages onwards, Rotterdam has been an increasingly important centre for international trade, and today it is the largest and most rapidly expanding port on the continent. In consequence, Rotterdam has a long history of the intermingling of peoples, and during the last few decades it has become one of the most multi-ethnic cities in Europe.

Appreciating the importance of this issue and its Europe-wide significance, Rotterdam - and in particular RADAR, its anti-discrimination agency - determined to take a lead in raising the profile of multi-ethnic issues in policing across the continent. Wisely, they appreciated that steps forward had already been taken by police and their partner agencies in a number of countries. They recognised that the most effective approach would be to bring together this experience, and build on it. Their purpose was not only to focus on the principles of multi-ethnic policing, but also on the actions which could and should be taken to implement these principles in everyday police practice.

With the support of a multi-national steering group, a working conference on 'Policing for a Multi-Ethnic Society: Principles, Practice, Partnerships' was held in Rotterdam on 30

May - 1 June 1996. The Conference was attended by more than 120 delegates, representing 17 countries. The delegates were drawn relatively evenly from police, civic authorities and NGOs. The aims of the Conference were threefold: to share experiences so as to disseminate successful projects, to establish an international network of experts in this field, and to produce a 'Charter' of principles and practical guidelines for promotion Europe-wide.

What was especially remarkable about the conference was the seriousness and high level of commitment of all those who attended it. All participants had been selected as persons who were already active in this field, and who therefore had experience to contribute. The conference first received reports of existing projects in a variety of countries. Participants then reviewed a draft version of the Charter, and proposed alterations and additions to it. Representatives from NGOs were at times critical of the police and were usually forthright in their views of what needed to be done.

However, the atmosphere of the Conference was always co-operative and constructive. In this respect, it was a successful demonstration of principle of 'partnership' which the organisers wished to promote.

From Words to Action

The Charter itself is a document which identifies the kinds of actions which need to be taken if, across Europe, 'policing for a multi-ethnic society' is to become a reality. It covers such topics as training on ethnic issues, the recruitment and retention of minority officers, the implementation of relevant law, partnerships with minority ethnic communities, and the management of ethnic crime statistics. What is unique is that it provides an overview of the whole range of activities which need to be introduced.

The Charter is therefore both a resource to generate a programme of necessary actions, and a 'check-list' against which progress can be assessed.

However it is not a 'blueprint' which provides an instant solution. It is neither detailed, nor adjusted to the requirements of every European city or state. Its aim is to set out a collection of core tasks which need to be undertaken everywhere. But the priorities and the manner in which these tasks are carried out must be appropriate to the circumstances of the individual case.

In each country or city, therefore, a specific and detailed programme of action should be drawn up. How can these words be translated into action? The question needs to be answered at two levels: the professional level and the political level.

The professional levels that of establishing the specific content of the programme of action that is appropriate for a particular city or state. Three stages are involved. First of all, the ethnic composition of the population and the policing needs which arise from ethnic diversity must be identified.

Secondly, the Charter should be used as a check-list to identify which specific actions are already being taken, and which are not. Where actions are already being taken, their effectiveness should be reviewed. Finally, the overall programme of action should be drawn up. This should include plans to fill the gaps which have been identified, and to strengthen existing initiatives where required.

Every programme of action must also include two other components. The first is adequate resources to carry out the work - both financial resources, and resources in kind such as expert advice and organisational support. The second is the active involvement of persons from all of the diverse ethnic communities, and especially those

from minority groups. Partnerships with appropriate non- governmental organisations will ensure this takes place.

Even the best-designed programmes of action to implement the Charter cannot succeed, however, unless there is support at the political level.

Commitment from political leaders and senior police officers should take the form of a clear and well-publicised policy which mandates the police organisation to address multi-ethnic issues. Without a policy commitment, resources to implement the programme may be difficult to obtain. Also, minority community leaders and NGOs may feel compelled to withdraw their co-operation if they do not believe there is political level support.

How, then, is political commitment to the principles of the Charter to be secured? Several routes can be followed. One route, which police officers themselves can follow, is to ensure that senior police managers are fully and correctly informed about ethnic issues which affect the police. A second route is for similar briefings to be provided at political level by officers of civic authorities and by NGOs.

Information alone, however, may not be sufficient to achieve the necessary commitment, not least because of the many competing priorities and pressures affecting the police. Other means of influencing policing policy and priorities in the direction of the Charter should therefore be explored where necessary.

For example, police officers may be able to win support for the Charter from their national police unions, and also from international police associations and networks. Civic authorities likewise link into national structures, and they too can promote the Charter through European networks such as ELAINE and Eurocities. And NGOs, as independent organisations, can campaign publicly to promote the Charter, through holding meetings and organising conferences, as well as by use of the mass media. NGOs can also advocate the Charter at a European level through bodies such as the Migrants Forum, human rights groups and youth networks.

Finally, valuable support to gain commitment at the political level can be obtained by drawing on the work of the European Union and the Council of Europe. Although the Maastricht Treaty does not provide the European Union with any direct authority for policing or ethnic issues, several important reports (such as that of the Kahn Commission) deal with these matters. The Treaty of Amsterdam however opens possibilities to address anti-discrimination issues.There are also numerous other structures within the EU framework through which the issues can in practice be addressed.

The Council of Europe, by contrast, has programmes which deal with both policing and ethnic issues directly. Following the 'Vienna Declaration' by the Heads of all European States in 1993, the European Commission against Racism and Intolerance (ECRI) has developed a wide-ranging programme of work, and the Council of Europe is also active on human rights, migration and youth issues. Of immediate relevance is the Council of Europe report on 'Police Training concerning Migrants and Ethnic Relations', which gives detailed practical guidance on one of the major areas covered by the Rotterdam Charter. The Council of Europe is particularly active in Central and Eastern Europe at the present time, especially on issues relating to Roma/Gypsy communities.

Action in all the above ways is required if the vision embodied in the Charter is to be transformed into a European reality. The challenge is great, the task is urgent, and commitment and careful planning are the essential pre-conditions of success. The City of Rotterdam regards the production of the Charter as merely its first step. It has

dedicated itself to continuing to sponsor this project on a Europe-wide basis, by means that are currently being explored. Its initiative deserves Europe-wide support.

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B. THE ROTTERDAM CHARTER POLICING FOR A MULTI-ETHNIC SOCIETY

I. Opening Remarks

Changing Europe and Legitimate Policing, a Question of Professionalism

1- In the past decades, the composition of the population in Western Europe has changed radically. Post-war migration has caused many Western European countries to become multi-ethnic communities. In the east, the dissolution of the Iron Curtain has focused attention on the status of long-resident ethnic minorities in several Eastern European countries.

2 - A multi-ethnic society places special demands on the police organisation. As a result, the police must accept the need to adapt their professionalism, quality of service and their legal and wider responsibilities to the needs of a continually changing population. The goal is to provide services that are applicable and accessible to all citizens regardless of their ethnic background.

3 - In metropolitan areas especially, police forces, local authorities and NGOs are being faced with the challenges of ethnic diversity. The Charter focuses principally on cities and larger towns. Larger communities deal with cultural differences more often and are the first, though not necessarily the only ones, to develop new strategies in coping with these challenges.

The Key Role of the Police: the Challenge

4 - The Charter focuses primarily on the efforts required from the police. Although the police are certainly not the only public organisation with a responsibility in these matters, they can be considered the gatekeepers of equality, integration and cohesion in a rapidly changing society. Especially in situations where physical force is needed, the police are an instrument for control and repression. It is therefore necessary that the police are active and reliable in carrying out their role as guardians of the anti-discrimination legislation. In other words, the police have an important responsibility in enforcing the law as well as taking preventive measures to combat racism and discrimination.

5 - Presently, there are considerable differences in legislation and policies between the European countries. In so many different circumstances, many different solutions may be possible. Instead of proposing legislative or political changes, this Charter explores the reasons for different methods of intervention and the issues that should be debated. No proposals for new legislation or for harmonisation of legislation on a European level will be included in the Charter.

Necessity for an Integrated and Co-ordinated Approach : from Principles to Practice

6 - More than one aspect of police responsibilities will be focused on. The Charter aims at establishing a full set of instruments for an integrated and co-ordinated approach to the management of ethnic diversity in the interests of equality and social cohesion.

7 - The main objective of this Charter is to enhance organisational commitment to the issue of policing a multi-ethnic society. The first requirement is a clear mission statement

for the organisation specifying its commitment to equal treatment and to combating racist and xenophobic violence. This should precede any tangible measures.

Co-operation with Others : the Added Value

8 - Racism and racial discrimination constitute a serious threat to the development of a harmonious multi-ethnic society. Co-operation between the police, NGOs and municipal authorities is especially important in recognising and monitoring these threats. In this relatively new area of policy, the police, NGOs and local authorities can benefit from each others experiences and contacts.

II. Recruitment and Retention

1- The Police as a Mirror of Society

The composition of the population in most European cities is changing rapidly and dramatically. To establish their importance as a legitimate force in society, the police have a professional interest in reflecting the same ethnic diversity in their organisation. One of the most important means to reach this goal is recruitment.

2 - Enhancing Professional Standards

Recruitment of police officers from minority ethnic communities will have an added cultural value that will be beneficial to the police department as well as to the society as a whole. Ethnic diversity can benefit the entire organisation and as a result promote professionalism.

3 - The Changing Labour Market

In most cities, the work force has become more and more multicultural. At present, half of the labour force already consists of minorities in several large European cities. The police can therefore no longer afford to ignore the growing 'pool of talent' that minority ethnic communities represent in the job market.

4 - Recruiting Ethnic Minorities as Police Officers

In order to recruit people from minority ethnic communities, it is essential to develop good relations with ethnic minorities and to establish a positive image of police work. People of all ethnic groups should be encouraged to take an interest in becoming a police officer, regardless of their ethnic background. Where nationality is a barrier, efforts should be made to overcome this for established residents.

5 - Affirmative Action

In cases of under-representation of ethnic minorities and unproductive recruitment methods, there is a real need for special programmes and affirmative action to promote recruitment from minority ethnic communities.

6 - General Recruitment Requirements

The goal to recruit more police officers from minority ethnic communities has consequences for the general recruitment policy as well. A positive attitude towards cultural pluralism must be added to the general requirements for every police officer. Commitment to ethnic diversity also means the rejection of all forms of racism, prejudice and racially motivated behaviour by the police as professionally unacceptable.

7 - Setting Appropriate Standards

It is important not to lower standards when recruiting people from minority ethnic communities. Lowering standards will work against them in more than one way. On the other hand, it may be necessary to change standards. Application forms and tests

(language, psychological, history) must be evaluated for cultural bias in order to guarantee equal opportunity. In general, it will be necessary to redefine the profile of the 'police officer of the next century'.

8 - Commitment of the Organisation is Essential

In order to encourage commitment within the entire police organisation, it is important to give greater attention to recruitment. It is advisable to give personnel officers special training in selecting future colleagues with different ethnic backgrounds.

9 - A Policy Explaining : the Reasons Why

Successful recruitment from specific minority ethnic communities requires a public statement of the reasons why affirmative action is necessary. It must be made clear that this kind of recruitment is not favouritism but a survival strategy for the police organisation.

10 - The Key Issue is Mutual Respect

Co-operation on the basis of mutual respect and equality is necessary. A police force will function only if people:

- work together,

- listen and talk to each other,

- trust each other,

- realise that nothing is possible without each other.

11 - Police Posting

Police officers with different ethnic backgrounds should be assigned duties in exactly the same way as any other police officer. Generally, they should not be recruited to police their own individual ethnic communities, but rather to provide police services to the entire population. Specific posting with regard to their ethnicity will increase pressure from their own community. However assignments in isolation should be avoided.

12 - Equal Career Opportunities

Proper personnel recruitment requires an open, non-prejudiced environment in which people of all ethnic groups will feel welcome to join the police force. Not only recruitment is essential, but also retaining personnel and ensuring that everyone has equal opportunities for advancement within the organisation. The police will not be able to recruit talented young people from the minorities unless they believe that they will have equal opportunities within the police organisation. The police department as a whole will profit from having positive minority role models at all levels.

13 - Clear Complaints Procedures

Police must have procedures for dealing with complaints concerning discrimination or harassment by fellow officers. A clear and purposeful complaints procedure for a disciplinary offence is very important for the general public and for minorities in particular. By dealing with racism within the police force, the police will enhance their credibility in the eyes of society.

III. Training of Police Officers

1 - Management tool

Training is one of the most important management tools for creating a professional and multicultural police force that is able to provide services for a multicultural society.

2 - Goal-orientated Training

It is important that training is not regarded as the primary goal but rather as an integrated part of policing a multi-ethnic society. Training can assist the management to develop a clear mission statement on this issue. The management's first responsibility to establish the conditions to help facilitate the necessary changes.

3 - Training as a Tool in Creating Commitment

Obviously, police officers must be committed to the necessity of changing the monocultural character of the police force to a multicultural one on every level of the organisation. Training can be an effective tool for developing such commitment by enhancing appreciation of the police as an agent of cohesion in society. The police officer's attitude towards and commitment to these changes is crucial in determining their success.

4 - Police Training Schools must Anticipate

The change from a monocultural into a multicultural organisation is not only the responsibility of the operational police department. In order to adapt training practices to deal with the multicultural work place, police training schools must take advantage of the real life experiences of police officers.

5 - Basic Training

Basic training should also deal with issues like recognising elements of racially motivated behaviour, appreciating its importance and learning how to respond in a professional manner. This also includes possessing skills to deal with reports of racial incidents.

6 - Attitudes

Police officers must also be made aware of their own attitudes towards these issues. Training should help to ensure that officers' personal attitudes are consistent with professional ethics. There should be formal procedures to deal with any manifestations of racist attitudes by police. This professionalism will contribute to the credibility of the police in society.

7 - Cultural Differences

Because a culturally diverse society requires the police to adapt, it is essential that the entire police organisation is able to overcome any difficulties arising from cultural diversity. Barriers to intercultural understanding and communication, both within the police organisation and while serving the community, must be challenged. In addition, training should aim at adapting existing skills and methods, so as to be able to deal professionally with situations where different cultures meet or clash.

8 - Biased and Antagonistic Thinking

Often police contacts are limited to people living in and dealing with troubled situations. The contacts are mostly initiated by the police, and in response to negative circumstances. As a result, police work usually promotes an increased risk of 'opposed and biased thinking' about minorities, which can have harmful effects. Therefore, projects which promote positive images should be encouraged. As a key institution in society, responsible for safeguarding the rights and freedom of individuals, the police must develop their skills, knowledge and competence to respond professionally to increasing diversity in society. Training should allow officers to reflect on their experiences on the job, and to remain aware of the importance of safeguarding the principle of equal treatment.

9 - Partnerships in Training

The police need to involve NGOs and/or people from minority ethnic communities in training programmes, as they are also the recipients of police services. In addition, they should be involved in programmes which train the instructors on aspects of cultural diversity.

IV. It's a good Law, but it's poorly implemented

1- The Importance of effective Implementation

Anti-discrimination legislation is an important tool in providing ethnic minorities with equal treatment and a safe environment. However even in countries with extensive laws against racism and discrimination, there is a wide gap between theory and practice, between legislation and law enforcement.

2 - Effective Use of Law enhances Police Credibility

Naturally, the credibility of the police in combating racism and discrimination depends largely on the way they enforce the law. Police officers must be made aware of the importance of obtaining evidence of discrimination, if the law is to be used effectively.Commitment to combating racial discrimination on the part of the police should involve the entire organisation. Senior police officers can play an essential role in introducing the correct culture within the organisation.

3 - Specific Attention and specific Skills

For reasons of professionalism and legitimacy, the attention of the police to racist incidents and their ability to deal with these matters must be optimised. Special (basic and in-service) programmes should be developed for stimulating awareness of racial issues and for recognising discrimination in specific situations. Every police officer should have the skills to deal with these situations and the knowledge to tackle discrimination within the legal guidelines.

4 - Appointment of Co-ordinating Officers

The appointment of co-ordinating officers with special responsibility for racial incidents may intensify commitment within the police department. However the existence of specialist officers must never become an excuse for others not to act in cases of racial discrimination.

5 - Multi-Agency Coalitions

The police should seek professional expertise when dealing with discrimination issues and should take part in multi-agency coalitions. This also includes participating in partnerships with local authorities, minority community leaders and NGOs in order to gain and exchange information on racial incidents.

6 - Transparent Procedures

Racial incidents reported to the police must be treated carefully. Victims must be heard and helped. Procedures should be transparent, especially for victims.

7 - Recording and Monitoring as a major Police Responsibility

Recording and monitoring racial incidents is of the utmost importance. The police have an important responsibility for recording and - in co-operation with others - gathering information.

8 - Reflection on Causes of Under-reporting

Under-reporting of racial discrimination and racial incidents is a widespread phenomenon. The police should take into consideration the extent and causes of under-reporting when presenting statistics concerning racial discrimination.

9 - Specific Measures to encourage Reporting

The police, NGOs and local authorities should consider specific measures to encourage the public to report racial incidents. To that effect, the following measures may be considered:

- programmes to stimulate awareness,

- specific measures for building up confidence and trust,

- adequate internal procedures on how to deal with reports concerning discrimination.

10 - Generally accepted Definitions

Effective registration of reports requires a clear definition of a racial incident. At present, statistics on racial incidents differ greatly between different agencies such as NGOs and the police. To overcome this, European authorities should try to create generally accepted definitions that may be used for registering such incidents. A practical working definition should be developed and approved in co-operation with representatives of minority ethnic communities.

11 - Monitoring- and Data Collection Instruments

The police should encourage the development of monitoring and data collection instruments. These instruments will identify emerging trends and serve as a basis for an integrated, strategic approach as well as for identifying missing information.

12 - Establishment of Co-ordinating Unit

Regular analysis of data concerning racial incidents should take place, on several levels and with several objectives in mind. It would be advisable to assign a co-ordination unit within the police department to monitor and report on trends and developments.

13 - Comparable Data

Data should be collected in a form which is comparable, in order to exchange information and perform comparative studies of neighbourhoods, cities and even countries.

14 - Exchange of Information should be stimulated

Specialised methods of gathering information should be developed. The exchange of information between intelligence agencies, police and anti-racism organisations, concerning organised racist activities, should be stimulated.

15 - Reporting should have a follow-up

Reporting is not a goal in itself. There must be a guarantee that reports are followed by specific actions. Clear procedures will optimise chances for success and discourage under-reporting.

V. Building Bridges between Ethnic Minorities and the Police

1 - Promoting Trust and Co-operation

Building bridges between ethnic minorities and the police provides a professional challenge. It is an important part of the service-oriented approach of the police in a democratic society and is essential in promoting trust and co-operation.

2 - Open and good Communication is a professional Need

Almost every government agency needs good relations and open communication with all segments and groups within society to function properly. For the police, these conditions are of the utmost importance in guaranteeing that citizens will co-operate in preventing as well as in tracking down crime. Moreover, it is essential for the police to obtain a picture of the actual needs of citizens and to promote constructive relations with and between the various groups within society.

3 - Overcoming antagonistic Thinking

In order to promote trust, the police must actively seek feedback from minority ethnic communities on the effectiveness and relevance of policies and programmes. This means breaking through antagonistic thinking on both sides and creating a constructive working relationship between the police, NGOs and community organisations. All parties involved can benefit from public-private partnerships like these. Such steps need to be considered especially in situations where tensions between police and minority ethnic communities are manifest. 'Client-panels' and 'round tables', which can bring together antagonistic groups, have proven to be of use in situations like these.

4 - Promoting Credibility

The police must actively seek opportunities to promote their credibility in fighting racism. First of all, this means the acknowledgement of racism and its existence. Secondly, active involvement of the police in external activities against racism should be promoted. Lastly, the police should take initiatives in establishing formal agreements with other agencies to co-operate to fight racism.

5 - Liaison Officers

Difficult or failing communication between police and minorities constitutes a specific problem that in turn requires special attention and solutions. There have been good experiences with programmes which strengthen ties between police and minority ethnic communities, e.g. appointment of liaison officers for minority communities.

6 - A Network of Professionals

While co-operating with local authorities, the police must develop and maintain a network of professionals from the minority ethnic communities, such as clergy, health professionals and social workers, who can provide assistance in times of crisis.

VI. Migrant Participation in Crime versus Police Participation in Criminalising Migrants

1 - Avoiding the Perpetuating of Stereotypes

The police should acknowledge that inaccurate reporting and stereotyping by the media has a harmful effect on community relations. Therefore particular care must be taken by police in interactions with the press to avoid perpetuating stereotypes in descriptions of minority ethnic communities.

2 - The Risk of Stigmatisation needs to be recognised

The danger of merely focusing on the crime rate in minority ethnic communities needs to be addressed. One must question whether such a focus is necessary and what its purpose is. There is a risk of stigmatisation of the whole ethnic community. Also, criminalised stereotypes are likely to be given publicity in the popular press and other mass media.

3 - Statistics never speak for themselves

A blunt presentation of ethnic crime statistics should be avoided. Statistics never speak for themselves and are open to misinterpretation. At most, statistics report what happened, but they cannot explain why things happen. To answer this question additional qualitative research is needed.

4 - Understanding Crime Rates

The police have a responsibility of understanding crime rates of specific groups in society, in order to focus attention on underlying problems which may require wider or preventive action. They should also encourage other organisations to take responsibility for preventing or intervening early in situations which could be damaging for community relations.

5 - Distinguish between organised and non-organised Crime

Criminal organisations organise on an international scale. Crime statistics concerning organised crime should be clearly separated from data relating to 'regular' local crime statistics.

6 - Multiple uses of Statistics

Statistics can be used to monitor ethnic crime patterns, but can also be used to monitor whether the police are treating ethnic minorities fairly and equally. By monitoring the number of questionings or arrests of different ethnic groups, police can check whether they are not treating one group more harshly than another. By using statistics this way and ensuring that all segments of the public are being treated equally, the police gain respect and trust from minority ethnic communities.

7 - A Code of Conduct for ethnically related crime Reports

A code of conduct for the police, which indicates when references to national or ethnic origin of a crime suspect or convict are relevant, should be introduced. The police should be aware of possible effects of making such references in different contexts, e.g. when using radio communication channels.

8 - Code of Practice for Press-releases

Police authorities are encouraged to create a code of practice for press officers to avoid stereotyping in press releases. In some countries, journalists have agreed on such codes of practice.

9 - Need to consult and co-operate with NGOs

The police should consult and work in co-operation with NGOs and minority ethnic communities in order to present and disseminate ethnic-related statistics in the best way possible. During these consultations the police should also seek information which creates a better understanding of cultural differences and which prevents these differences from becoming criminalised.

10 - Responsibility to comment on stigmatising Measures

The police should feel free to point out possible stigmatising effects of certain measures taken or proposed by politicians which are to be carried out by the police.

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Sociologist

The media, the feeling of insecurity and the police

In fact, after September 11th, 2001, with the attack committed against the United States and the war operations against the world greatest enemy on the field of security, the terrorism, which began yesterday, our whole speech about security - international security and even domestic security - will have to be based on new premises. However, the ideas that we are going to discuss here rely mainly on the same grounds that were at the genesis of this Seminar. But if it is true to say, as I myself wrote and abide by, that after September 11th History restarts in another register of thoughts and facts, a lot of what I am going to say will require another re-conceptualisation. And If, as of yesterday like someone said, security in the United States is over, it will always, also for us, be in danger.

If we put aside the death and tragic calamity atmosphere which persists in the Portuguese roads, statistics say that Portugal is one of the safest countries to live in. We must agree that, in the present world context, this fact is not a minor quality. It does not correspond, however, to the feeling of (in)security that usually dominates public opinion.

When questioned, in opinion polls and surveys, it is not rare to register that the Portuguese interviewees mention the fright of (in)security as one of the main social fears they are concerned about.

What are then the reasons for this apparent contradiction? What are the reasons that oppose to this confirmation by studies of a praiseworthy

performance in terms of a social atmosphere of security an evident public reflex, by the population, the political forces and the media in general, of terror of a state of social insecurity.

Having in mind the subject of this panel, to answer this contradiction we must clarify:

- The concept of security;
- The conditions based on which the perception of (in)security is formed, or trying to understand the factors that create (in)security;
- The role played by the media in the creation of the so-called feeling of (in)security;
- And the role played by the police, here in the sense of the element that represents the system of prevention, control and defence of social security.

(In)security, or the concept of security under analysis in this debate is, as a matter of fact, the one that, in the majority of the Western countries, indicates the right social state of the populations directly linked to the concern of crime increase, deviant behaviours and, especially, those illustrated by means of expressions of delinquency and violence with effects in the dissolution of the mechanisms of social regulation. The concept of (in)security that is discussed here is the one generally referred to by the political power and the media as signifying the growing lack of adherence of the citizens to the normative system of a community or of a given society, expanding the delinquent, violent and criminal behaviours. In the common sense, it is that related with social disturbance regarding criminality, either through individual or collective activities.
(See the study on the crime increase and intensification of the insecurity feeling in Portugal, by Nelson Lourenço and Manuel Lisboa, 1996.)
In a recent conference in Lisbon (March, 2001, Conference Lisbon-Security), the European expert on this subject, Giovanni Manunta, declared: "We still lack serious studies on security."

On February of this year, the Parliament conducted a debate on security. That debate showed that the political parties' management regarding this problem does not contribute in any way to its clarification. Numbers usually show what

we put inside them. The dispute of arguments based on the available statistics proves essentially the fragility of those statistics, coming from different sources (PJ, GNR, PSP, GEP/MJ), and that criminality does not allow a linear reading but rather includes an enormous social and juridical complexity.

On the other hand, those statistics, however fairly accurate and reliable as they may be, do not extinguish the sociological problematic which must be faced at three levels:

- *The real criminality*, which comprises the whole set of actions actually committed, regardless of the fact that it has been reported, investigated or subjected to trial;

- *The alleged criminality or that denounced to the authorities*;

- *The legal criminality*, i.e., that which corresponds to the numbers of cases subjected to trial and that were the object of a judicial condemnation.

Thus, we understand that the relation cause/effect usually established between the commission of the crime and (in)security is a very relative one, or at least presented in very relative terms, since it is often used as a scarecrow of public reaction, lacks a greater deepness and redirects to the conjunction with other factors, such as:

- The visibility given by the media and the consequent degree of the subjects treated and the communication style that is used;

- And, on the part of the public, the way they reconstruct the degree of seriousness of criminal conducts from the *media reports* and the codes of re-interpretative representation of the reality perceived by those individuals.

In other words, it is quite arguable and even incorrect to establish a direct connection between the visibility of the crime and the degree of the feeling of (in)security generated.

Sociologically, (in)security, either as a concept or as an acquired feeling, depends upon a set of endogenous and exogenous factors.

In a research conducted by my colleague Pierre Guibentif for the CEJ, and in which I participated, on the media and the social representations of the crime, i.e., exactly on a perspective that intended, based upon a study of 700 interviews, to analyse the effect of the media upon the representation of crime, it was established that such a direct relation between the report of the crime and the perception of the degree of social reaction to that same crime did not exist.

And we must take into account that this study, which included cases that obviously could not have been foreseen, "caught" the period immediately after the extreme use by the media of publicized facts such as the beheading of a young man in the GNR unit of Sacavém, the case of the "very-light" in the football field of Jamor, an abnormal succession of crimes of murder, insurrections in prison facilities, the process of the contaminated blood, and so on.

Besides, as successive researches have shown from the 1970s on, there is no direct connection between the media effect and the perception of the phenomena. The addressees of the several reports build their interpretation based on other elements, such as the cognoscenti capacity, the symbolic universe and their experience of life. In the words of Maxwell McCombs "the media influence the persons but they are like robots". (Theory of schedule, 2001/Público, 06/06/2001, or in "The power of journalism", Traquina, 2000.)

It is not our task here to go yet into detail about the different styles of performance used by the media when they tend to turn into a spectacle the news they issue about crimes and acts of delinquency and violence.

It is obvious that elements such as the relevance that is given or not to these news, as well as the degree of drama accorded to them or even the emotional exploitation of the addressees, constitute important aspects to evaluate the effect of the relation between criminality and (in)security of the population.

But, to make the most of the remaining time I have for this communication, I will quickly pass on to the third vector which is part of this panel.

As I have already mentioned, in this context the Police is referred to as a representative element of the State, as a legitimate institution for the prevention, defence, control and even punishment of the visible face of criminality as a factor which promotes the feeling of (in)security.

In relation to this point, and always based on the theme of this session, what matters is to confront the determining factor of the role played by the media, what matters is to confront, as I was saying, data and studies which come together to equate the so much divulged crisis of the regulatory State in relation to individual conducts or criminal organisations. In a society controlled by the media, in which we all acknowledge the force of their role regarding our vision of the world and of the social institutions they help to construct, it is easy to confirm the negative deficit resulting from the usually more negative image transmitted by the media between the feebleness of the State or of the institutions that fight the crime and the "positive image" of the crime agents and organisations.

It is recognised that the image of the Police, in what concerns efforts, measures and actions regarding their personal training and visibility of public action, has progressed in a very favourable way.

It is therefore open to discussion a large chapter to reveal data and make deeper studies about how much the civil society in democratic liberty, for its own defence, will have to put in evidence and articulate the role of the social "agencies of integration" and "agencies of disintegration". The way we deal with security may be decisive to increase insecurity.

Sara Pina | Press Officer of the Attorney General of the Republic

THE MEDIA, THE FEELING OF INSECURITY AND THE POLICE

1. The feelings

"The epidemiological evidence shows that if, hypothetically, the technology for the invention of television had not been developed, there would be fewer 10 thousand murders each year, fewer 70 thousand kidnaps and fewer 700 thousand robberies and assaults." (Brandon Centerwall, Journal of American Medical Association.)

This disturbing assertion may be easily transferred to the other social means of communication because it is the contents of the message that influences the receiver rather than the means used since, contrary to what MacLuhan said in 1964, the means is not always the message. Actually, it is the contents of this latter that determine the type of reception.

To many researchers, and even to the public in general, the news about crime and violence reported by the media induce identical behaviours and generate feelings of insecurity. In 1993, a study conducted by the Times Mirror concluded that 72 percent of the North-American population believes that the reports about robberies and other crimes in the media are excessive, and 63 percent believes that those reports generate violence.

This is so much true that, in order to fight crime, police authorities and the media developed programmes of prevention and education of the citizens regarding danger (to develop the individual conscience for the presence of

dangers and the possibility of their eradication – auto-prevention). In Canada, for instance, a joint action between the polices and the media was put into practice with the aim of reducing the broadcasting of violence by means of measures of regulation and auto-regulation, as well as the use of the media to reduce aggressive, racist and sexist conducts, ensuring the broadcasting of non-violent reports and reports of quality.

The media cause different reactions in their audiences and that in the short and long-term. In the short-term analysis of the effects, four types of feelings appear: excitement, catharsis, idealisation and diversion.

The excitement in the presence of news of a crime is related to an alteration of the emotional state and changes of affectivity, which turns into an increase of aggressiveness, violence, insecurity or fear regarding the receptors of the message.

The catharsis reduces the probability of aggressive behaviour by its observation in the media. The aggressive impulses may be reduced or become inhibited by the observation of certain forms of violence.

The idealisation, the so-called "copycat" effect, produces, through the reports made by the media of news of a crime, the desire of copying, the behaviour that is to be followed.

The diversion, the so-called "babysitting function", by which the media prevent acts of violence calling the attention of their audiences with alternative forms of occupation and recreation.

In the long-term, pro-violence values are created, reinforcing the acceptance of violent means to solve social situations and, consequently, insecurity. It also appears an usual association to violence in which a frustration or personal problem suggests a violent answer. And, finally, the deprivation of feelings of sensibility where the long exposition to news of a crime or to violent news causes insensitivity in the persons and the lack of desire to help (Zimring and Hawkins, 1997).

The indication of incivility and disorder produces fear in the citizens and demands for legal reinforce and control (Wilson and Kelling, 1982). Thus, the programmes put into practice such as the Broken Windows, in the USA.

2. The journalists

The construction of news, presenting simultaneously the facts, builds for the audiences a structure of interpretation. Even because the simple representation of the facts modifies those same facts (Fowler, 1991).

To the great majority of us, most times the journalists are the main source of information about the world, of what lies beyond our immediate environment. Violence, of any kind whatsoever, is part of the so-called "value-news" (professional imperatives which operate as implicit guides for the construction of stories). It provides a good Story – the fight, the drama, the problems, the dangers, the heroes, the villains, the good, the evil – in one word, all the requirements to attract audiences.

As a matter of fact, a considerable part of what we call "news" is dedicated to conduct deviances and corresponding consequences, and it is not simple to explain the reason why these items must be considered the object of news or why they deserve the extraordinary attention the get. Maybe they make appeal to a number of psychological perversities among the great public, as some commentators have suggested, but, at the same time, they constitute one of our greatest sources of information about the normative sketches of our society. In a figurative sense, at least, morality and immorality are together in the public scaffold and it is in this meeting that is drawn the line that divides them (Erikson, 1966).

Crime constitutes news because its treatment brings to mind threats but also reaffirms the consensual morality of the society; a play of modern morality is played before us, in which the "demon" is expelled, both symbolically and physically, from the society by its guardians – the police and the courts (Traquina, 1993).

Only a small part of the citizens is directly involved in crime situations, but all of them are repeatedly exposed to the mass media, which reflect the interests, values and worries of the audiences.

3. The police

The production of news depends upon the part played by their sources and, in what concerns news of a crime, the media are even more dependable upon the source. In the news of a crime, we seldom have eye-witnesses descriptions. Contrary to the news sent from the battle-front by the war reporter, the "stories" of crimes are almost completely produced from primary institutional sources (most time, the police) (Traquina, 1993).

The crime is less open to concurrent and alternative definitions than the great majority of public subjects. In this kind of news we do not hear the "other part". This makes the news of a crime unidimensional and transparent in what concerns the mass media and the public opinion.

Conclusion

Violence and crime in the media are a source of discomfort and worry for many who observe. The media-made portraits, emphasising crimes, may cause the deprivation of feelings of sensibility and the change of values in the people, effects which are difficult to measure in scientific statistics.

It just happens that the profusion of blood spilt in the mass media generates and reflects social tendencies. But, when the media cause discomfort and anxiety, giving an account of the reality, the natural tendency if for the citizens to see them as the cause of violence and insecurity.
After all, putting the blame on the go-between who brings the bad news is a recurrent phenomenon. Fortunately, the process of ascribing the responsibility is very different from what it used to be some centuries ago. Nowadays, one loses credibility, formerly one lost his head.

| **José Paulo Bisol** | Secretary of Justice and Security of the State of Rio Grande do Sul, Brazil |

José Paulo Bisol | Secretary of Justice and Security of the State of Rio Grande do Sul, Brazil

Ms. Paula Moura Pinheiro:

- Ex- University Professor
- Ex-Senator
- Ex-candidate to Lula's Vice-President

In a word, his curriculum is very extensive.

He honours us with the first trip he makes outside his country, Brazil.

He is here as Secretary of Justice and Security of the State of Rio Grande do Sul, Brazil.

Probably, the Portuguese already had this idea, but they had this perception in a more sharp way when they knew about the slaughter (as you must remember) of the Portuguese tourists, a short time ago in Brazil. Actually, the media fell upon the suspects, [to be accurate] the alleged authors of the criminal act, with total freedom.

This attack is somehow odd in a European context.

Certainly, this will not contribute to make people feel confident about security in Brazil.

I ask you – I presume that in your State, Rio Grande do Sul, the situation is not very dissimilar – how do you deal with this situation?

Who has responsibility for security issues in your State?

How do you deal with this situation, at least apparent, of a ferocious (not to say "wild") liberalism of the media?

How do you deal with it?

José Paulo Bisol:

I believe we are talking about a symbolic force.

And if it is a symbolic force, it can be changed into a symbolic violence.

And if it can be changed into a symbolic violence, it can be changed.

And this characteristic, the power of changing, is what seems more relevant to me. In a symbolic domination. Right?

Now look here, do you have any possibility of organising reality except linguistically?

Is it possible to think without the language? No!

I can not think without the language. I can not even imagine something [in my mind] without the language because, although the imaginary is more concerned with the image, it does not work without the language.

So, what does this mean?

This morning, I had that feeling. I do not know if it is stylish to recall it here, but I am going to follow Balzac who said that "style is seeming to be what we are".

So, I will take my chances and make that reference.

This morning great professors, a judge, a chief of police, a headmaster and a minister, all persons of great culture, laboured away over the European reality having for basis a ghost. Is it not so? Is not the immigrant a ghost?

I have a very clear vision of that creature, the immigrant.

And what happened with the professors? They dealt with that subject in the sense of making it the most realistic possible. The most objective they possibly could. For that, they have an extraordinary knowledge. So, what was there?

There was objectivity.

Knowledge shaped reality in a very close way, but without avoiding turning the immigrant into a ghost. And then came the questions from the audience. And it seemed to me (please, forgive me) that those questions were more concerned with the ghostly image than with reality.

And she asks me how it is in Brazil? How is the relationship between media, criminality, violence?

Tell me if I am not right when I say that I am amazed when I look at the ghostly image before me. Because Portugal, France, Germany, in a word, the European countries, have a very low criminality and violence rates when compared with Brazil, the third in the world ranking. And, nevertheless, I am a witness of that same fear.

In essence, you are plunged into the same fear as I am there, in Brazil. And the rates are completely different.

Is it not there anything related to the media, Paula?
Is it not there a certain spectral supplement?
Is it not there, in that space of the media, a…?

Applause from the audience that cut the speech and brief interruption by the moderator:
Senator, I was prepared for anything but this.
It is the fault of our media, which amplify reality in such a way that we are so afraid, just like in Brazil, where the actual rates are much higher.
Then, it is all right. That thing, in Brazil, does not amplify more than reality itself. Does not the free access of the media amplify it?

Brazilian media do the same as the Portuguese. The French. Certainly, there will be differences.
But, I insist, these media create in all people the same fear.
You are afraid of the immigrant and we, up there, are afraid of our bandits. But it is fear.
And that reminds me of Georges Davy, a French historian who died in 1996. Shortly before that date, he gave an interview to a magazine, *l'Express* (if I am not mistaken), and in that magazine he compared the fears of the year 1000, in the

Middle Ages, with the fears of the year 2000. I recommend that you read Davy because, my goodness, they had their ghosts.

Look at the Greeks, for instance. The *polis* had a democratic structure. But they lived in fear of the neighbouring *polis*. Those were their ghosts.

Then came the Middle Ages, and everybody, kings and respective kingdoms, were surrounded. By whom? By the Barbarian. The fear of the Barbarian.

We take a jump into modern times and we have a ghost that prowls Europe and the rest of the world. It is the Jew.

The ghost is not the Jew but rather the Jew's ghost. International fear!

And suddenly, in dictatorships, at least in South-American dictatorships (I do not know about Europe), another fear was created not long ago: the fear of the communist.

Communism was a terrifying ghost.

And we could be Christians, go to church and everything, but, if we had leftist views we were communists…

People, this is not only fear.

Now, you explain it to me, Paula. Or maybe Sara or Paquete…

Someone explain to me: what is the use of that fear?

Is it not a manipulation?

I do not mean a manipulation with intention to cause damage, an expression of the will, but a manipulation that causes an unintentional damage. If not, how can I sell the newspaper? How can I sell the speech without turning it into spectacle? This way, I sell.

That means that I have to add a fetish. Because it is a merchandise. And I do not sell the merchandise without a fetish. Is it not true?

So? Is it not there also some conscientiousness?

Because a good journalist is a good fetishist. A journalist who comes with that universal speech: "Information, above all!", "Truth, above all!".

But, what truth? How is truth produced?

Truth is produced with the language. And there is always a spectral supplement, which is what makes the merchandise attractive. Gorgeous. It is what sells.

(After the intervention of the other speakers, Mr. Bisol made the following speech directly for the police, about the police)

I would like to state that I am not against the media!

I am not against the media! Just imagine, me against these beautiful and intelligent creatures! It just happens that I love it so much that I can even see the faults. It is my way of loving!

I am a journalist.

I was a judge for thirty years and then I decided to take a degree in journalism and was a journalist for eight years.

I wrote news, chronicles, articles.

I did radio, on a daily basis.

And I did television, on a daily basis.

So, I am not against. But the media remind me of Humpty-Dumpty. That character by Lewis Carroll. The plump, round one.

And Humpty-Dumpy used to say to Alice:

"When I speak, Alice, I say the truth and I say what I want to say."

"But how?", asked Alice.

Alice, who represents all of us. The innocent.

We were all born innocent and we are all still being born innocent.

Says Humpty-Dumpty:

"When I use a word, I give that word the sense that I, Humpty-Dumpty, want to give."

This is the problem.

It is not the word. And it is neither the fact.

You surely remember Nietzsche. There are no facts, only interpretations.

The other day, I was reading a Slovenian called Eslavo Cizech who wrote:

"Facts do not talk. It is the mechanisms of communication that make facts talk."

Who is talking here is Paula, Sara, Paquete…

Each fact is a version.

Suddenly, Paquete talks about the legislative assembly, the congress.

But, today, congress is absolutely deprived of substance.

It has reached such a point (in the whole world, I suppose) that the deputy (he uses security) uses the issue of security to be elected. That means, the media prepare the subject and the deputy makes the speech…

He (the deputy) no longer has representativeness. Because what he represents, is the media. It is not the people. The *media* elect him.

The media is not a problem of the journalist, who is a tiny human being just like all of us.

It is a problem insofar as they, the media, form public opinion.

Does anybody have a doubt about it?

This means that everyday life, a thing practically without truth because it teaches us nothing, is made by the media.

Then, half a dozen of nuts who like to think and put everything according to reason, start thinking and find it. They become closer to the truth.

But we, the common men, the average men, what do we do?

We have to work hard. So, what do we do?

We open the newspaper, we turn on the radio and the television and they, the media, provide us with knowledge. With reasoning. With opinion.

The media elaborate, as Pierre Bordier used to say.

"We absorb the media, i.e. the **opinion**, like the air we breathe. We do not even notice."

If I were aware of the opinions and truths that the media put into my head every day, I would be shocked because I would realise that I am becoming a ghost of the media.

This is a very serious phenomenon.

If you allow me, I will raise a grave issue.

This meeting began under the shadow of the World Trade Centre. It initiated this meeting and immediately put on table what the media distinguished, and which is not an untruth. Let us see what it is.

They distinguished: "Terror is a horror. We can not stand terror. We can not accept terror."

Very well, I think we can agree with this; establish, base a rapidly and well-grounded consensus.

But how is the human being reacting to that tragedy?

Do you understand what I am saying?

I am saying that the terror is such, the tragedy is so great, the ghostly nature of that anguish and suffering is such that I can abolish the fundamental principles of democracy without raising objections from anyone.

I start abolishing, in a malicious way, the due legal process.

I start abolishing the supra constitutional interdiction of torture.

"It is allowed to torture terrorists!"

I start abolishing the principle of the respect for the human being.

I start abolishing the principle of privacy of domicile.

I start abolishing the principle of sovereignty; the principle according to which all sovereignty must be respected.

In a word, if you allow me (and it is very serious what I am saying), **law melts away** and precisely in what concerns its most fundamental principles.

But, Paula, what leaves a mark is the **horror**. The fear of terror.

But society feels <u>no fear</u> concerning the abolition of law. <u>No fear</u> concerning the abolition of the fundamental principles of law.

This, I call your attention, is what I call "**anything goes**".

It was good for the terrorist, scum, murder, monster, barbarian.

It was also good for us.

We abolished everything!

Please, excuse my rude words but this is the deepest truth that we are living. This is serious and the media, for whatever reason, leaves aside this serious phenomenon.

To finish, I will make another incitement, a quick one.

Now, I am going to talk about us, police officers.

But I will speak specifically about militarism.

Militarism is not a specific quality of the military; it is also, but it is a specific quality of some societies.

Brazilian society is authoritative. It has typically military answers to its problems and anguishes.

I speak here of militarism as the condition of, <u>in extreme situations</u>, **taking decisions totally outside the scope of the legally established reality**.

This is what I call militarism.

It may be a characteristic of any civilian, as well as a characteristic of any military.

This condition of "this is an extreme situation", "I am the one who takes decisions", "I, the president of the United States, define this situation as an extreme situation", "and I base its unbearable character, its intolerable character, and I rise above everything".

And what is the reaction? OK! It is right.

And that is the worst. The worst is that it is right.

But, from then on, all the reality of democracy and its principles… Puff!!!

It goes down the drain. It goes drown the drain.

If I do a research on the History of civilisations, I will notice that the Law has always been very opportune, very suitable.

The Law, the Police (insofar as a citizen police), the Judge, the Law Enforcement Officer, the Public Defender, the Public Prosecutor, <u>all of them</u> **have always been opportune**. Suitable. And necessary. In the most banal situations, in everyday life where nothing is relevant.

Suddenly, an extreme situation is created, such as this tragedy, and that suitability, that relevance, disappears. Completely.

It seems that militarism always remains. Here, in Portugal. In Brazil. In France. In Germany. Everywhere.

It seems that the militarism, as I defined it, is always in reserve.

"Let those civilians live as they want because, when the time comes, I am the one who decides. Me, Humpty-Dumpty. Me, the militarism.

Who defines things in the United States?

Look right into my eyes.

Who defines? Is it not the reserve?

In extreme situations, it is me, Humpty-Dumpty.

It is not the president.

The president… he will do what I order him to do.

The Congress… it will do what I order it to do.

And the judge… he will do what I order him to do.

Even because I abolished his exclusive authority to arrest. I put the judge out.

And this is what I want to leave here, for my friends.

As she said, this countryman needed almost 73 years to have the honour of coming to an international seminar in Portugal. I must say, and I do it with emotion, that I owe that honour to Mr. António Henrique Rodrigues Maximiano.

I am just like that. Passionate.

I have convictions. But I am completely open to challenge, discussion and dialogue.

I am a journalist. I do not defend Humpty-Dumpty.

I am a judge, I do not defend the judicial Humpty-Dumpty.

I think that we must treat each other with fondness, somehow erotically, regardless of the sex.

I mean, we must love life, just as a man loves a woman. Just as a woman loves a man.

To love life. Deeply. To live it, each moment and in full.

Never let oneself slide into the quotidian. Into the ordinary.

To fight.

To seize.

To tear your hair.

To do whatever is necessary.

To go out naked, if necessary.

But never slide into what is rudimentary, what is ordinary, and be, in a decisive way (this is an invitation to all of you), a destructing force of that diabolic context that is called public opinion.

We need to put an end to public opinion and discover again singularity because we can only be loved by it.

| **Luís Filipe Sousa Simões** | Subintendente of the Police of Public Security |

THE MEDIA, THE FEELING OF INSECURITY AND THE POLICE

Round table – October 8th, 2001

In this brief communication I will try to approach two aspects that, in the scope of the subject in question, should deserve some reflection:

- The relation between the Police and the media and, consequently, between police officers and journalists;

- The responsible police officers, as "security managers", having in mind the effects that the mass media will have in the perception of that security.

I.

Before talking about the relations between police organisations and the mass media, and between the professionals of both sectors, it must be noted that the author of this communications has nothing against the media, in relation to which he is a compelled consumer, or against the journalists and other professionals of the media, with whom he seeks to maintain the most cordial and healthy relationship.

So, do not see in this communication, or some of its sentences, attacks or criticisms from a police officer to the media – which, far from not being correct,

would, at least, be insensate – but rather as a reflection of someone who, due to his profession, must keep a relationship with journalists, is subjected to the pressure of the media and the public opinion and tries to understand the part played by the media, being attentive to the effects that the subjects scheduled by the media and the news broadcasted by the mass media have in the society in which he lives, in the institution to which he belongs and in the professional activity he performs.

I do not esteem, consequently, that the media and the journalists are the main responsible agents for the insecurity or the violence in our society, the same way I refuse to accept identical accusations made to the police or police officers.

The simple fact that I felt the need to begin this communication by providing this enlightenments is, in itself, symptomatic of the kind of relations that usually are created between journalists and police officers. Relations of mistrust and suspicion, where some discomfort and a lot of mutual misunderstanding are visible. In a few cases, some antagonism is even evident, as if information and public security were two irreconcilable concepts.

But there are some reasons for the surfacing of this kind of relationship.

First of all, because many still confuse functions and practices of political police bodies of the past with competencies, responsibilities and activities of the police forces of public security and criminal research of the democratic society in which we live. Also in some cases, the police forces and the police officers have felt unfairly treated or even "attacked" by certain organs of the media or by some news that were broadcasted. Similarly, there are situations in which the security forces did not know how to communicate to the media or to the public opinion the information and the enlightenments that were needed.

It is a fact that the police forces have not known how to communicate through the media, a fact that can be seen by the importance that they do (not) ascribe to their press offices or public relations' departments.

The way the police forces and the journalists define their functions and set their aims may also originate tensions and conflicts and affect the professional contacts they establish.

Police officers and journalists have many points in common in their activities, since both share principles of professionalism, exemption and impartiality, are subjected to ethical codes, make part of institutions that try to construct a career, are subjected to innumerable pressures (from the hierarchy, from political forces, from public opinion, from the population, from their peers, and so on) and both seek to establish the truth about the facts (or, at least, that is their discourse).

There are, however, a lot of aspects in which they diverge or are even in open conflict.

The journalists want to hear the police version but it is not certain that they will "pass" that version or that they will give it more credibility than they give to the other part's version; thus, the journalists want to have access to the information detained by the police but police officers are afraid that the broadcasting of that information by the media, or the use they make of it, may compromise their work, affect the institution's image or even have some effects upon their careers.

Police officers and journalists work with completely different notions of time. The mass media want the novel, the first-hand news, the direct, the immediate, they work by the second, they want immediate and definitive answers. Police officers need time to obtain certainties, giving more importance to efficiency than to speed.

But the main opposition will certainly reside in the principles of information broadcasting. All press, radio and television work intends the broadcasting, the release of news. Police work, on the other hand, is governed by norms of confidentiality: justice secrecy, professional secrecy and the very principle of the "presumption of innocence" require a safeguarding in the disclosure of the facts already known, in the publicity given to the evidence, in the identification of the suspects or alleged perpetrators.

Police institutions try to protect themselves and protect their members from these breaches of confidentiality. It is for that reason that internal norms were established to define who may talk with the media and what type of information may or may not be transmitted; it is also for that reason that, when they speak, the professional police officers try to measure and evaluate each sentence, each word.

To aggravate the situation and give cause to mistrusting relations, personalised contacts are rare and there are no relations which last long enough to allow a mutual acquaintance and, the same way we seldom find a police officer who knows well the world of the media, so it is difficult to find journalists specialised in police, criminal or security matters.

II.

For some time now, professional police officers have understood that, besides the prevention and repression of crime, it is also necessary to be on the alert regarding the social reality and make all efforts in order that the citizens feel secure.

Thus, it is not enough to prevent crime and make detentions; it is also necessary to have in mind the expectations, perceptions and attitudes of the populations towards security and try to perform interventions that promote feelings of security.

Police forces are required not only to fight crime, but also to make the management of security.

For a long time that the responsible police officers have been paying attention to the media; to begin with, because police activity and functions treat, in a daily basis, with many realities which constitute important criteria of news selection: the aggressiveness, the violence, the physical and psychological pain, the abnormal or disruptive events, the deviations or alterations of order require as much the intervention of the authority as they attract the attention of the media.

Another cause for paying attention is related to the contents of the information that is broadcasted; by those contents police forces may identify new problems, feel the "pulse" of the populations, evaluate the feelings of the citizens regarding crime and security.

Knowing that the media transmit perceptions of the real life and produce effects (although those effects may seldom be controlled), public security may not neglect that reality

But it is also necessary that police forces and police officers know:

- How to communicate what they are doing;

- Convey trust and security to the population;

- Inform about conducts of risk and attitudes of prevention.

And why not render a security service to the community by means of the media? It has nothing to do with the manipulation or use of the mass media, it is about understanding how to communicate with the population we serve through the media.

Willy Bruggeman | Deputy Director of EUROPOL

EUROPOL   The Hague, 5 October 2001

Due to recent terrorism incidents I am not able to join you at this meeting.

Some issues I would have brought to your attention are:

- The actual threat of terrorism risk to encourage racist feelings and behaviour.
- The concept of human rights and their underlying ideas are essential elements of the intellectual and moral identity of EUROPOL.
- National and international measures against racism and intolerance have to be actively supported.
- Racism has to be banned by each police organisation.

Again, I do apologize for not being with you today, I hope you will have a successful meeting.

W. Bruggeman

Deputy Director

Béatrice Métraux | Scientific collaborator of the Swiss Institute of Comparative Law

RACISM ON THE INTERNET. WHAT'S THE ANSWER?

I. The racist phenomenon on the Internet

The first racist sites appeared in the 1990s.

According to the Simon Wiesenthal Centre researchers, in 1995 there was only one site of incitement to racial hatred. In November 1997, the Centre had already recorded 600 sites of that nature. In July 1999, we talked of 2000; nowadays we esteem that the number of those sites is over 4000.

For instance:

- The sites of the American Bradley Smith and the German-Canadian Ernst Zündel[1], two legendary personages of the negativism. They state that the gas chambers never existed and that the number of six million Jews exterminated by the Nazis is a "myth";

- The *Stormfront*[2] site, the *nec plus ultra* of the American racist sites, crossroad of the white supremacy defenders who fight for the "preservation of the white western culture";

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[1] http://www.zundelsite.org/
[2] http://www.stormfront.ogr/

- The *Be Wise As Serpent*[3] American site, which possess the complete text of the Protocols of the Elders of Zion;

- The innumerable *Ku Klux Klan*[4] sites;

- The *Radikalweb*[5] site in French, clearly anti-Maghreb people.

A racist site is thus, as we understand it, any form of communication of feelings of hatred, either by means of images, texts, videos or sounds that promote any kind of propaganda, and all organisations which are motivated by ideas or theories based on the supremacy of a race or a group of persons of a certain colour or ethnical origin, or which intend to justify or induce any form of racial hatred and discrimination.

These messages may be disseminated by www sites, electronic kiosks (newsgroups or chats) or electronic mail (e-mails). We shall not talk about the latter since e-mails are included in the field of private correspondence, subjected, in many States, to telecommunications secrecy.

Recurrently, that propaganda is supported by the offer of publications that are forbidden or difficult to obtain (see *Mein Kampf*, available in the Barnes & Noble site) and the broadcasting of revisionist chants in MP3 format, of CDs, of images, in a word a whole sort of material that would not be drained away by any other process.

What are the authors of these web pages looking for? They have two main purposes:

- The dissemination, without danger and almost without costs, of racist theories at a worldwide level, all without fear of censorship;

- The recruitment of new members susceptible, in turn, of disseminating the "good word".

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[3] http://www.iahushua.com/BeWise/bewise.html
[4] http://www.kukluxklan.org/
[5] http://www.radikalweb.com/aukotidien/index.htm

The anonymity that governs the Internet makes this recruitment easy; the person concerned has no need to disclose his or her identity when establishing contact with the main site.

These home pages and the possibilities of putting them on a network by means of links have contributed, for instance according to a 1999 report by the Swiss federal police[6], to produce the surfacing of a true skinhead community on the Internet. The small groups, formerly isolated, have found their audience, have discovered supporters and they sip, in this feeling of appurtenance to a group (which is invincible since veiled), the inspiration for acts of violence. This is how in Switzerland, for the first time at the beginning of 2000, black lists appeared containing the names of Swiss personalities declared enemies of the skinheads; That virtual community causes thus the materialization of a "public counter-opinion", reinforced by a media work in the very bosom of that virtual community. A German extreme right-wing "information service" comments and justifies, on a daily basis, violent interventions by extreme right-wingers in which the assailants are regularly the victims.

II. Regulations against racism on the Internet

2.1 Legislation

There is no specific legislation about racism on the Internet although most of the European countries have provided themselves with their own laws against the racist speech. These fundamental obligations are imposed by the United Nations Convention on the Elimination of All Forms of Racial Discrimination, whose article 4 requires the adoption of measures against the propaganda of racial hatred beyond a strictly restricted circle. These measures are applicable to the hate-speech disseminated through computer networks. Revisionism is, however, an exception to these fundamental obligations. In Europe, only Austria, Germany, France, Belgium and Switzerland have enacted legislation on this subject.

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[6] http://www.admin.ch/bap/f/index.htm

These measures, written in a neutral style from a technological point of view, are perfectly applicable to the hate-messages disseminated on the Internet. Therefore, there is no juridical emptiness on the material level. Criminal lawsuits regarding contents disseminated on the Internet, housed on and accessed though **servers housed in Europe** should not, thus, face any unsurpassable legal problem.

But we verify that the authors, the providers of illicit contents, increasingly escape justice. There are multiple reasons for this: either because the author is in a foreign country and, with the law halting at the borders, the enforcement of judicial assistance measures takes a long time, either because it is not possible to find the author for he or she is anonymous, either because the enforcement of national laws faces technical problems regarding the location and identification of the author of the polemic purposes, for which it is necessary the collaboration of the national technical intermediaries.

Finally, few European law courts have condemned an author of racist purposes.

2.2 Jurisprudence (extracts)[7]

In France
The juvenile court of Boulogne-sur-Mer condemned, on February 26th, 2001, a minor, the author of a neo-nazi site housed on Multimania. The court sentenced him to 240 hours of community work in a time-limit of 18 months and condemned him to the payment of a fine in the amount of 500 Francs. The identity of the minor had been supplied by his housing provider, Multimania.

The negativist Robert Faurisson was prosecuted because he put a negativist article entitled "The horned visions of the Holocaust" on the AAARGH site. Robert Faurisson's lawyer argued that none of the reproached facts had taken place in the national territory since the article that was the object of the lawsuit had exclusively been published in the United States, where the AAARGH site is

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[7] See, about this issue, the comparative study made in 1998 by the Swiss Institute of Comparative Law, for the Council of Europe, available on the ECRI site http://www.coe.int/ecri

housed. The defence used thus the argument of the territorial incompetence of the Court of Paris, but this argument was not accepted. Finally, Faurisson was released because it was not proved that he had in fact been the author of the texts in question.

In Belgium

On December 22nd, 1999, the Correctional Court of Brussels (55th Chamber) condemned an Internet surfer for having sustained, in newsgroups on the Internet, intents that appealed to discrimination, segregation, hatred and violence. On appeal, the Court of Brussels (11th Chamber) confirmed, on June 27th, 2002, the imputation of the facts to the defendant, as well as the application of anti-racist laws to the Internet sphere.

III. But then the problem appears…

3.1 The origin of the problem: The First Amendment to the American Constitution

As we have just seen, the hate-speech is punished by most European legislations. However, the criminal laws that punish these acts do not exist in the United States, notwithstanding the approval of the 1964 Convention[8]. The reason is the development, by the American Supreme Court, of a very broad conception of the freedom of speech (based on the first amendment to the American Constitution[9]): it only blames the "hate-speech" if there are imminent and direct threats against a certain person[10].

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[8] With the reserve, however, that "The Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States".

[9] "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances (1971)."

[10] This liberal conception was justified by an American judge the following way: "Just as the strength of the Internet is chaos, so the strength of our liberty depends upon the chaos and

Such a consecration of the freedom of speech cuts off the United States from the rest of the world. It is therefore easy to understand why numerous racist and revisionist sites are housed in the USA since the operators of those sites, often foreigners, invoke the first amendment, referred to in the home page of those polemic sites.

3.2 Which law to apply?

When there is no geographical location of the housing provider, the judges, in order to establish responsibilities, must first of all determine their territorial competence and the applicable law: is the criminal law of a given country, which represses racist purposes, applicable to a message disseminated from a country which does not recognise that discrimination? As a matter of fact, many States impose the principle of territoriality[11], according to which the courts of a State have mainly competence over all the offences committed in that State's territory with the exclusion of all those committed outside their territory, no matter who the authors or the victims are.

The French and German jurisprudences have responded affirmatively to this question, establishing connexion criteria with their national juridical order in the cases of racist messages housed abroad but received in the national territory.

Accordingly, the German Federal Court of Justice, in its Töben decision dated December 12th, 2000[12], ruled that, to the polemic negativist thesis disseminated on the Internet and which may be acceded to from Germany, the German law forbidding the dissemination of such messages will be applicable.

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cacophony of the unfettered speech the First Amendment protects." Judge Stewart Dalzell, United States District Court for the Eastern District of Pennsylvania, June 12th, 1996.
[11] In France, for instance, the principle of territoriality set forth in article 113-2 of the New Criminal Code, implies the competence of the French courts and the implementation of the French law whenever the offence was committed in French territory. We must note that the nationality of the author of the offence is irrelevant for the imposition of this principle.
[12] NJW 2001, pages 624 and following.

We find the same line of thinking with the French Judge Gomez who, in a notorious lawsuit (Yahoo.fr), recognised the competence of the French law and imposed it to forbid, within the French territory[13], the sale at auction of Nazi objects through the Internet. The judge wanted to forbid the access to that site by French Internet surfers and had asked the provider to block its access, considering that the mere visualisation of such objects constitutes a disturbance to French public order. The reasons enunciated by the judge, regarding this issue, are interesting:

> Considering that, if it is true that in general the "Yahoo Auctions" site is mainly addressed to Internet surfers based in the United States taking into account the nature of the objects for sale, the forms of payment foreseen, the conditions of delivery, the idiom and the currency used, the same does not apply to the sale at auction of objects representing symbols of the Nazi ideology that may be of interest and accessible to anyone who desires to follow them, including French people;

> That (…) the simple visualisation of those objects in France constitutes (…) a disturbance to the domestic order;

> Considering, finally, that Yahoo knows it is addressing French people since to a connexion to its auctions site made from a post located in France it answers with publicity banners written in French;

> That it is thus sufficiently typified, in this case, the connexion with France, which makes our jurisdiction competent to be seized of the request.

3.3 In the author's absence, which is the responsibility of the technical intermediaries?

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[13] Decision of November 20th, 2000; for comments, see the Law and Technology site at the address:
http://www.droit-technologie.org/fr/1_2.asp?actu_id=2011552543&motcle=yahoo.fr&mode=motamot

When the identification of the authors (anonymous, concealed abroad) of the contents which are the object of incrimination is impossible, we look for subsidiary responsibilities and we turn to the technical operators who disseminate those messages, i.e. the access providers through which they disseminate the information or the housing providers who house the contents on their servers. The reasoning here is made by analogy with the law applicable to the media which foresees, in certain legal systems (for instance, the French and the Swiss), a responsibility in cascade (the author, in his absence the editor, in his absence the printer, and so on…).

Why do we turn against technicians?

We may present several reasons:

- They appear as privileged witnesses: they are the ones who have the necessary information about the origin of the illicit contents that may lead to the cyber criminals: in fact, they often keep the traffic traces (logs) that make possible an identification;

- They may technically block the access to the illicit sites.

Answers given by the European legislation to these questions of responsibility of the technical intermediaries

Nowadays, the tendency is to discharge responsibility regarding the technical providers (APs and HPs). Accordingly, the German, the Austrian and now the European legislations establish that the providers can not be prosecuted for their part as access and housing providers. As a matter of fact, they have to obey the requests of the judicial authorities regarding the identification of the author[14] or the suppression of certain contents. These are, in effect, the terms for instance of article 5, paragraph 3, of the German Teledienstegesetz of June 13th, 1997, of article 75 of the Austrian Law on Telecommunication, of § 512(a)

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[14] See, about this point, the comparative study made in 1998 by the Swiss Institute of Comparative Law for the Council of Europe, available on the ECRI site http://www.coe.int/ecri

of the American Digital Millennium Copyright Act of October 28th, 1998, as well as the European Directive No. 2000/31/CE of June 8th, 2000 regarding certain juridical aspects of the services provided by the information society, especially the electronic business[15].

That directive shall, from now on, be integrated in the different European national juridical orders.

In France, Law No. 2000-719, of August 1st, 2000, which amended Law No. 86-1067, of September 30th, 1986, regarding the freedom of communication[16], foresees that same exoneration of responsibility, except when otherwise decided by a judge. But the debate is not closed because the law that integrates the directive (the future LSI) is now under discussion. The LSI must introduce article 14 of the electronic business Directive and establish in what measure and in accordance with which modalities the French ISPs may be forced to filter or block the access to illicit contents.

3.4 Which application regarding racism?

The "voluntary" intervention of the technical intermediaries: do they have a diligence duty?

Are the technical intermediaries required to take a look at the contents of the web sites in order to detect racist contents and prevent their dissemination?

For several reasons, this is not possible. When deciding on the illicitness of this or that content, the technical intermediaries would be playing the part of information censors and would be violating the freedom of expression (established in article 10 of the ECHR), in relation to which they are no more than neutral vectors.

On the other hand, the access/housing providers have no conditions, both on the technical and financial level, to monitor, on a permanent basis, the million

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[15] Official Gazette No. L 178, dated 17/07/2000, pages 0001-0016.
[16] O.G. No. 177, of August 2nd, 2000, page 11903.

pieces of information they provide or even house. There have been some attempts by the French jurisprudence[17] to impose such an obligation to the housing providers. But that position was unique in Europe. It is, right now, completely outdated and even discarded by the European directive in its article 13.

The judicial intervention: blockage / filtration of sites

The ultimate option is the blockage of the access to sites, following a judicial order, by the technical intermediaries. Right now, this procedure presents itself as one of the possible tools for the "regulation" of Internet contents. Blockage regarding the URL, search engines or IP numbers, the debate is hot…

> In Switzerland, after several requests presented by the *Action Kinder des Holocaust* (AkdH)[18], the Swisscom telephone operator closed, in October 1999, a racist site on the Internet. Some days later, the Diax operator closed the access to six, and later to twelve, Internet sites that showed racist and anti-Semitic purposes. The sites that were closed were housed on foreign and American servers.

> In France, recently and twice, the courts had to rule on this issue of blockage of polemic sites by the technical intermediaries.

> The first case is *Yahoo.fr*, already mentioned. To a general surprise, on January 3rd, 2001, some weeks after judge Gomez's decision, Yahoo Inc, alleging economic reasons with no connection with the French decision, suddenly announced the suspension of its trading service regarding the sale of "any object inciting to hatred or violence", to begin on the following January 10th.

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[17] See case Estelle Halliday v. Valentin Lacambre, *Tribunal de Grande Instance*, June 9th, 1998, and Court of Appeal of Paris, February 10th, 1999, a case in which Ms. Halliday, after having verified that 19 photographs, picturing her naked or half-naked, were been disseminated on a website, asked for the summons of Mr. Lacambe, the housing provider known as altern.org.

[18] http://www.akdh.ch/aktuell.html

The second case involves associations that fight racism (federated in a single association named *J'accuse*)[19], having cited 13 ISPs in urgent proceedings to request their sentencing to block the access to the portal site *Front 14*, which grouped about one hundred controversial sites. We will not analyse here the details of the proceedings but we must mention that the judge heard, on September 4th and 11th, "important witnesses" in order to enlighten the debate.

The technical experts recognised the viability of blockage of illegal sites. To oppose this blockage, the SPs talk about the costs, the need, first of all, to look for the authors of the illegal contents; they invoke, on the other hand, article 10 of the ECHR (intrusion of the State in the freedom of expression, in relation to which the ISPs are the vectors) and the French Constitution (to make certain private persons support, to the extent that this is not foreseen by any legal provision, the investments concerning a mission ensuing from the safeguard of public order).

Up to now there is no judicial decision. But it must be noted that the Swiss NGO *Action des kinder des Holocaust* spoke with the principal access providers of that country to block the access to the portal *Front 14*. That officious diligence was successfully carried out.

3.5 The international answer

Transfrontier cooperation is now taking its first steps regarding Internet, with the approval of the Convention on cybercrime on last September 19th, by the Ministers' deputies of the 43 Member States of the Council of Europe. The Convention will be the first international treaty regarding criminal offences committed by means of the Internet; it deals especially with offences related to infringement of copyright and related rights, forgery and computer fraud, child pornography, as well as offences related to networks security. We also find there a set of procedural powers such as system search and interception.

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[19] See the site at http://www.legalis.net/cgi-iddn/french/affiche-jnet.cgi?droite=2001/actualite_09 2001.htm

On the other hand, incitement to racial hatred is not included in the offences foreseen by the Convention. However, the European Committee on Crime Problems (CDPC) is going to establish a commission of experts whose mission will be the draft of an Additional Protocol to the Convention on Cybercrime. This Protocol will entail an extension of the Convention's scope, including its substantive, procedural and international cooperation provisions, so as to cover also the offences of racist or xenophobic propaganda. In addition, besides the harmonisation of the elements of the substantive criminal law provisions applicable to such conducts, the Protocol will provide an easier use, by the parties, of the means and ways of cooperation foreseen, in this field, by the Convention.

Conclusion

The control of the Internet contents by a State's public powers proves the limits of the resource only to the domestic law. The technical measures taken in a strictly domestic background, when possible, can not effectively constitute a global solution.

This leads us, on one side, to promote a development of the norms of self-regulation established by the technical partners themselves, for example the code of conduct of the Belgian ISPs, which provides that:

> The ISPs will especially have a duty to combat the presence on the Internet of illegal or doubtful material. They will pay a special attention to the legal use of the Internet.
> 1. The ISPs will identify their clients (…) and denounce to the authorities any allegedly criminal behaviour or any conduct contrary to the law and morals.
> 2. The ISPs will add to their general clauses a "Good conduct" clause. This will include a mention of the correct conduct on the Internet. That mention of "good conduct" will enable the ISPs to take an appropriate measure (for instance, the disruption of the service). The ISPs will also

make available for their clients an e-mail address to receive complaints regarding illegal practices on the net.

And, on the other side, to look forward to the harmonisation of the European legislations in the repression of racism, as well as the elaboration of constraining conventions and international agreements establishing measures against the housing of sites that do not defend the universal values of human rights recognised by international treaties.

Finally, it is important to note that, while we wait for an international agreement, some follow-up measures called "soft-law" could be taken by the States, such as:

- The creation of a central organism to monitor racist sites, as the Magenta, Dutch Complaints Bureau for Discrimination on the Internet[20], which would be competent to ask for the blockage of controversial sites following the analysis of a complaint;

- The creation of a national organism of concert, or rather co-regulation[21], gathering authorities, technical intermediaries and users, in order to participate in the consensual elaboration of the necessary norms (codes of conduct). This organism will allow the observation of the new developments in this filed (we recall that the Internet is a universe in permanent evolution) and immediately propose new solutions. It will also encourage the efforts of self-discipline of the technical intermediaries: it is not so much the question of making the intermediaries adopt norms (codes of conduct or contractual provisions) in order to restrain the dissemination of material inciting to hatred, but rather see that those norms are implemented;

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[20] http://www.meldpunt.nu/indexe.php3
[21] See, for instance, the Forum of the rights on the Internet, proposed in June 2000 by the French delegate André Paul (report available at http://www.internet.gouv.fr/rpportcpaul.htm); created as an association, it groups representatives from public powers, firms and users with the purpose of "put at work a global method of action, based on the observation of the society of information and the belief that new democratic rules must, without delay, be created".

- Finally, the promotion of campaigns and educational measures for the users, namely for children who must know that they may come across racist sites and be aware that the purposes they find there are inadmissible.

Miloudi Hamdouchi | National Security of Morocco

RACISM AND INTERNET (A JURIDICAL APPROACH)

Albert Memmi defines racism as "the generalised and final valorisation of actual or imaginary differences in favour of the accusatory party and in detriment of the victim, in order to justify an aggression or a privilege"[1].

And the same author adds, a little further: "Racism results from a certain motivation: it uses a specific mental machine in order to achieve a specific function. It would not even be enough to say that it is an aggressive refusal of the other: it is an aggressive refusal with a determined purpose and justified by a determined speech. Its definition must comprise that complexity; to impoverish the libel in an extreme way would mean that we are not aware of its specificity."[2]

We think that these approaches, since they are too abstract, only partially satisfy the requirements and expectations of those who receive from the legislator the mission of ensuring the maintenance of order.

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[1] *Le racisme. Description, définition, traitement*. Idées/Gallimard, pp. 98 and following.

[2] *Idem*, pp. 100 and following. Thus defined, racism resembles discrimination, which is mainly a differentiated treatment among individuals, groups or even states. See G. Cornu, *Vocabulaire Juridique*, PUF, 3rd edition, 1987, p. 274.

The same remark was made by Bernard Renson, in the following terms: "The words 'race' and 'racism' are elastic notions, recovering in the mentalities a certain number of attributions or beliefs that we must fight."[3]

Much more practical would be the definition based on simple elements, extracted from the incitement to racial hatred and public propaganda, of any form of defamation, with such intensity that its elements would be sufficient to create (or susceptible of creating) threats and dangers of disorder. Since public order is the main reason and the principal element on which the authors depend, the notion justifies police intervention but does not ensure its efficiency. The capacity to generate the maximum of results with the minimum of means (this is the very definition of efficiency) does not depend solely on the degree of cohesion of the specific action and the technical and human aptitude to impose order. It also depends on the knowledge – even if relative – of the legal provisions that support such an action. Because – we must have that in mind – the security officer acts in several fields – juridical, sociological, administrative – many times overlapping, in relation to which he must have a knowledge, if not perfect at least reasonable. And sometimes the fields may change rapidly: between the service of order, the maintenance of order and the reinstatement of order, the border is thin and often crossed. Security measures must adapt to all situations, respecting the legal provisions.

But we must recognise that the terminological battery is usually confuse. This confusion is reflected in the efficiency of police action and may even give origin to counter-law or anti-law situations, which may generate abuses and prejudices susceptible not only of ascribing responsibility to the intervening agent but also, and often, to the State at whose service he acts.

What is going on with the juridical arsenal?

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[3] "Le racisme, la loi et l'opinion publique", *Revue de droit pénal et de criminologie*, No. 8-9-10, 1983, pp. 727 and following.

At international level, the New York Covenants signed in 1966 concerning civil and political rights, and economic, social and cultural rights, on the one side, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4th, 1950, on the other, constitute the main sources of legal provisions to repress all forms of racial discrimination and incitement to such discrimination, hatred or racial violence.

Although there are no specific criminal provisions in Morocco to punish the offence of racism, it is not difficult to find a legal basis for repression in the general provisions, especially articles 444 of the Criminal Code and 44 of the Code of the Press[4] (similar to article 29 of the French law of July 29th, 1881).

But we must note that, in the field of civil law, the proceedings for damages can be initiated based on article 77 of the Civil Code (article 1382 of the French Civil Code), according to which any act committed by man and resulting in a damage entitles the victim of that act to exercise the right to damages. No provision, with the exception of the derogation set forth in article 75 of the Moroccan Code and article 46 of the French law, prevents the injured party from initiating the proceedings for damages, either before a court together with the public lawsuit, or before a civil court, in an autonomous lawsuit. On the other hand, the Public Prosecutor's Department may act *ex officio* (in the French law, according to article 48, par. 6, of the 1881 Law).

In case of emergency, and if the illegal unrest is typified, the summary proceedings may be initiated, as long as a person or a group of persons consider that a very serious attempt is being made to man's most deep convictions and regarding to which reverence may be legally demanded[5].

But this classic approach, based on articles 38 of the Moroccan Code and 23 of the French law, could not, *a priori*, be completely applied to racial or racist

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[4] The Draft of the Code, which is now being prepared, foresees and punishes the offence of racism.
[5] Court of Great Instance of Paris. Gaz. Pal. 1987. l. 359. The Judge of the court of first instance is competent to cease the unrest, ordering the interdiction or any suitable measures.

offences committed on the Internet, which is regarded as a process of dissemination of information.

We must note that the jurisprudence (both Moroccan and French), as well as the case law, regards press offences as instantaneous offences, i.e. offences that take a moment to produce effect[6], regardless of the period that is necessary for the production of the damage and the persistence of its effects in time. In other words, and according to Jean Pradel, "since the result persists without reiteration of the material action, those offences called 'permanent' are just a particular variation of the type of instantaneous offences (Crim, July 2nd, 1926, S. 1927, I. 393, note Roux)"[7], while continuous or successive offences are committed by means of actions that have a time duration. In fact, the way the offence is committed determines its regime.

Applied to the offence of racism committed on the Internet, this regime poses two kinds of problems: one in what concerns the substance, the other in what concerns the form.

- In what concerns the substance: regarding the offence of racism, the law in force is not very concerned, since when it occurs it is an instantaneous offence, with the fact that the offence has taken the form of incitement to discrimination, segregation, hatred or violence, or that it has taken the form of really discriminatory acts.

- In what concerns the form: the starting point of the legal limit on the period of time within which the public action can be taken is counted from the day on which the offence was committed.

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[6] The execution may be positive or negative, by action or omission.
[7] *Droit Pénal Général*, CUJAS 9th edition, 1994, Paris, p. 400. Pradel's opinion is questionable. Some authors do not hesitate in typifying permanent offences in a specific category. See D. Mayer, *Plaidoyer pour la rehabilitation de la notion d'infraction permanente*, D. 1979, Chro, pp. 23 and following.

Applied to the Internet, the classic principle of the statute of limitations would make almost impossible to punish the offence. Furthermore, the 17th correctional chamber of the Court of Great Instance of Paris, on its decision dated January 28th, 1999, had admitted the instantaneous character of such an offence committed on the Internet. This decision was at the origin of strong reactions, especially from Alexandre Braun.

The case was the following. A singer put online, on an Internet site, the lyrics of racist songs. Heard in court, he was sent free on the grounds that the time period set out in the statute of limitations for the public action had run.

Alexandre Braun expresses his strong criticism of this decision. "On the Internet", says he, "that qualification [instantaneous offence] poses complex problems of proof that only serve to reveal a problem of substance … [insofar as] that qualification corresponds to the press offences, according to classic models…

Is it the same when they [the offences] are committed on a network? It seems clear that, when committed on the Internet, the press offences change their nature. In fact, the criminal intention is expressed when the offence is put online and it continues by the maintenance of the information on the Web site. We are thus before a case of constant reiteration of that resolve from the moment the initial act was committed…

That change of the offence's nature entails the modification of the statute of limitations, whose time period does not run while the blameable resolve is being expressed. The change in what concerns the appreciation of the offences committed on the Internet would thus be in accordance not only with logic but also with the practical needs of criminal proceedings."[8]

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[8] http://www.juriscom.net/droit/espace2/delit.htm

The author follows the definition of continuous offence presented by Bernard Bouloc (*Droit Pénal Général*, Dalloz, 1995, 7,188), based on the constant reiteration of the initial criminal act.

However, the category of continuous offence does not seem to justify, in theory, the prorogation of the delay and, accordingly, the postponement of the running of the time period until the day the offence has been discovered or revealed.

It would be, in our opinion, not a continuous offence but rather a continual offence (i. e. repeated), also called collective offence for unit of purpose (L. Viodal and J. Magnol), formed by the reiteration of an instantaneous offence[9]. In reality, the rate and repetition of the offence, as long as it has not been known, go in favour of the generalisation of the jurisprudence to all offences committed on the Internet even if, according to Jean Pradel, "in the present state of the texts, that jurisprudence mixes up the offence with its proof…"[10]

From another point of view, the requirements of justice would oppose the applicability of such a principle, at the same time that the concerned person would be ignorant of the purposes disseminated from a Web page.

In what concerns the admissibility of the action, we think that, applying the norms that regulate the competency of jurisdictions in press-related matters, the injured party may bring the action anywhere publicity has been made, in accordance with the provisions enshrined in the Codes of Criminal Procedure and the provisions that regulated the substance of the action.

Before submitting a cause or bringing an action before a court, it is of course advisable to typify the relations of the case in discussion. In fact, "in order to be a racist or racial offence, that offence must be analysed according to one of the following elements: origin, appurtenance or not to an ethnic group, a race or a

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[9] J. Pradel, Op. cit., p. 401.
[10] *Idem*, p.403.

religion. If that element is not clearly underlined, or if it is not the object or the main reason of the cause, we may be dealing with another kind of offence […] and not an offence with a racial or racist character. The racial or racist reference is a complementary element, an aggravating cause that turns the offence into an offence of a specific nature, different from the other offences to which perhaps, on the other hand, it lends certain elements"[11].

The French *Cour de Cassation* had to specify the slight differences according to which an act is typified as one offence or another. Accordingly, this high jurisdiction decided that:

- Racial defamation and incitement to discrimination and to racial hatred (article 24, par. 6) are two offences with a different nature and seriousness. Thus, racial defamation has not necessarily as a consequence to cause discrimination and racial hatred; the accusatory party must present the proper elements that characterise the offence of incitement (Crim. June 28th, 1983, Crim. Bol. No. 202). Thus, the court of appeals' decision that classified the facts as a racial offence must be annulled and the court must apply the incriminatory text of the distinctive misconduct of incitement to racial discrimination, the sole act aimed by the accusatory party and taken into consideration by the final judgement (Crim. July 1st, 1997, Criminal Law, com. 4, obs. Véron).

- The opinions disseminated by a radio station presenting the Witnesses of Jehovah as a very dangerous religious sect with a great number of suicides among its followers, are not regarded as defamation based on the appurtenance or not to a certain religion since they do not have as a target the common belief that congregates the members of the said association but rather the

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[11] Emmanuel Derieux, *Droit de la Communication*, 3rd edition, LGDJ, Paris 1999, p.428.

operation of the group to which those people belong (Crim. December 14th, 1999, Crim. Bol. No. 305; D. 2000, IR 129).

Finally, it must be noted that the *exceptio veritatis* is not included in the provisions of the law and that the defendant would not be allowed to evoke that exception to escape persecution (Crim. July 11th, 1972, Crim. Bol. No. 236). Submission of evidence is excluded.

In all cases, in matters of racial defamation, it is up to the *Cour de Cassation* to control the sense and the extent of the blamable texts, as well as the identification of the victim of the offence (Crim. December 7th, 1993, Crim. Bol. No. 373).

From a juridical point of view, racism may be expressed by acts or assume the form of words or texts. The offence can only be validly typified according to the circumstances of the cause in order to avoid, in the name of the repression of racism, any attempt to the freedom of thinking and expression. This principle was recalled by the European Court of Human Rights, in its decision dated December 23rd, 1994 case Jersild vs Denmark)[12].

In another plan, the Swiss law, especially article 261-bis, in force since January 1st, 1995, regarding the elimination of all forms of racial discrimination, makes an effort to implement that balance. In what concerns this issue, Denis Barrelet notes that "what this provision on racial discrimination aims to protect is public order. Hence, its positioning in title 12 of the Criminal Code. Can we say that its enforcement depends upon a situation of real danger to public order? No. Some conducts were included that, if generalised, would create social tensions. The less defendable conducts were chosen. But it is not required that each conduct, in concrete, be of such a nature as to upset public order. This is an offence of abstract situation of danger…"[13].

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[12] CF. RUDH, March 15th, 1995, Vol. 7, No. 1-3, p. 32.
[13] *Droit de la Communication*, Staempfli, SA Edition, Bern, 1998, p. 320.

Besides these considerations, and according to Philippe Breton, the Internet provides an efficient tool to the sectarian impulses and, since words have power, exert influence and direct certain acts, the Internet would be an area of generalised no-law. But this assertion is not enough to include all technical and practical difficulties that give origin to the offences of dissemination of racist ideas.

Charles Korman remarks that the International Convention on the Elimination of All Forms of Racial Discrimination, of December 21st, 1965, "was careful enough to differentiate 'any dissemination of racist ideas' from 'any incitement to racial discrimination'… [committed by means of propaganda], i.e. the action exercised upon public opinion in order to induce a person to have certain ideas… and especially in what concerns the propaganda of ideas… of justification or incitement to 'any form of hatred and racial discrimination', the international legislator declaring thus that both 'justification' and 'incitement' are the different forms of propaganda"[14]. And the offence of dissemination is formed as of the moment the justification and the incitement are present. This is what seems to think the Danish legislator, since article 266, sub-par. (b), of the Danish Code foresees that 'whoever, in public or with the intent to disseminate it to a great circle (*videre kreds*) of people, produces a declaration or any other communication threatening, insulting or humiliating a group of persons, by reason of their race, colour, national or ethnic origin or their creeds, is subject to a fine penalty or to an imprisonment penalty up to two years".

With a very judicious analysis, Gérard Cohen-Jonathan remarks that "directed against an ethnic group or a specific minority, it seems to us that racism puts in danger a country's *public order* by threatening the cohesion of a social group and attempting against the liberal and democratic grounds of the regime… it is a 'clearly illegal' social unrest, according to article 809 of the French New Code of Criminal Procedure"[15].

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[14] *La semaine juridique*, July 26th, 1989, No. 30, p. 3404.
[15] *Revue Universelle des droits de l'homme*, March 15th, 1995, Vol. 7, No. 1-3, p. 3.

We assume that the protection of public order entrusted to police forces requires that the acts or purposes publicly acknowledged fall within the scope of the law.

Police intervention is legitimate as long as it aims to fight, to put an end to clearly shocking conducts. But, in the absence of the obvious character of the conduct, the action must be justified. It happens that the concepts are still imprecise. As we may infer from the report of the State Council of Luxembourg, dated January 23rd, 1996, on the draft of the additional law to the Criminal Code ascribing a penalty to offences of racism, revisionism and other conducts based on illegal discrimination, "the fact of saying that 'a discrimination consists on any distinction made by reason of'… is not a definition. In the strictly criminal plan, the enforcement of the very concept of "discrimination" seems already dangerous since it is difficult to restrict this concept. Multiplying the motifs of discrimination, the judge's mission risks to be even more difficult: in his analysis of an illicit conduct, shall the judge follow the New York Convention on the Elimination of All Forms of Racial Discrimination or the Convention on the Elimination of All Forms of Discrimination against Women, or yet other international conventions? It is not the principle of discrimination that is, by itself, punishable but rather the said conducts, which must thus be analysed having as a reference the definition of what must be understood as discrimination. Juridical safeguard makes such a definition an indispensable one".

I will finish pointing out some ideas enthusiastically supported by a group of researchers whose works have been published in 1976 under the coordination of Léon Paliakov, a CNRS researcher, in a book entitled *Le Racisme*, in the Collection *Point de Départ*.

1 - Psychologically

"Aggressiveness is an affectionate energy which must find, from time to time, an object over which it may be discharged without social blame; all cultures must therefore tolerate and even, in certain specific cases, recommend demonstrations of aggressiveness towards objects defined by them and presented as objectively susceptible of hatred, to the good of society. Among those sadly honoured 'objects', we often find ethnic minorities and 'damned races'." (p. 117)

"The racist is a repressed man. He does not want to know anything of his own unconscious. Extroverted and not very prone to introspection, he only keeps with others relationships deprived of affection, poor and conventional relationships. A conformist, he adopts as his own the ideas of the leading class and seeks power to himself." (p. 118)

"The racist's mechanism of thought corresponds to a transfer of his own faults […] to innocent subjects. Racism is thus a possible alternative to an inner conflict that the individual can not or does not wish to satisfy in a rational way. That conflict is pushed from inside himself, over his enemy, and the accusations he makes are no more than a kind of involuntary examination of his conscience transferred in accordance with another's opinion." (P. de Comarmond)

"Extra-individual conflicts between two racial groups are no more than intra-individual conflicts written in capital letters." (Mac Crone, p. 119)

2 - Culturally

"Racism translates cultural differences – which in fact do exist among men – into natural differences." (p. 122) Accordingly, "in the framework of the indifference that governs the planet, it seems that we must look for the roots in a soil that resists to the erosion of history". (p. 124)

3 – Psychoanalytically

"Going back to his origins, the subject will try to change them into ideal imaginary images, to make for himself a representation of those origins that may satisfy his almighty ambition. That *mise en scène* made by the subject of his own origin may assume the form of a delirium or even a myth; is it not true that all myth is a myth about the origins? And modern racism, is it not a big myth? Does it not have its resemblance and affectionate force? Psychoanalysts do not hesitate to say that racism is the intellectual expression of a self-made ideal imaginary image (my blood is pure, the racist says; in other words, I only owe that to myself)." (p. 130)

"A state of deglutination and of disappearance in a crepuscular, frightening happiness", in the words of Jacques Hassoun, "where we may recognise the effect that Freud designated by death impulse, that impulse as old as the very sexual impulse but which is exercised in the opposite direction since it makes the individual return to his prenatal state, to his mother's womb." (p. 131) And so, "to kill the animal inside ourselves, we will thus accuse the other of being an animal". (p. 132)

Walter Peeters | Counsellor,Effective Member
of the P Committee

The Permanent Committee for Oversight of Police Services, an instrument against racism and Internet frauds

By means of the Law of July 18th, 1991, the legislator implemented a specifically external control of police services in Belgium. This task is ensured by an institution dependent on the Parliament: the Permanent Committee for Oversight of Police Services.

This organism is not a "police of the polices". Neither does it have disciplinary duties. The P Committee is essentially empowered with a supervision mission. In other words, it must follow up and, if necessary, control the way the police service missions are performed. It must regularly present a report of its activities to the Parliament and the Government, and even to certain police authorities such as the mayors, the governors, the public prosecutors and the King's prosecutors.

The P Committee is an institution that is external to the executive power and the police services. It is directly dependent on the Parliament and is composed, on the one hand, by a college of five members who constitute the permanent Committee and, on the other hand, by an inquiries service.

Within the inquiries service of the P Committee there is an office open to the citizens, who can there present complaints of all violations, committed by the police services, against the fundamental rights ensured by the Belgian Constitution and the declarations on human rights.

Certain members of the inquiries service are specialised in this issue and have acquired an expertise in dealing with problems related to intolerance, xenophobia and racism by the police services, problems that are often due to a lack of knowledge about other cultures and the intercultural process.

Our inquiries service has a permanent office working on a daily basis and a great majority of the civil complainants are of non-Belgian origin.

Two main concerns preside over the action of the P Committee:

- The protection of the constitutional rights and the fundamental liberties of the citizens;

- The coordination and efficacy of the police services.

The police services and officers which are the target of the P Committee's surveillance attention are:

- The police services in general;

- Certain organisms or services dependent on public authorities, even organisms of public interest, whose members have the quality of agent or officer of the criminal or administrative polices: that is the case, namely, of services that have police competencies such as the Customs, certain services that are dependent on the Ministry of Finances, certain services that ensure the performance of the environmental police, for instance;

- Certain persons with individual competence to investigate and take in offences: that is, in this specific case, several hundred agents belonging to numerous ministries and services in such different sectors as the economy, work and labour, agriculture, public health, social affairs and public works.

The attention and surveillance of the P Committee do not fall directly upon:

- The judiciary authorities and the public prosecutors' department;

- The general or specialised administrative authorities, namely the Ministries of the Interior or Justice, the county governors, the neighbourhood commissioners and the mayors.

The P Committee or, in certain cases, its inquiries service may open, at any time, an inquiry.

The P Committee may take action:

- On request of the House of Representatives or the Senate;

- On its own initiative;

- On request of an administrative police authority;

- On request of any minister who has competence do order it;

- On request of any authority who has competence do order it and, mainly, also following a complaint or denunciation made by civilians, by the citizens.

The inquiries service may take action:

- On request of the P Committee;

- Following a request made by the King's Prosecutor, the military counsellor or the competent examining judge;

- On its own initiative;

- Following a complaint or denunciation, in which case it must immediately inform the P Committee.

The P Committee makes inquiries into:

- The activities and the methods of the police services;

- Their regulations and internal directives;

- All documents that govern the conduct of members of the police services, except for directives of the investigation and criminal procedure policy regarding offences and directives in the field of policy relating to the administrative police.

The P Committee also carries out inquiries into the activities and methods of the inspectorate general of the federal police and the local police, as well as the services of internal oversight.

A specific report regarding each control inquiry or an outstanding inquiry is sent by the P Committee to the House of Representatives and to the competent minister or authority.

One of the reports that the P Committee will send this year to the Parliament concerns the Internet frauds and the use of websites.

This report will assume the form of a chapter of the annual report regarding the activities of the previous year.

The P Committee controls the methods of the police services that make inquiries concerning computer frauds.

The Committee will propose the improvement of the inquiry by increasing the number of police officers specialised in Internet issues and updating their tools, such as more powerful computers and new software.

This report will not be confidential.

The former *gendarmerie* is in charge of computer frauds.

The P Committee controls the methods and has the right to suggest improvements to the Ministries of the Interior and Justice.

What this service requests nowadays is an increase in the number of its specialised officers. It has now 35 persons and it wants a total of 65.

The P Committee is an open house and must, besides everything else, present a report of its activities to the House of Representatives and to the Senate in the following cases:

- Every year, by way of a general report of activities;

- Whenever the House of Representatives or the Senate has ordered it to make an inquiry;

- Whenever it verifies, after a reasonable delay, that no suit was given to the conclusions of its missions or that the measures that were taken are not adequate or prove to be insufficient.

We verify that the P Committee carries out, in Belgium, many tasks and has the required power to perform them.

In the scope of its activities and within the parameters of its specific competences and the rules that govern the preliminary information and the judicial investigation, the P Committee and its inquiries service may hear any person whose hearing is considered necessary.

Accordingly, the members of the police services may make depositions regarding facts that are subjected to professional secrecy. The members of the police services may be called to make depositions as witnesses.

The P Committee and the inquiries service may request the collaboration of experts and, finally, the inquiries service has competence to perform investigations in the places where the members of a police service work and to seize there all objects and documents that may be useful to the investigation.

During the exercise of their missions, the members of the inquiries service may ask for the assistance of the authorities and, on request of the P Committee, also of experts.

The P Committee's main goal is to carry out its missions with the utmost objectivity, neutrality and clearness regarding the Parliament, the police officers, the ministers and other authorities, as well as all citizens.

All its interventions, inquiries and control actions follow a democratic approach, a sign of the respect for our fundamental rights and for the rights and freedoms of each person.

The P Committee will continue to be, in Belgium, an interlocutor at the service of the Parliament and each citizen.

Carlos Cabreiro | Coordinator
of Criminal Investigation
at the Criminal Police

Good afternoon ladies and gentlemen,

I would like to thank the Inspector General and his collaborators for the kind invitation addressed to the Criminal Police to be present at this International Seminar and, having in mind the short time I have and the risk of repeating some of the subjects, I have decided to put forward some issues that will be no more than a set of concerns connected to the activity of an organism that I represent and whose mission is the repression and prevention of criminal activities.

As a member of the Criminal Police Investigation Department of Computer Frauds and Telecommunications, the first notion I would like to transmit concerns the concept of computer fraud: we must not confuse computer fraud with crimes related to the technologies of information, i.e., committed by means of computer technology. It is in the scope of this concept of "cyber-crime" that I will introduce the subject of this Conference, even because, after all, we are talking about information susceptible of constituting a crime such as paedophilia, encouragement to violence, racism and xenophobia.

To specify the area we are dealing with, the Internet appears to us, from the beginning, as the first contradiction: some define it as a "unique creation of human intelligence", others talk about an "intelligent artificial organism". On the

one hand, we have freedom, information, expression. On the other hand, we have anarchy, decentralisation, everything that is virtual.

The Internet is thus something that is undefined and contradictory but is in constant growth and is, by excellence, a vehicle for spreading information.

Nowadays, the data regarding the Internet and its users register an exponential growth.

In 2000, more than 60 million computers were sold, the e-commerce was responsible for money transfers in amounts never seen before and more than 28 million sites were created on the Internet.

I may be misunderstood and you may think that I am no fan of the Internet. I certainly am and, for that reason, I make a distinction between a well-used and a badly-used Internet.

Today, we will talk more about that part of the Internet which is badly used, especially the difficulties we face when trying, namely, to gather evidence in criminal procedure regarding facts or information that are carried out by such an excellent vehicle as the Internet.

The information on the Internet is widely spread through sites, newsgroups, BBS's, discussion spaces, chats, meetings. All these are places where information, and information susceptible of constituting a crime, may circulate.

On the Internet, and speaking about information susceptible of constituting a crime, circulates information about the vulnerability of computerised systems, about paedophilia, about cell phones and "ship cards" – all this related to criminality – about malicious software, computer virus, credit cards. And on the Internet, just as in the best bookshops, there are manuals on terrorism, manuals on pyrotechnic devices, on drugs, on refined methods of exposure of private life.

In what concerns the subject of this Conference, in 1995 there was an estimation of 160 sites containing signs of racism and xenophobia, only in the United States. In 2001 they must be over 2500. We estimate that nowadays there are over 4000 sites in the whole world containing information about racism and encouragement to racial demonstrations.

Also in Portugal, as the last speaker mentioned, there are such demonstrations and some sites containing this kind of propaganda.

The Internet is thus a real danger, assembling all the ingredients that allow us to talk about a crime that is difficult to prosecute. The danger and the difficulties show themselves in the following points:

- We are dealing, in view of the anonymity, in view of the volatility, with the slipperiness and the temporary nature of the evidence;

- We are dealing with the absence of borders and with a limited police presence;

- We are dealing, in brief, with a great difficulty in terms of gathering of evidence.

And many are the questions that may be asked about the technical difficulties of gathering of evidence.

How can we get, after all, and how can the police and the courts get, to the identification of a source of communication?

How can we find the electronic path of a communication which has been camouflaged?

How can we establish where the fact has been committed?

How can we reach the identity of its authors if it is not even possible to make a listening surveillance of data?

On the other hand, how do we deal with the growing number of equipments, operative systems, software?

These are some of the extra difficulties regarding the investigation of computer frauds or crimes committed through computer means.

Then we have the legal difficulties.

The transnationality of crime.

The secrecy of telecommunications.

The inability of a timely procedural reaction.

After all, we are talking about a technology that, at the distance of a simple click, may erase a very important and irrecoverable evidence.

The very assertion of the competent jurisdiction constitutes a serious problem and the applicability of law in space has some problems to solve here.

Likewise, there is the impossibility of interceptions or tapping when after all we are talking about communications, about crimes committed in the scope of communications.

Furthermore, there are other questions predominantly technical such as: the encrypting, the recovery of electronic mail, the digital signature.

In what concerns the electronic mail, how to define it? May we or shall we compare it to the traditional mail? If the answer is yes, what will be the implications in procedural terms?

The chief question, and one that was already referred here today, is about the importance of traffic data in the scope of computer fraud or criminal behaviour with the aid of computer means. They are the DNA of evidence.

What are traffic data?

All computers in communication and during a communication create a track, i.e., they establish or give information about the origin of the communication, its destiny and possible redirections that may occur.

A first problem appears: our telecommunications' operators and most of the European operators have no obligation of preserving these data. These data are only preserved by the operators during the minimum necessary period for the elaboration of bills, an aim totally irrelevant for the purpose we want them: evidence in criminal procedure.

We thus sustain that, for these traffic data, it will be mandatory their preservation for at least 6 months and one day.

In our juridical order, since we are talking about semi-public criminal offences, the delay for presentation of complaints is 6 months which means that if someone wishes to present a complaint in the fourth month he/she may not have the possibility of seeing recovered the data concerning the criminal offence that must be investigated.

And here also appears the organized crime because the Internet is known by these characteristics: the great capacity of resources, the very easy access, the facility of recruitment. Its intervention is easily perceived in the area of the criminality:
- An increased use of codified language;
- Electronic mail as fundamental means of communication;
- Cyber-terrorism; attacks to sites; images of paedophilia;
- Money laundering;
- The mass incitement to information of a criminal nature, where racism and xenophobia are included.

I do not want to sound optimistic nor am I trying to present solutions but I think that the future resides in the creation of laws that may regulate and punish such activities on the Internet and also in the clarification of the ISPs responsibility because this information is broadcasted by their servers.

The fight against this kind of reality requires the existence of swift legal mechanisms that may allow, once we know that a certain content, on a certain site, is lodged on a certain server, its elimination and safekeeping for future evidence purposes.

We hope that the Commission's Convention on Cyber-criminality may solve some of these problems even if we already have the information, according to previous communications, that the issue of racism was left out.

But other legal measures will also be necessary.

It is necessary that there is a clear consensus among all the participants in this area of the new technologies. I am talking about judicial authorities, police forces, authorities which deal with the protection of personal data, telecommunications' operators, ISPs, consumer groups and associations.

There are those who argue that if information with a criminal nature is spread on the Internet, it must be fight on the Internet. We must use the technique of the Internet to combat that information and, in this field, there are already some decisions, namely the condemnation of Yahoo, because in sites lodged on the Yahoo there was and was publicised racist information.

On the other hand, there are technical software that prevent the access to certain pre-established contents; this is what I would call audit and alarm security software, which works as a filter to certain contents or even certain kinds of users.

I am talking about software that is on the market and is used having in mind the safeguard of minors or that restricts the time of connection and introduces technical limitations to the services provided by the Internet.

A final reference to the importance of the reinforcement of national and international cooperation that, in our opinion, must include the increase of a concerted policy among all countries in the field of computer fraud and which must have, as its starting point, a standardised law in what concerns the types of crimes and the mechanisms of legal cooperation.

Once more I thank the invitation addressed to me to be present here and wish to take the opportunity to underline the importance of these initiatives and making myself available to answer any questions on these issues.

Thank you very much.

Maria Paula Morais | Ministry of the Internal Administration

INTERNET AND RACISM / THE PORTUGUESE CASE

The feelings of racism and xenophobia present, in general, diffuse signs and are revealed in daily actions and behaviours in a subtle way, difficult to typify. However, in contradiction to the prevailing cultural matrix there are expressions of social, psychological and cultural exclusion of the "other" which can be materialized as ideology, doctrine, dogma and, mainly, a way of life as in the case of the neo-nazi groups, the theme of my speech, which will focus the Portuguese reality.

We may very well say that the neo-nazi movement knew significant developments during these last few years, more or less all over the world, having registered a rapid growth in its multiple aspects (totalitarianism, nationalism, racism, racialism, anti-democracy, authoritarianism, revisionism), forms (cultural associations, political parties, clandestine cells, musical groups) and effects (street fights, punitive expeditions, racist propaganda, public demonstrations, reunions to celebrate symbolic dates).

In the diversity there is however a common point: these groups manage to frame in an ideological manner and organise, in terms of political speech, the diffuse resistances of certain social groups to closeness with the "foreigner", in the etymological sense of the word, together with the changes in styles and levels of life and the speedy social transformations that are conventionally related to the globalisation process. This explains not only the expansion and activism of the German or Spanish neo-nazi groups, but also the electoral

successes of the Freedom Party of Austria and the coalition House of Freedom in Italy.

The Internet, for the reasons already well known, has served as background to the expansion of all extremisms, this being its most (or at least one of the most) perverse aspect. The neo-nazis quickly became aware of the advantages they could take from the Internet, which accounts for the exponential growth of the sites they are responsible for, i.e. only one in 1995 to a number that is, *grosso modo*, in the vicinity of 2500 nowadays (considering the difficulty of measuring these numbers due to the great flexibility allowed by the Net).

I am convinced that there is a well-woven cybernetic cobweb – which the Portuguese groups have been trying hard to integrate without guaranteed success – of nazi sites of several tendencies and from the whole world (but with communion of purposes) which endorse, by links, from one to another.

How does Portugal integrate the cybernetic "map" of the "International Neo-nazis"? There is no doubt that the use of the new technologies as a vehicle of propaganda is known to the Portuguese militants; we just have to remember, even before the national sites began to appear, the racist and anti-democratic message broadcasted, by the end of 1998, through TMN operated cellular phones by a group that called itself the "White Pride".

This year a summons – via Internet – to what would be a great neo-nazi demonstration in Reboleira (surroundings of Lisbon), gave way to the discussion of the relation between national groups and the Internet and there was talk of a real boom of sites since it was possible to trace about one dozen of them. But to what does really correspond this misleading profusion? A trip to the cyberspace gives us the opportunity to verify that the great majority has not been regularly updated, the contents are globally poor, the debate is not profound and the message does not go easily beyond the restricted circle of militants, persisting an agreement (so far badly settled) between the more radical line (for instance, in the PTNS) and some texts containing pseudo-scientific suggestions (for instance, in the IMIGPORT). Mainly, they survive in "close circuit" with the recurrent contributions of some participants. We may conclude that the prominence they once enjoyed, in strictly national terms of

course, derives in great part from the impact that the subject "nazi sites" has upon public opinion, more than from their efficacy as instruments of propaganda.

But are the Internet sites the most reliable barometer to evaluate the neo-nazi movement in Portugal? No doubt the analysis of the contents of those addresses and the reading between the lines of the messages give us valuable clues about what is going on in this field. But if the Net is an indispensable means of communication and the centre of political activism – thus, an almost trustworthy portrait of the groups – in countries where the neo-nazi militants can be counted by hundreds and milliards and are spread through dozens of regional and local nuclei, that is not the case of our country where the field is very restrict and the contacts are made on a personal basis as if they were simple meetings of friends around a coffee-table. So, the Portuguese militants are much more consumers of what is going on abroad, rather than editors of original stuff.

Accordingly, what is really behind the anonymity of the addresses and what characteristics does in fact the Portuguese neo-nazi movement assume? Does it have the dimension that the quantity of surfaced sites suggests? Or, on the contrary, does it reveal the same feebleness of contents?

With some twenty years of existence, the first Portuguese nuclei of the so-called "skinheads Oi!" (a name deriving from their "war cry"), the belligerent skinheads from Almada, the Lisbon-Sintra axis and Oporto, with their characteristic aircraft pilot jackets, *Doc Martens* boots and shaved off hair, so many times pure caricatures as the ones that inhabit the imaginary of the simple citizen – just like their English idols of the National Front – have passed from moments of aggressive action to retreat, determined by internal factors such as the capacities, intentions and motivations of the groups, as well as external factors such as the social environment, the pressure from the security forces and the vitality of the political opponents. The first contraction moment took place with the murder of the Revolutionary Socialist Party member José Carvalho and the second in consequence of the events of June 10, 1995, in Bairro Alto (Lisbon), which resulted in the condemnation of skinheads belonging to several groups for murder and serious bodily harm.

It follows a period of two years of reorganisation and internal reflection – in which the support to those arrested, who are called Prisoners of War, keeps the cohesion of the movement – with the aim of repairing what many veterans of the movement considered to be a mistake, not from a moral point of view, obviously, but rather in the perspective of the strategic of the movement. There was a separation between the "street" skins, considered to be the mere brutal force that is used with criterion and just as the "armed arm", and the neo-nazi nuclei, groups like the White Pride and, more recently, the Lusa Order.

These, fully and for the first time, assume the concept of *militant activism*, i.e. the nazi skinhead must assume his ideological option as a way of life, putting everything in jeopardy to reach the general purposes of the fight for the supremacy of the white race – the so-called *Racial Holy War* (RAHOWA). They were inspired by organisations with a cell structure, formed by a minimum number of three elements and a maximum of ten, recruited among persons who live around its founder (neighbours, friends, school or work mates, fans of the same football club, and so on). These cells require from their members a cautious action in order not to attract the attention of the security forces or, if it is unavoidable to take risks to execute some "punitive actions", render extremely difficult the legal qualification of the action as a racist crime.

In what concerns these groups there is, for the time being, a great discrepancy between intentions and capacities, as well as the enhancement of their real importance in political terms. Up to now their activities, known since the end of 1998, amount to acts of propaganda such as the broadcasting of the aforesaid message by cellular phones, the distribution of leaflets and posting of racist stickers in areas inhabited by communities of African origin and the collaboration in support campaigns to Joerg Haider and the Austrian Freedom Party and in favour of the German NPD. For how long will remain forgotten the "punitive actions" against well, ruthlessly chosen targets?

The more recent developments of the technologies of criminal investigation (namely the decoding and interpretation of the human DNA) seem to indicate that the concept of Race, in its traditional sense, is outdated. However, in what concerns mentalities, the differences among races, especially regarding the

colour of the skin, still persist, from a psychological and cultural standpoint, as a dead certainty. This dissimilation is also symbolic in the sense that it is the first among others, which can go from religion and customs up to clothing and ways of life.

Notwithstanding the investment that is made in the field of civic education - one of the pillar of which is, no doubt, the acceptance of life in multicultural and multiethnic societies - the signs of unease at several levels are becoming more and more evident, a fact arising from the analysis of inquiries, in Europe and also in the USA, where the discomfort, to use an euphemism, felt by the presence of foreigners and persons belonging to different ethnic groups can be perceived.

As there are sound expectations that the migratory fluxes will continue to increase, having for destination Europe in general and now also Portugal, there are favourable conditions for people to join the neo-nazi groups. Even if they will not grow in a significant way – the number of their militants is nowadays around half a hundred – it must be taken into account that there are already ideological resources and mainly the will, even if we take into consideration a small autonomous cell of only five or six elements, to execute once more actions of great violence because violence undoubtedly is, and will always be, a structural factor of the way of thinking and behaving of the new neo-nazi protagonists.

José Leitão | High Commissioner
for Immigration
and Ethnic Minorities

CULTURES AND SECURITY: RACISM, IMMIGRATION, YOUTHS IN GROUP

Local Integration: Territories and Security

1. To approach the issue of local integration we must start from the beginning, i.e., the way the processes of social exclusion have fed, for decades, the spatial integration, pushing to the surroundings of the big cities or to the former construction sites the immigrants who had contributed for the urbanization of the new centres emerging in the metropolitan areas.

For decades, the absence of a policy of social housing made the poorest immigrants, as well as the domestic migrants with fewer incomes, to build barracks in spaces where, because they were far from the new centres, they gathered together based on wide family networks or the same national or regional origin.

Thus, islands were built, based on the accumulation of mechanisms of social exclusion, which soon became true ghettos. Those ghettos became obstacles to social integration and to the development of the intercultural dialogue with other segments of the population, giving origin to the debate on the problems raised by the existence of what was called "poor ethnic minorities".

As accurately mentioned by Rui Pena Pires in an interview given to "Boletim Informativo do ACIME" (No. 48 – October/November 2000), "the formation of ethnic minorities is frequently the result of the accumulation of exclusion and stigmatising situations. Or, more exactly, of the search, by the excluded ones, of a positive identity with which they may face the processes of stigmatisation of which they are targets".

This process of spatial segregation made difficult the integration of the immigrants' young children and, at the same time, created spaces that outlaws of the most different origins try to use for the development of their criminal activities, contributing thus to associate an image of insecurity to populations mainly formed by working people. We must not forget, for instance, that from these neighbourhoods came many of those who built the sumptuous houses or the most modern complexes, or the women who take care of our children, houses, kitchens or the elderly people.

It is true that the immigrants were not the only ones to settle in these suburban spaces. The domestic migrants with fewer incomes also settle there, including Portuguese gypsies in a sedentary process, but the number of poor immigrants still caries a great weight in this process.

As a result of being poor immigrants, they brought from their countries of origin an experience of social exclusion, which the life in these suburban spaces of degraded housing conditions can only increase, creating more difficult conditions for their social inclusion.

2. The absence or inefficacity of policies of planning and housing at reasonable costs, the lack of equipments, services and infrastructures suitable for the needs of the populations gave origin to urban spaces which became inhabited by thousands of persons in conditions of great urban and social precariousness.

In this context, the Special Relocation Program, which appeared after known events such as the one that took place with the displaced population of Camarate, constituted a very important initiative regardless of the criteria that

was followed in relation to the implementation of these plans in the several municipalities.

I am certain that if these Special Relocation Programs had not been executed, the security conditions would be much more serious in several districts. We must not forget, as Manuela Silva wrote, that "a considerable percentage of the impoverished is so in terms of lack of adequate housing, this basic characteristic reflecting itself upon their social statute (in extreme cases, it becomes social stigmatisation), the conditions of access to a job and labour productivity, the health, educational, cultural and social participation opportunities"[1].

In many cases however the Special Relocation Programs do not represent the step forward they could have been because it was decided to create great neighbourhoods in which populations with the same national or cultural origin were concentrated, consequently carrying with them a share of the problems to security which existed in the barrack quarters. Several have been the causes, from the lack of available lands to create a greater dispersion of social housing, up to the well-known reality (and the one which rises fewer issues) – on the short-term – that it is easier to make the condensed relocation of poor populations, and often foreign populations, in surrounding spaces rather than impose their presence in different areas of the municipality, a process which requires the promotion of social negotiations and active policies for the creation of conditions for intercultural dialogue and the cooperation of citizens from different origins.

In this context, the Decree-Law No. 79/96, dated June 20th, 1996, generally known as "PER – Families", which established the conditions for granting of credits to help the acquisition or recuperation of lodgings by families who fit in the PER requirements in the Metropolitan Areas of Lisbon and Oporto, created better conditions for the inclusion of the different populations, allowing them to have a say in the choice of the areas in which they would live.

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[1] See "Pobreza Urbana: O Avesso da Cidade", in *Povos e Culturas*, No. 3, s/d, p. 390.

3. As the different policies of relocation were being implemented it became evident, both in the old as well as in the newest social neighbourhoods, that a global and territorial logic of intervention was needed by the implementation of measures that would ensure the social and urban rehabilitation of the suburban areas and degraded neighbourhoods, humanising the living conditions and providing better school, cultural and professional opportunities to those living there and giving priority to the re-utilisation, rehabilitation and re-qualification of the existing city over the expanding construction, the creation of centres of economic activities and services for the community, a system of means of collective transports duly coordinated, with the required conditions of comfort, swiftness and reliance.

4. We all know relocation neighbourhoods in which, despite their good geographic location and the care applied to the architectonic projects, small ethnic islands were formed in which, notwithstanding the support given to several associations by the municipalities and the central government, the global quality of local integration does not register any progress, the first victims of which being the youths who grow there, "enclosed outdoors" to use the expression of José Manuel Fernandes.

Reflecting on everything that we have done regarding these situations, we think that it would be useful for the process of social inclusion to promote the concentration of populations with the same national or cultural origins.

As Rui Pena Pires observed in the interview already mentioned, "…the immigrants do not carry with them but fragments of past identities, which are very heterogeneous according to their different origins. What appears to us as unified cultural identities of the immigrants is, most times, the result of a symbolic construction which seeks to ascribe a value to something that has been devaluated in the processes of discrimination to which they are subjected. That is to say, the possible identities are less the result of a memory carried by the immigrants and more the construction that, in the present, they have to achieve in order to ensure their dignity. This new symbolic construction is, if I may add, often mainly fed by the imaginary available through the television, much more powerful than the transmission of family memories.

None of this contributes in a positive way to security since the imaginary that we make available to these suburban youths through the television is not exactly in the sense of mobilising their creativity, in the sense of a positive assertion into the Portuguese society.

5. Many of the political agents who are committed to local integration, either they are the mayors or the responsible authorities of the central government, are aware of these challenges and I would like to emphasize the great work that has been done in order to ensure levels of higher quality in the field of local integration, to which is not completely strange the improvement of the security conditions that we can feel in some municipalities. I would like to call your attention, as a mere example, to two forms of intervention: one already implemented and another that, in my opinion, follows the line of what we think is more appropriate to ensure the quality of integration and better security conditions.

The Project "To Live the Neighbourhood", in Bairro de Olival de Fora, in Vialonga, financed by the Urban Rehabilitation Program, is an example of how it is possible to re-qualify a relocation neighbourhood by means of broad partnerships.

The actions developed comprised interventions upon the urban space: house restoring, improvement of outdoor spaces (implementation of urban equipment, construction of playgrounds, creation of informal spaces for outdoor sports), new asphalt layers for the roads, repair of pavements, installation of traffic lights, reinforcement of street lighting; implementation of equipments, a communitarian centre, a companies' nucleus, an emergency centre for children, a closed sports compound; school and professional training actions, creation of new jobs namely by means of the establishment of five companies for the employment of workers in the fields of gardening, laundry, support regarding computer handling, production and commerce of handicraft and food industry; legal assistance to the inhabitants concerning legalisation proceedings; organisation of building commissions; increment of communitarian associations and organisations. All these actions were based on the incitement to the

participation of the populations, on a territorial logic and not on a national or cultural logic.

The Program of Fight Against Poverty implemented by the Municipality of Vila Franca de Xira allowed the maintenance of some activities in this neighbourhood, giving simultaneously way to the possibility of expanding this kind of intervention to other municipal neighbourhoods.

A program which I regard as well designed and have great expectations as to its implementation is the "PROQUAL – Programa Integrado de Qualificação das Áreas Suburbanas da Área Metropolitana de Lisboa" (Integrated Program of Qualification of the Suburban Areas of the Metropolitan Area of Lisbon). It aims at the implementation of qualification logics having into account principles such as the diversity of sectors, promoting the integration of several interventions by sectors in relevant territories, through the establishment of a thematically coherent program of multi-sector funding of an infra-structural and immaterial nature; "or the participation, stimulating public/public and public/private partnerships to operate in relevant territories, as well as the participation of the civil society in general and of the main addressees of those intervention in special"[2].

Using this kind of intervention in relevant territories and promoting the collaboration of all the addressees we will be supporting a more cosmopolitan society, capable of positively manage the cultural diversity and, at the same time, supporting more citizenship, without which we cannot advance in a sustained way towards a better security for everybody.

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[2] See "PROQUAL – Programa Integrado de Qualificação das Áreas Suburbanas da Área Metropolitana de Lisboa", Ministry of Planning, Coordinating Commission of Lisbon and Tagus Valley.

Adão Manuel Ramos Barata | Mayor of Loures

LOCAL INTEGRATION: TERRITORIES AND SECURITY

Dear colleagues,
Mr. High Commissioner for Immigration and Ethnic Minorities,
Professor Maria Ioannis Baganha,
Mr. Augusto Madureira,

Ladies and Gentlemen,

I would like, first of all, to thank the Seminar's Executive Commission for the invitation to take part in this Seminar, a fact that represents an honour to me, and praise the Inspectorate General of the Internal Administration for having organised a Seminar entitled "Cultures and Security", a theme in relation to which a careful consideration is of the utmost importance.

The conception of the subject of this panel seems to indicate, at once, the idea that local integration depends on the result of security actions and adequate policies to achieve those objectives in a given territory, establishing a direct relationship between security and the integration in the local society of those who are outsiders to that society.

Being in part true, local integration is mainly characterised by much more broad policies and actions, and it may be the object of very diverse and specific approaches, having in mind the variety of territories to be considered – urban, educational, social, cultural; but all those approaches presuppose the need to integrate into the local society those who are outsiders, especially the immigrants.
Local integration, more than a beneficiary of Security, constitutes a decisive contribution to better levels of Security.

Employing and adapting a very used expression when discussing environmental defence and protection, I will say that, in what concerns integration and security, it is necessary to think Global and act Local. Security and local integration really depend on local policies and actions, taking nevertheless into account that they are influenced and conditioned by economic, social, labour, immigration and security policies, defined for much more broad areas than local territories. Regional, national and international realities act as conditionings and affect local realities.

To speak nowadays of local integration is mainly to talk about cultural and social integration of those who are outsiders and of course not only of immigrants. But because of their diversity and numerical dimension, these are mainly those who are much more in need of integration, not as a process of acculturation but rather as a process that respects diversities and multicultural dimensions.

In order to talk about local integration, about a cosmos that is micro, we are forced to take a look, although superficially, at broader territories and policies.
So I feel tempted, before placing myself in the territorial dimension of the local and address some of the integration experiences in Loures, to share with you and do some reflection on data and information that, although territorially broader, are undoubtedly very important and have decisive consequences at a local level.

In April of the current year, the Swedish Institute for Future Studies published a working paper from which I point up the demographic conclusion that the European population will drastically decrease during the 21st century. It also notes that even a future enlargement of the European Union to eastern European countries will not

change this reality in a considerable way since these countries are experiencing a fall in their birth-rates, already comparable to that of the Fifteen Member States.

According to Eurostat data, to turn this tendency round Europe needs immigrants, more than 40 million up to 2050. This source esteems that the several countries of the EU have recently began to adopt immigration policies having into account these numbers. It also notes that in several countries it is the sons and daughters of the immigrants who are restoring the population; that is the case of our neighbour Spain in which, according to its National Institute of Statistics data, it is the birth-rates of immigrants that, for the last two years, have prevented that there were more deceases than births in that country. It was the birth of nearly 20,000 children of Maghrebian and Latin-American women that prevented Spain from having already entered a negative demographic growth.

Other important data we must bear in mind are the official number of immigrants that arrived in EU countries during the year 2000 and which were over 800,000, 100,000 more than in 1999, and the 3 million people esteemed to be living illegally in EU countries: 500,000 in France, 300,000 in Spain, 235,000 in Italy and the remainder in the other EU countries.

Another information recently mentioned in a issue of the International Organisation for Migration is that there are currently 500,000 women "imported" from all the world and forced to prostitution in Europe and that the Mafias, only in what concerns the traffic of human beings, are getting annual profits of around 2.6 thousand billion Escudos at a world level.

We live in the 21st century, an era of new forms of slavery, and I assure you that I am not being radical. We just have to bear in mind the official data and reports of traffic of human beings, especially women that are bought and sold in the free market of prostitution, and also the frequent tragedies and deaths of many illegal immigrants who put their lives in pawn to pay the access to a territory where they hope to escape from misery and poverty. Everyday we hear of tragic stories about persons who risk their lives to come to Europe, although we only talk of this reality when the accidents assume great dimensions as for instance the 58 Chinese who, in 2000, died of asphyxia inside a truck in Denver or the case of the boat loaded

with Curds that recently arrived at the French coast, or even the Maghrebian who drown when they try to cross the Strait of Gibraltar and the sub-Saharan who die in the detention camps or trying to cross the Desert.

They are, above all, persons. Persons who left everything behind. Persons who only have their lives to loose, which unfortunately happens in many cases, and who try repeatedly to cross the European borders of Schengen until they succeed.

In no circumstance can we afford not to have a conscience that these realities are a part of the world in which we live, that the global and the local are now very close, that they are linked and affect one another.

As far as Portugal is concerned, immigration has corresponded to real needs of workforce. Great public works have been accomplished during the last years due to the labour of thousands of immigrants. This was the case of the high-ways, the Expo 98, great real estate complexes, the Vasco da Gama Bridge; and it will be the case of the football stadiums and other works for the Euro 2004 and the future international airport, to mention only a few examples. But, besides public works, other sectors need immigrant workforce such as restaurants and hotels, domestic service and some industries and agricultural exploitations who publicly assume their willingness to receive immigrants who wish to work.

Having in mind this reality and its influence on the success of local integration policies, it is necessary to implement a correct immigration policy and an adequate legislation on entrance, exit, permanence and expelling of foreigners that will answer the needs of this situation, namely by creating conditions to receive and legalise foreign citizens, which will respect their fundamental rights as workers and citizens.

A clear policy based, on the one hand, on the legalisation of the new immigrants and, on the other hand, on the regularisation of the existing ones in order to prevent the exploitation of their illegal situation, according to which they work without any rights, totally at the mercy of unscrupulous employers and illegal immigration mafia networks. The illegal situation is totally contrary to integration policies and it has only been allowed because the most unrestrained exploitation

and the profits of some have gone beyond the most elementary notions of justice and Man's good sense. There will be no consequent and lasting integration policy, I repeat, with the phenomenon and amount of illegal immigrants that Europe currently has and inhumanly explores.

The legalisation of all those who have jobs, fulfil the needs of the society that receives them and are well integrated in that society is crucial to the success of integration policies. The existence of rights and justice is closely linked to, I would even say that it is part of, the very concept of security.

Adequate policies that are not merely reactive are required; clear and fair policies with well defined strategies against discrimination and marginalisation, as well as actions that oppose xenophobia, stigma and intolerance.

We must be aware of the great suffering we inflict each other on this planet and be ready to discuss it. There is no local security without global security. There are no fortress territories, invincible and unassailable, as recent events have proved. Security, in a broad sense, will only be reached when it will become global and the world will be much more different than it is today when the rudeness of human hate will be surpassed by tolerance regarding the differences and when human rights will no longer be, as they are today all over the world, a pressing claim.

I recall, by the way, the words of Archbishop Desmond Tutu which, probably more than twenty years after the date he said them, still show their opportunity and pertinence:

> *"Our value as human beings is not external but rather inborn. We all have the same value, we are born equal in dignity and we are born free; and because of that we deserve respect, regardless of our external circumstances. We live in a world whose essence is that of diversities, almost overwhelming in their extension, and we can not ignore this basic fact."*

Today, we sow the globalisation of economy and profit, intensifying exploitation and stressing, in a raging logic, the diversities, poverty and misery of more and

more persons and populations. The images of poverty, sickness, misery and hunger, as well as war and more recently terrorism, that everyday reach our homes through the media have become so usual that they seem unreal or a Hollywood production. But even worse seems to be the fact that we have lost the capacity of looking out for the causes of these realities and that mankind is unhurried about finding the paths of global citizenship, rights and dignity in diversity.

Institutions and citizens live now a process, which began after the war, of a rapid transformation of the society regarding its composition. European populations and societies, among them our own, are already multi-ethnic and multi-cultural societies. It is a changing process that is even more visible in the "microcosms" of urban societies and big metropolitan areas.

The State must assure public security and order, protect people and property, prevent criminality and contribute to ensure the normal operation of the democratic institutions, the regular exercise of rights and fundamental freedoms of the citizens and the respect for democratic legality.

To achieve this purpose, its police must be a credible institution, with prestige and near the citizen; they must be able to bridge the gap between the several ethnic groups, an essential practice to promote trust and cooperation in a multi-ethnic society.

It is very important, having in mind the present needs of the citizens, to promote constructive relationships with and among the several groups of a society.

Having in mind the security needs and the continuous changes in society:

- we need a police with a strategic purpose that, although maintaining their functions of public order, will sustain their action in a double legitimacy: legal mandate and local contract;
- we need a police with an organisational purpose and a practice of community policing;
- we need a police for the citizen's defence who seek integration in a more global system of social control, cooperating with other organisms to fight the direct and remote causes of criminality;

- we need a police who have, as a priority, actions aiming at the prevention of criminality and not merely the implementation of actions with a reactive and repressive character.

We know that the solution for criminality and the citizens' security is not exclusively built on policing measures. Delinquency, criminality and insecurity factors that worry contemporaneous societies have deep social causes whose roots lie in the social imbalances created by an unfair share of wealth and a social order that creates and deepens dissimilarity factors. And if this reality is true in a domestic framework, it is also true in what concerns the world reality and dissimilarity among peoples, resulting in the data and numbers I mentioned earlier.

The problems of citizens' insecurity may and should be minimised by means of adequate security policies. But they are not susceptible of being overcome, or even reasonably minimised, without adequate policies regarding work, social insertion, education, urban management, fight against drug addiction, occupation of free-time by youths, **social integration**.

Local communities must play a central role in the awareness of their local reality, participating and intervening, not with repressive actions or trying to replace the judicial structure but rather performing an action of integration and contribution to social cohesion.

The recent creation of the Municipal Councils of Security was a positive step in the sense of increasing participation and developing the awareness and knowledge of local realities. The experience, still short, shows the need to look deeper into the importance of this advice, reassessing the methodologies used so far and their present operation.

Municipalities have developed praiseworthy actions and contributions to social integration. The dynamism created by their activities is presently visible in the changing of the marginalised territories or the territorial contexts where the problems and difficulties have a tendency to concentrate and reproduce

themselves, providing an answer – within their competencies and sometimes beyond them – to many local problems.

Housing is a central issue to any policy aiming at social integration and in the metropolitan area of Lisbon this is one of the heaviest problems inherited from a recent past, in which there was a near absence of social policies to improve quality of life. Although this is an issue of the competence of the Central Administration, it is only fair and important to mention the decisive contribution given by the municipalities to eradicate the barracks by means of social housing and re-housing neighbourhoods.

The municipality of Loures has been working in the sense of providing these neighbourhoods with infrastructures that confer quality to public space and has built services networks and social, sportive and leisure equipments that provide quality to these neighbourhoods, aware of the importance of adopting measures to contradict the growth of a persistent poverty, valuing and reducing the stigma of these neighbourhoods, trying to oppose possible tendencies of territorial segregation.

For us, the re-housing processes are more than just the mere fact of ascribing new houses, with dignifying conditions and social rents, to the tenants; they are rather part of a more widespread strategy by which we intend to undertake a process of social follow-up of the families who are the object of re-housing, promoting habits of health, good neighbouring, responsibility for the private and public spaces they inhabit and even the creation of habits of public and domestic hygiene. Inter-cultural relationships are reinforced, not only regarding the several communities at issue but also regarding the receiving society, in a broad sense, in order to promote their integration, respecting the identity values of each community and thus contributing to a concerted social development.

In the several re-housing neighbourhoods we have been implementing Community Development Projects based on a methodology that favours the effective participation of all social partners, representatives of that local community. "Working with" the local communities, instead of "working for" those communities,

has been a guarantee for the municipally itself that the actions it develops meet the real needs of those multi-ethnic populations.

The work done in these local communities has allowed the inclusion of several cultures and ways of life, as well as an increase of our knowledge, in a formal and informal way, about the populations and agents concerned in these processes of community development, and it has established the municipality of Loures as a privileged space regarding the development of full citizenship in this new millennium.

In a strategy of local development we have been implementing, in the several re-housing neighbourhoods, projects of community improvement. The most successful case is the Multi-cultural Education Project we call "APELARTE", which is being in implementation for three years in Bairro da Quinta da Fonte, at Apelação.

It is a re-housing neighbourhood with populations that lived, up to 1997, in barracks located on the accesses to the Vasco da Gama Bridge and part of the areas where Expo 98 was built, in a total of 236 families. It is a multi-cultural population formed by Portuguese speaking Africans (40%), Gypsies (40%) and Portuguese people (20%). It must be noted that 50% of this population is less than 15 years old.

The "APELARTE" Project is a direct action of this municipality and consists in the creation of free-time ateliers directed at the re-housed population and the people that already lived there.

The municipality supports all charges, namely staff-related, and created conditions for its operation in the Apelação Cultural Centre. It is more than a simple way to spend the free-time; it is space where youths (from 8 to 25) have a lot of activities from which to choose: singing, dance, African rhythms, photography, "capoeira", drama and sports. Those activities are complementary to school and the youths' participation is voluntary. The purpose is to implement and support the creation of life projects.

Today, it is already possible to assess the success of this direct action by analysing the number of youths who "left the streets" and are now participating in those activities and the number of those who returned to school after a premature

exit. Some of them already have their own life project, have developed their capacities and are presently working. As an example, and since we are in the Gulbenkian Foundation, I would like to say that one of them works here, in the Audio and Video Department.

The "APELARTE" is also a meeting-point for the youths of that neighbourhood and the remainder youths of Apelação. It is a space of socialisation, of creation of social links that are not restricted to these youths or this space but continue to inspire their relationships in school, in the family and in the clubs, encompassing also an important part of the remainder population.

I am sure that this is a contribution of the utmost importance for local integration, in which we are very much engaged. Integration that can not be made since it is a process in continuous construction.

When we talk about success, this is, as we all know, a relative success even because our ambition is great. However, if we add to our own knowledge the opinion of entities that, in partnership with us, work in the in Community Intervention Projects, namely the police who intervene in a community practice, we may consider that the results are encouraging. In this context, we also would like to point out the fact that the mere patrols that used to be made in this neighbourhood only in cars are, nowadays, frequently made on foot, in a significant relation of proximity translated in a perception of more security.

Besides these free-time ateliers, this neighbourhood has, from the beginning, other social equipments such as the Community Centre, the school, the Youths' Club, a sports complex and educational areas. These equipments were financed by a joint programme of the Municipality and the Central Administration; the equipments were provided by the municipality and later subjected to a protocol with NGOs; partnerships were developed with several entities in the field of local development, support to youths' training and search for jobs.

The expansion of social equipments constitutes a first indicator of our work in the field of social integration, namely regarding those of support and promotion of

complementary training to education and socio-cultural increment, especially important if we consider the need "to keep occupied" and "remove from the streets" the children and youths and compensate the situations of great periods of absence of their parents.

Children and youths are particularly vulnerable to exclusion.

To conclude this communication that is already too long, I would like to make a reference to the structures that the Municipality of Loures has created in order to be able to intervene in a better way and develop its actions and projects near multi-ethnic and multi-cultural communities. First, the Office of Specific Religious and Social Matters that coordinates, for instance, the Community Intervention Projects; then, the Offices of Local Intervention, implanted in the neighbourhoods and with a more specific role in the fields of re-housing, housing and public spaces. In a complementary way, partly integrating some of these projects, we must also mention the participation of our Economic Activities Division with actions of business commitment in the working field, making easier the access to the labour market to persons with integration difficulties and the creation of small business firms at local level, usually rare in these neighbourhoods.

With 200,000 inhabitants and a great ethnic and cultural diversity, Loures is aware of the need to adopt intervention policies that take into account the realities of life of these populations, which assume the form of several social, religious and cultural manifestations, and with whom we have a dialogue in a perspective of respect for the differences and promotion of the individual and the community.

Social integration is, for us, a need and a clear target of our work, which is limited in what concerns its means, has followed a strategy and has achieved results that are, generally speaking, very positive. Sometimes with difficulties but also, on other occasions, very gratifying.

Social integration is, for us, an everyday work for everyone.

Thank you for your attention!

João Barroso Soares | Mayor of Lisbon

LOCAL INTEGRATION: TERRITORIES AND SECURITY" IGAI SEMINAR

Thank you very much.

I would like, first of all, to thank the opportunity I was given to make a small speech in this Seminar. Then, obviously and within my rigid time limitations, I will be available to answer the questions you wish to formulate.

I did not bring a written speech.

For this reason, I intend to approach the problem that is raised here and the subject that gives the title to this Seminar in a logic that is organised according to what has been my personal reflection, in a theoretical level, on such issues. To begin with, I will try to talk a little about the problems with the territory, with the security in the world that we inhabit, and then present some brief notes about what has been the activity of the Municipality in which I have the honour of being the Mayor in what concerns these matters.

I think we live in a world that is definitely going through a shifting phase.

To a large extent, the perception of this shifting phase is also related to the age group we consider in terms of approach to the problem.

I belong, as some of you present in this room, to a generation that still has a vivid memory of what was a completely close society, with almost unsurpassable barriers, and where certain kinds of problems were not raised. Namely, those related to narcotics and drug addition.

Today we live in an absolutely open world. Where everything is noticed. Where physical barriers no longer exist. And where there is, in fact, a permeability and a communicability in everything related to the problems and the solutions we must find for them.

Nowadays, society is completely different from the society that people with more than forty years, forty-five years, remember.

I think that the challenges we face concern, above all, the fact that cities are, today, in the world we inhabit, the places where most of the population lives.

The world is being urbanised and it is in the big urban areas, in the big metropolises, that lives the majority of the population of this world, of our world. It is thus in the big urban areas, in the big metropolitan areas, that appear the problems Humanity is faced with in terms of a development that is made of sudden alarms, that is made of progresses and recoils, that is made, besides, of many other dramas that we are living right now in terms of Humankind, in terms of that world that is our world.

In my opinion, the conditions for the territory, which is the territory of our cities, to become a safer territory, more welcoming, more fraternal and solidary, pass by an approach at two levels.

First of all, by the reinforcement of sociability conditions, when they exist, or yet by the reinforcement of the conditions of some fraternal relationship among the several social classes.

In the case of Lisbon, there is a richness that, being part of this city's magical charm, distinguishes it in general from the other European Union capitals and which, in part, derives from the fact (with very rare exceptions and contrary to the great majority of the other European Union capitals) that here there is not, strictly speaking, a city of the rich nor a city of the poor.

The city of Lisbon has a rare quality. It has no great areas of apartheid or of social exclusion, with ghettos for the poor and exclusive areas for the rich. To preserve that quality is one of the battles we have been trying to fight in what concerns urbanism, in what concerns intervention, in what concerns all aspects. While responsible entity for the municipality, in the sense of preserving, I repeat, what we consider an extremely important patrimony of the city; we have been trying to open and make permeable the areas where, despite everything, some mistakes were made that led to the construction of what could become ghettos and where that apartheid was a little more visible.

But, anyway, this is "a capital" that I think makes us different from the generality of the other European capitals.

If, on the one hand, we tried to protect that rare quality of the city of Lisbon that consists of not having great areas of apartheid or social exclusion, something that distinguishes us from the great majority of the other European capitals, on the other hand we also made an effort at urbanistic level in that sense, adopting such elementary measures as the construction of accessibilities.

To give concrete examples, because I think that the facts are more colourful when based on concrete cases, what was becoming a remarkably famous area for the worse motifs, I mean the "Zona J" in Chelas, which served as argument for a film, is today in very different conditions from those that existed four or five years ago thanks to the new system of accessibilities and the policy of insertion of social institutions.

Besides, the simple change of the neighbourhood name also gave another attitude to the alterations that have been introduced in that area of the city.

Secondly, there is another area where there have been, with some progresses and recoils, some evolution on the part of the municipalities and which is not always corresponded, at national level, by the governmental authorities and which is related to the reinforcement and prestige of the Institutions of Security.

I mean, it is not possible to implement a security policy for the territory without an urbanistic action, a capable social action and, consequently, an action that has into account the true problems we face in terms of territory and, namely, in terms of the territory of a big metropolis, such as the metropolitan area of Lisbon, and especially the centre of the metropolitan area of this city. But a security policy can neither be implemented without endowing security forces with the adequate means and the prestige and honour them deserve.

And we must acknowledge that during this last few years there were very different evolutions in what concerns this matter. And that Governments, even those I politically admire, have committed mistakes, sometimes dramatic ones, in what concerns this matter, an absolutely decisive matter in my opinion. Also in this field, I would like to give an example of what has been our policy in the City Hall.

We have no competencies, as everyone knows, in the matter of security.

But we have tried to articulate our work with that of the Security Forces, in a position of respect and admiration. I see here the Commanders of the PSP and GNR and they both know that these are not mere word of occasion. Right now we have, in the City Hall and since October 5th, an exhibition that is an homage to the GNR. We have also tried to articulate our work with the work of the PSP.

Furthermore, I think that it was based on a initiative of ours that, when Mr. Alberto Costa was still the minister, that the security policy that existed in the city of Lisbon – in a logic of big precincts and what I called and still call the Hill Street

syndrome in Portuguese style, an expression that evokes a television series of great success - was reversed so that we could return to a logic of community security. That neighbourhood security gave origin to the creation of seven new precincts in the city of Lisbon, almost all of them as a result of a joint effort of the PSP (to whom we are obliged for the committed way they have been performing their duty) and, we must say it, the municipality of Lisbon that, in these seven cases, made available the physical space and did some of the works to make possible the installation of the precincts.

It was, besides, in this framework of cooperation that we organised an international conference, two years ago, on matters of urban security, in which the generality of the security forces and the municipalities of the European Union capitals were present – twelve out of fifteen – and where there was the acknowledgement as to the good sense, the balance and the strategic strictness that the city of Lisbon, the security forces, the municipality and the governmental authorities were showing in what concerned the issues of security and the territory in Lisbon, comparing to what is going on in the generality of the European Union capitals.

On the other hand, and still according to this logic, we created, together with the Catholic University, a Monitoring Committee on Security Issues.

We challenged the Catholic University to send, together with elements belonging to the municipality and to the PSP, some persons to visit European cities. It happened that the city we visited was not a capital of a State but it was an important city of Spain, Barcelona. The aim was to analyse *in loco* the solutions that had been implemented and were functioning in a way that we considered extremely fortunate, three or four years ago, when we took this initiative. And we put into practice, together with the Catholic University, something that is based on this model we saw in Barcelona and is called the Monitoring Committee on Security Issues. With the Monitoring Committee, we articulate the data we receive from the several Security Forces and the municipality itself and we make a point of the situation, in terms of cartography and computer work, of security incidents that

happen in the city territory and we reflect on them based on the most different elements available to us and related to the operation of the prison system itself and, when we have conditions for that, also a social analysis of the several partners in these security incidents that have a criminal nature.

This is an issue on which we have been making a deep reflection, that we have also tried to share with the Security Forces and with the highest responsible officers of the Security Forces and which has allowed us to collect particularly curious data regarding the evolution of the situation in the city and especially in the city towards which we have a responsibility.

There are two notes I would like to mention because they are peculiar and represent an interesting case to reflect upon in the framework of this debate, so timely organised.

One concerns the fact that the "cartography of fears" does not correspond and does not coincide with the cartography of offences and incidents. This is extremely curious.

I mean, people are afraid of areas of the city in which offences do not take place and people are not afraid of the areas of the city in which most offences take place. And there is also an evaluation that is related to issues of a quantitative nature, and with the nature of the incidents of a criminal nature that take place in a city and in a metropolitan area like the one in which we live.

We have, from a point of view of evaluation, in comparative terms with the generality of the other European Union capitals, considerably lower levels than our partners, but then we have a climate at the level of what is the treatment given by the media to this type of problems, which has no parallel with the reality. And this has to do with the world in which we live.

I mean, more and more, in the world we live in, either we want it or not (and I am one of those that would not like things this way but had to adapt to the idea

that the rules of the game are these ones, we must play according to the rules in force), there is no direct connection between the importance given the media – the translation made by the media – and what is the concrete reality.

I recall, for instance, what happened two years ago when that offence took place in which the victim was a famous television and theatre actress, in an incident that in any other metropolitan area of the European Union would be considered a most banal offence and without any kind of violence. I have a great respect for her but, in fact, for what is the average in a big capital

(following a stop in a gas station,

at four in the morning,

in the surroundings of an urban area,

a car theft takes place)

this is something that in Paris or Madrid, or in any other capital, or even in the surrounding of the city of Luxembourg, the smallest European Union capital, would not be given by the media the importance it had here.

The consequence of this incident was that from then on, because she was a well-known person with great relevance for the media, notwithstanding that Summer had been for sure (and I am sure the National Director will confirm the date we have) one the more peaceful summers of all times in the metropolitan area of Lisbon, and especially the city of Lisbon, the truth is that the image that was transmitted was that we were on the verge of collapse in terms of security.

This is also data on which we must reflect.

I mean, one thing is the real situation we live and which may be evaluated, as much as possible, with an almost millimetrical rightness based on the detail of incidents, its cartography and its sociological and psychological analysis.

Another thing is what the media extrapolates from what happened. Sometimes even from what did not happen, in this society in which we live of super spectacle performed by the media, and the perverse effects it causes, even upon the authors of the incidents of a criminal nature that live among us. This is also a matter that I think deserves meditation.

In what concerns the Municipal Councils, referred here by my college the Mayor of Loures (with whom we also have a great cooperation in what concerns this matter), we have two Municipal Councils that are extremely important.

First of all, we have a Municipal Council of the Minorities and in fact we have also a full integration of the several minorities that live in the city of Lisbon. We were perhaps one of the few world capitals that, following the terrorist attacks that took place in the United States, took an initiative of ecumenical nature in which all communities were present.

We are one of the few European Union capitals where religious and civic representatives of the several communities, whether Jewish, Muslim or other (I mean, Rabbi, Sheikh and remaining leaders), systematically sit around the same table in the City Hall.

There is here a relationship that we have been trying also to articulate at institutional level, in the framework of the Municipal Council of Ethnic Minorities and also in the framework of the Municipal Council on Security, but which took some time to create.

We had to wait for the Parliament to enact, in what concerns this matter, some legislative provisions that now allow us to operate, in an efficient manner, this municipal council on security, to which we transmit, always first hand, the data

resulting from the analysis and study of the Monitoring Committee I mention, and which we created in cooperation with the Catholic University.

We are going, this next Thursday, to present, together with the Principal and the academic responsible for the Monitoring Committee on Security, the more recent data, concerning last year, where in fact there was a small but sensible inflexion, in terms of security, on the positive side regarding the city of Lisbon.

On the other hand, there is another practice that I consider extremely important and I think has distinguished us, autarchy officers, in a clear way. Some more than others. But I think this is the dominant sense. Whatever political party we identify with, and which, unfortunately, sometimes distinguishes us, or most times distinguishes us, from governmental officers, which dominates the autarchy.

I refer to the fact that we assume responsibilities and face up to them.

We have, in our country, a tradition that consists on passing the problems on to somebody else.

Nobody is ever responsible for anything and we, the autarchy officers, make a point – my personal if not political friend, Mr. Isaltino Morais, my friend the Mayor of Oporto, Mr. Adão Barata and many others - of facing up to what we are responsible for and sometimes we are even accused of things in relation to which we have no responsibility.

I recall a more inflamed moment during a political campaign on security issues, promoted by Mr. Paulo Portas (I also have admiration for him, on personal terms), but with the nastiness he usually uses on those actions. We had a sad incident near the High Technical Institute – but it was not even in the near surroundings – which led to the death of a young student, inside a building, near the Arroios market. So it was not in the near surroundings.

As a consequence, students mobilised around security issues.

And where did that demonstration of grief and solidarity towards the dead college end?

It was not in front of the Ministry of the Internal Administration where, besides, no one appeared to face it up.

It was in front of the City Hall where we, of course, came out to hear the yells of contempt and also to face up the issues of security.

Why?

Because there is a culture here that I think was also necessary to impose, based on the model that has been the face of the autarchy. It is the assumption of our responsibilities. And also in relation to that issue I think that very significant steps must be taken at national level.

I apologise. I spoke too much.

I talk disorderly; I had no written text.

But I am at your disposal for any questions you may wish to make.

I have time limits, nor for reasons of security but for reasons of work.

Nuno Cardoso | Mayor of Oporto

The city of Oporto, with more than 300 thousand inhabitants, in the centre of a big metropolitan area with more than 1 million 200 thousand people, faces as any other big city a whole set of social and urban problems regarding the more general economic and social dynamics, which characterise the evolution of our society and our city.

Following an identical trajectory to that of most European cities, Oporto has become modernised, developed and economically prosperous. However, the benefits of this process are not shared by everyone since there are some sectors of the population that live on the margins of this process of development or are excluded from it. So, in the scope of this process of modernisation and change, the most vulnerable social sectors have accrued difficulties of economic and social integration and, for a significant number of persons, it is more and more difficult to find a place in the economy, in the city and in society.

Besides, in poor urban contexts, the problems are very complex and diversified, which necessarily implies a coordinated intervention, in time and space, of different services and regarding the several dimensions of social life. When we are dealing with an excluded population, there are always cumulative deficits in several domains of the economic, social and cultural life that can not be treated separately. In this sense, we talk of a new city policy, where the policy of rehabilitation of social neighbourhoods can not be dissociated from an integrated urban management, passing not only by the rehabilitation and creation of equipments and services but also by the development of a new relationship of the managing institutions and

their agents with the inhabitants. This by opposition to the technocratic actions that do not seek conciliation nor invest in a dynamic process that makes people the subjects of the action.

We refer here to the Socio-Economic Study of Social Housing of Oporto, recently published by the City Hall, an initiative of the Department of Housing, Social Action and Civil Protection, co-financed as to its execution and publication by the Programme of Operational Intervention and Urban Renovation. The data collected by this study allow us to perform a socio-demographic and economic characterisation of the population that live in municipal social houses and assemble a whole set of indicators on the preservation of the houses and the level of comfort of the families, something that did not exist.

The study points out problems, situations and domains of social vulnerability that are important in order to analyse in detail a city policy where the neighbourhoods and respective populations are the target of a priority intervention and where these can no longer be seen disconnected from the city and the context and circumstances in which they exist. No doubt that with this study we confirmed that the populations that live in social neighbourhoods suffer accrued risks of impoverishment and social exclusion by reason of the deficits they present, namely in the fields of education, training and employment. But this study also proved that the neighbourhoods are not only spaces of problems. They also are, or may be, spaces of many opportunities. This study puts thus in relief the great variety, seriousness and complexity of the problems in the field of housing and public space and the social incidences associated to them, which largely go beyond the specific competencies of the Municipality of Oporto. It may be, however, the driving element and the centre of attraction of new interventions, aiming at the correction of unbalances and the prevention of existing risks, as happened in many projects of intervention that have re-qualified neighbourhoods and created and recovered spaces, infra-structures and equipments.

The absence of appropriate social policies that, forgetting some sectors of the urban population, increased social unease and exclusions, gave origin to the

emergence of delinquency and birth to a feeling of insecurity in the communities, confirmed by a greater coverage in the media.

Common sense imposes coordination among the several aims that we want to achieve, by means of several policies, either local or national. This means that urban security must be connected to the policy of social development implemented in the city. It must be a policy designed for the city and in the city, because the city is the place where we recognise and live the problems, the place of exercise of an important political responsibility and, especially, the place where we can find answers connected to the reality and in accordance with that reality. This urban policy must include all actors who have a part in local reality and must have the main purpose of preventing the increase of social exclusion. According to the strategy of prevention of urban insecurity that the municipality of Oporto has been developing, problems and responsibilities must be shared by all: central government, local government and civil society, by means of private associations and institutions, respecting their corresponding competencies and the principle of subsidiarity.

It was based on these principles that was born, in the scope of the **Municipal Council of Security**, the **City Contract** of the city of **Oporto** – an integrated programme for promotion of urban security in the city of Oporto, formalised in November 1996 by means of a Cooperation Protocol between the Government and the Municipality of Oporto. The City Contract, an instrument of operational partnership between the government, the Municipality of Oporto and a whole set of different public (in the fields of Social Security, Employment, Health, Education) and private entities that have committed themselves to the projects and invested in them their technical and material resources, has the aim of preventing and reinforcing urban security. The work done so far made possible to identify and ascertain a whole set of problems and, at the same time, to rehearse some answer for the solution of those same problems in a coordinated and inter-institutional plan. This was achieved with the development of the activity of the Monitoring Committee on Security, which assures a research component and systematisation of data and, at the same time, with the implementation of service structures, such

as "Equipas de Rua", "Área de Dia de Aldoar", "Centro de Apoio e Motivação a Toxicodependentes – Casa da Vila Nova", all these addressed to drug addicts, and "Espaço Pessoa", addressed to male and female prostitution. A new structure is now being implemented to provide support to the victims of domestic violence, which is scheduled to begin the activity in September. Right now we are studying and planning the creation of a new centre to provide support to drug addicts in the east side of the city, an area where the phenomenon of drug addiction reaches extremely serious levels.

With this multi-front activity, we were able to provide, for hundreds of people who were excluded from any other answers, the access to structuralised programmes without which they would continue to decay, attempt against public health and contribute to the aggravation of the climate of urban insecurity that the phenomenon of drug addiction always originates.

With the work of the Monitoring Committee on Security, we have been analysing the problematic of urban insecurity, according to its different dimensions and appearances. We have been collecting extremely useful information, not only to understand the causes of the phenomenon but also to take some lessons for action, both in the plan of the definition of more global policies and in the plan of the more specific and sectorial interventions, in the field of security and social and therapeutic intervention.

Following the acquisitions and the work of the City Contract, Oporto is better prepared and equipped to face some more serious demonstrations associated to the drug addiction phenomenon. However, it is important to note that any policy or strategy in the field of urban insecurity prevention, including the prevention and treatment of drug addiction, must have:

- Upstream incidence, promoting socio-urbanistic rehabilitation of urban areas in bad conditions, creating mechanisms of primary prevention in the neighbourhoods and schools, making easier the transition of youths to active life, fighting social exclusion and poverty;

- Downstream incidence, creating opportunities for socio-professional integration of those who were successful in their rehabilitation process.

Furthermore, institutions must always be open to changes; must be closer to the realities, to the problems and the needs of the most excluded ones; must make the access to the resources easier and promote their use, according to the projects and strategies of territorial nature, shared by other partners, excluding all disconnected initiatives and segmental interventions.

So, the policy and the action of the Municipality of Oporto has been developed in the sense of making easier and stronger the inter-institutional cooperation and the coordination of actions, both public and private, in the several domains in order to build integrated mechanisms, more available and adequate to the needs of the population, which, on their own, are not capable of providing the traditional answers.

In this scope, we must refer the **Project of the Homeless in the City of Oporto**, promoted by the Municipality of Oporto, which congregates around common purposes the State, represented by the Ministry of Employment and Solidarity, and nine institutions in the municipality of Oporto that work with the homeless, improving the quality of the present social answers and the creation and development of mechanisms of intervention to work with persons who have no fixed home. Consequently, in November 2000 a Cooperation Protocol was signed, according to which a study was carried out and is now being concluded to analyse the phenomenon of the homeless in the city of Oporto and to create a computer network that will allow the permanent contact of all partners in this Project and the collection of data for future intervention.

And this is how we are building an inclusive city that prevents the development process from stepping on the rights of some of its citizens.

Isaltino Afonso Morais | Mayor of Oeiras

"LOCAL INTEGRATION: TERRITORIES AND SECURITY"

The subjects under discussion here today, security and integration, are subjects to which my municipality has given a great attention, not only by the constant assessment of the internal conditions of security but also by the implementation of preventive policies, capable of dynamics of social balance and cohesion.

We can not look at security problems as issues that are external to the functioning of societies. Urban security has become one major problem of all cities and social concern regarding criminality invites us to reconsider the reasons for these tensions in urban spaces, their heterogeneity, their inequalities, contradictions and dichotomies.

Social reality in the municipality of Oeiras is not homogeneous. This municipality is no exception in the big metropolitan area of Lisbon. It accumulates all the urbanistic and social factors that create asymmetries. The movement of concentration of populations in the cities or the creation of megalopolis also moved the problems of underdevelopment to the interior of urban milieus, where criminality and degradation of spaces and living areas increase feelings of insecurity among the populations.

The flow of migrant population, formerly from the North of the country (Trás-os-Montes) and Alentejo, attracted to the capital and sent by its centrifugal force to the

surroundings, "forced" a quick growth in terms of density of soil occupation and determined a different pattern for that occupation, predominantly suburban.

The result was a chaotic occupation of soils formerly occupied by agricultural exploitation and the construction of illegal houses, since these populations had no economic conditions to access the formal real estate market.

From the 1970s on, and especially in the 1980s, we witnessed the arrival of the immigrants, persons who came from the former colonies and the African countries of Portuguese language, who were immediately attracted to those illegal agglomerates.

The result of those movements, in the social map of the municipality, was a great social diversity, coloured by the presence of local communities with different social realities.

I would like to mention, as a key element of a policy of local integration supportive of security conditions, the housing policy of the municipality of Oeiras.

During these last years, the worries concerning the increase of barrack neighbourhoods went through an effective concretisation – in the municipality of Oeiras there were, in 1986, more than 5000 barracks. Today we are reaching the final stage of the PER programme and the eradication of this scourge is foreseen to take place within a few months.

Issues related to social integration led us to an accrued concern over this new reality resulting from the concretisation of the PER, which consists in the agglomerates of social neighbourhoods, frequently and abusively associated to criminality phenomena.

In what concerns the housing policy, as well as the management of urban security in this municipality, our position has been oriented towards the resolution of concrete problems and not towards the identification of those problems with certain

groups. There is no identification, regarding the issue of security, with social neighbourhoods, with reinstalled population or with ethnic groups. There is a policy that is oriented towards the understanding of the dynamics inherent to movements of violence and instability.

As a result, the Municipal Council of Prevention and Security was created on September 6th, 1995. This Council is a consultative organism meant to debate, analyse and reflect on the policies chosen by the municipality to fight insecurity and violence.

For a better outline of the insecurity and criminality phenomena, in 1999 the municipality ordered a study on **Management of Urban Security and Social Dimensions of Security in the Municipality** to SOCINOVA – a department of sociological research of the New University of Lisbon.

This study had in view the assessment of the criminality that was the object of participations to the PSP and GNR, in the municipality, from 1997 to 1999 and the exploitation of the results of inquiries to the populations living in neighbourhoods of municipal housing in the municipality.

I would like to underline, in what concerns the results, that the indicators show a tendency of decrease of the criminality participated to police forces in the municipality, especially between 1998 and 1999, period during which there is a decrease of 20%. From a global point of view, there are no objective reasons for any increase of the feeling of insecurity in Oeiras.

In what concerns the spatial outline of criminality there are, for sure, some areas more problematic than others are. We noted some regularity between the characteristics of the spaces and the type of crimes committed there. However, there is no coincidence with the agglomerates of social housing.

Surprisingly, and according to data collected during the research, the youth population of these neighbourhoods, frequently connected to criminal activities, bet

on a formal education, presenting school attendance rates higher than the observed average at national level. 33.1 percent of the population has ages comprised between 5 and 19, and the representativeness of the students in the entire population is 31.1 percent.

Also in what concerns the labour situation, we verify that the level of unemployment of the population living in the municipal neighbourhoods of Oeiras is comprised between 10 and 11 percent. This is a population where the majority is active (36.4 percent) and integrated in the labour market.

Still based on the analysis of the data collected, it is important to note that the feeling of insecurity appears when it is associated to some specific activity committed by segments of the population, such as drug addiction and traffic of narcotics, robberies and thefts. This feeling of insecurity is increased by the conditions of physical degradation of the houses and the predominance of unfavourable perceptions of police intervention.

Notwithstanding the displacements of the population as a result of relocation programmes and the global growth of the population living in the area, we have been witnessing a reduction of elements in the police forces.

As promoting factors of security we may point out local forms of social control, with an informal nature, that allow us to consider the relocation programmes as promotive of urban security, insofar as they make easier the police control of relocated populations and promote informal forms of social control.

It is difficult to find adequate forms of instantaneous balance. However, experience has shown us, and studies confirm it, that from transmutations caused by relocation processes, new communities appear, more integrated and more secure.

However, it is not enough to build living spaces and it is neither enough to build facilities or commercial spaces on an adequate scale. The challenge is the re-humanisation of public space to turn it into a space of interchange, of alterity. All

city places must belong to the city: There can be no places that are not subjected to the same laws. Relocation also means integration, insofar as in the attribution of a dignifying house within a social network, we extinguish the difference, we work for homogeneity.

If we choose passivity, demonstrations of violence will win. We - the responsible official entities of the municipalities, the companies, police forces, law enforcement agents – are all co-producers of security and co-responsible for security.

In what concerns the management of space, it is not enough to establish that a space must be for public use; we must think it, imagine it as a public space, even in terms of architecture, in order to make it a public space and not only a passing space.

The approach to these subjects must allow a dialogue between the past and the present of the territory and between the different expectations and representations of the several groups that inhabit that same territory.

We must also promote the commitment of civil society to these issues: the process of involvement is capable, by itself, of ascribing responsibilities to individuals and communities (empowerment) which results in a double benefice: the better they know their situation, the better they can control the factors that act in their lives. This process increases the feeling of security and quality of life.

Community participation also leads to decisions that are more innovating and more aware of the needs of the population. This is fundamental for the success of programmes whose aim is to promote security, well-being and quality of life, in order to be relevant and sustainable.

Here, local communities, and especially the municipalities, have a decisive part in the participation of civil society: they must promote the dialogue with all the partners involved (including other levels of the government) and integrate specific security measures for a policy of local social development.

This is our challenge: to integrate the socially excluded, to involve civil society in the process of decision making, to create conditions for the exercise of complete citizenship by all the municipality inhabitants in a culturally heterogeneous society but socially more fair and secure.

Francisca Eugénia da Silva Dias Van Dunem | Portugal's Representative at the European Monitoring Center on Racism and Xenophobia

Many of the sociological studies dedicated to violence in general, put in evidence some main features that are important as a starting point for any analysis that we may wish to do.

The first is that delinquency changes according to age: the tendency to perform acts of delinquency gradually develops during the period of adolescence, it suddenly increases at the ages of 12/13, reaches its peak at around the ages of 18/20, and then has a tendency to decrease.

The second is that the acts of delinquency have a higher frequency among men than among women.

The third is that the acts of delinquency are usually committed by groups.

This means that delinquency, as a trend, is a subject that primarily involves youths, is predominantly committed by male offenders and these offenders have a tendency to act in groups.

Especially in younger youths, and in cases of precocious delinquency, the acts are committed in groups.

Recent surveys in criminology indicate that, among juvenile delinquents, only one out of five acts completely alone.
The most common way for them to act is in small groups of 2 or 3 individuals who strike rapidly, sometimes on the spur of the moment, without previous

agreement among them, to steal a vehicle, to rob a person or to execute any other kind of street action.

Once the peak is overtaken, i.e. the age of 20, the delinquent activity has a tendency to become independent and the actions are more and more frequently committed by individuals working alone.

If we cling exclusively to the data provided by the criminal justice, the first conclusion we reached seems absolutely denied:

The statistics of justice in criminal matters tell us that regarding the identified defendants the age-group from 16 to 24 is always largely minority.

However, the meaning of this information must be put face to face with the following factors: first, we are only taking into account the known agents, which leaves out the still considerable universe of offences committed by unidentified agents; and second, these numbers do not include the adolescents and youths up to the age of 16, which may also leave out a reasonable amount of the delinquent population.

Anyway, and from what I could grasp in terms of numbers, there is no indication that we may undoubtedly point out to an anomalous increase in the delinquency levels among youths, including in this concept the ages between 16 and 24.

Nevertheless, it is a fact that the idea that criminality is increasing at a considerable rate, especially the criminality ascribed to agents belonging to the youngest layers of the population, is persistently spreading and may be responsible for the feelings of insecurity expressed by the populations.

I do not know if this phenomenon, which is already true in some European countries with serious problems of urban violence, corresponds to what is going on in the Portuguese society.

A recent report from a Committee of the Council of Europe Parliamentary Assembly identified a growing and generalised sense of insecurity among the Europeans. "The city", it is written on that report, "seems to maintain a state of

permanent conflict with its residents, with the economic and social operators. Our cities become sometimes places of anguish, fear and insecurity."

This report was therefore at the origin of the proposal of setting up a European Observatory on urban security, which would be responsible for analysing all data on crime in Europe, gathering and making available information regarding good security practices, as well as organising training courses addressed to all security policy agents in the different sectors of activity (education, justice, social solidarity).

The rise of insecurity, as a diffuse sense of unease felt by the populations and associated to the fear of victimisation, is undeniable.

Insecurity is based on objective factors but is often constructed with the help of subjective elements, representations that, in spite of their value in psychological or sociological terms, may not fully correspond to the underlying criminal reality.

We may however point out, regarding insecurity, four statistically established constants:

The first is that the feeling of insecurity is higher among old people and women, which can be explained not by a higher number of victims in these two groups but rather by the decrease of physical force and an idea of greater vulnerability deriving not only from the fact that they are less strong but also that there is the risk of attempt to their sexual self-determination.

The second is that if someone has been a victim of violence, that fact tends to increase his/her feeling of insecurity.

The third is that there is a connexion between the intensity of the feeling of insecurity and the levels of delinquency.

However, it is not possible to state that the increase in the known delinquency, the registered delinquency, is proportionally correspondent to the rise of the feelings of insecurity. And this has been a fact for years.

If we take as reference the criminality registered between 1985 and 1996 (and there is at least one recent study on this subject by Eduardo Viegas Ferreira[1]), it only increased between 1990 and 1991; from 1992 to 1996 there is a kind of stabilisation that somehow denies the repeated impression that criminality has increased in an almost exponential manner (and I quote Eduardo Viegas Ferreira, page 102).

This means that insecurity is not solely based on physical assault or any attack against property.

Nowadays, insecurity also arises from the numerous fears we experience when we travel in our cities and roads; it is the fear – I would even say, the panic – of an increasingly uncontrolled and belligerent automobile driving, the several incivilities, the risks deriving from a polluted environment and the absence of true social solidarity ties.

Today, almost all persons have a growing awareness that if they find themselves in a situation of need or danger, hardly anyone will help them. And that notion is so implanted in people's minds that if we approach someone, trying to give a hand in a situation of need, probably the addressee of that help will be suspicious and walk away as fast as possible.

On the other hand, the idea that the formal instances of control (courts, police forces, etc.) do not work properly is so deeply inbred in our minds that it contributes to feed the feeling of insecurity.

But to this factor, others may be added such as the generalisation and triviality of the notion that the political function is not executed in the interest of the citizens, who have been abandoned; this notion is not only unfair but also generalised and is dangerous since it immediately creates new forms of delinquency (we may recall the self-designated "popular militias").

And obviously to all this we must add the role played by the press, the explosion of crime in the media and the **fear of indifference**, which is sometimes

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[1] *Crime e Insegurança em Portugal, Padrões e Tendências, 1985-1996*, Celta Editora, Oeiras, 1998.

explored in campaigns that objectively do nothing more than associate certain racial or ethnic groups to asocial and criminal practices.

I would like to open a parenthesis to underline that the systematic association of persons or groups of persons to delinquency by reason of their origin or condition, insofar as it translates an incitement to hate, constitutes an offence and, accordingly, it can not be subjected to any incentive or negligence, namely by those who integrate the systems of justice or security.

As I have said before, the practice of violent acts in group is a recognised tendency when we speak of juvenile delinquency.

The phenomenon of the gangs is not new. They have always existed.

And the resource to weapons is not new, either. It first began with the use of knives and then gradually the firearms, with a growing lethal potential, were introduced.

However, that apparent facility which consists in resorting to weapons and the risk of their gratuitous use in demonstrations of courage for the establishment of leaderships, namely in groups with an age level comparatively low, give different qualitative characteristics to the criminality committed by adolescents.

Another factor, pointed out as news and which seems to be causing a great concern, is that the groups of youths from Musgueira or Curraleira, who impose the law inside their neighbourhoods and leave their territory in a kind of punitive expeditions, were joined by groups from Azinhaga dos Besouros or Pedreira dos Húngaros who, although belonging to poor neighbourhoods and areas of social exclusion, are no longer white and have acquired a great visibility especially with the incidents in the CRIL during the Summer of 2000.

The use of weapons I mentioned before is in fact a sign of a new era in terms of delinquency but the change in the racial composition of the groups only symbolises the shift of the relationship among the racial and ethnic groups that form the national territory and does not have an autonomous meaning in criminal terms.

In addition to what the use of certain firearms may represent in the evolution of the forms of urban violence and the escalade of the criminal careers, it is difficult to know up to what point the facts, *de per si* (comparing the number of incidents to the way the firearms were used), have a conditioning effect on the qualitative change of the general feelings of insecurity.

And in what concerns the groups which have a majority component of black or gipsy youths, the uneasiness of some (the potential victims) and at least part of the reaction of others (the authors of the offence) can be explained in a linear way by two movements which tend to reproduce themselves and are the verse and reverse of the same reality: fear.

The absence of spaces of proximity and socialisation and a movement that sometimes has a touch of institutional support – which tends to represent the non-white as foreigners to this community and is responsible for the decline of the prevailing social norms – reinforce the feelings of mistrust and intolerance, at the same times that assist the consolidation, at the opposite pole, of radicalised forms of assertion.

Another fairly recent form of juvenile delinquency and one which is renewed in cyclical terms is violence committed by groups of race guardians.

This phenomenon, whose first signs appeared in the 1980s, had its first areas of implementation among adolescents and youths from the great neighbourhoods of the metropolitan areas of Lisbon and Oporto (in the case of Lisbon, especially from Amadora and Barreiro) who claim for their action a political mobile and whose public activity is expressed either by intimidation, pamphlets and graffiti or violent actions.

This is also a grouped, expressive and aggressive movement.
The fact that they are not accused of using firearms does not prevent their criminal records from including already a considerable number of assaults, with serious bodily harm and even killings.

The changes verified in the forms of emergence of the juvenile delinquency do not seem to have a criminal density that justifies the reinforcement of the feelings of insecurity.

However, the confirmation of this atmosphere of unease, together with the increase of the complexity of the social reality, will require a joint and multidisciplinary intervention, mainly in what concerns the prevention of criminality.

And the solidarity system must prevail over the justice and security systems.

The fight against the social exclusion is a priority, as a way to reduce the risks of initiation of young people in the world of delinquency.
It is also a priority to find ways that will assist the understanding and acceptance of multicultural societies, as well as the racial and ethnic diversity that nowadays characterises the Portuguese society.
The school and the media have a crucial part to play in what concerns this issue.

Then, it will be necessary to find, in what concerns the instances of formal control of delinquency such as the courts, police forces or institutions engaged in the reinsertion of youths in danger, the adequate answers to this problem.

The prevention of crime, mainly the criminal careers, and its repression are crucial to the well-being of all societies. There must be no doubts regarding this point. But we are going to work based on real facts. The reality we have before us, although not alarming, justifies that we focus our attention on it. We have a lot to do. We do not need to summon ghosts.

In several places, local policies to reduce insecurity[2] were developed or are now being implemented. Portugal is no exception.

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[2] The town of Edinburgh is point out as an example of the local policy of the successful reduction of the criminality as a consequence of a strategy established in 1992 and implemented in 1999.

The organisation of the cities, with their multiple dysfunctions, seems no longer to correspond to the new challenges regarding urban security. The organisation of the means of transport, the jobs and the social equipments and their articulation with the life in the neighbourhoods, seems not to fulfil the real needs of the population.

It is urgent to fight the stereotype that recurrently links immigration to insecurity.

However, the truth is that today there is a widely spread idea that insecurity is directly and exclusively linked to the levels of delinquency committed by minority racial or ethnic groups.

But the juvenile delinquency has not those neighbourhoods as its sole origin.

Paulo Guerra | Professor at the Centre
of Judiciary Studies

Judge

JUVENILE DELINQUENCY AND THE NEW INSECURITIES

1. I will talk to you about João, a kid just like any other kid, with an Angolan soul, compulsory immigrated from that nation of grasslands and savannah woodlands, different from the others only because he is serving a confinement penalty in an Educational Centre in this country. This is the most severe penalty that the Educational Tutelary Act, approved by Law No. 166/99, dated September 14th, 1999, allows a court to impose on a minor who has committed an act qualified by law as a crime. His confinement history may be resumed in the two brief flashes that follow, the fist told in the first person:

I

I came to live with my aunt in the area of Buraca. The relationship was never the best one. Her baby was born and she cared little or nothing about me. I began my studies and had problems with my colleges and teachers. My aunt and uncle were not interested in my grades and never went to school to know how I was doing. I stayed and so I passed by others' lives, without anyone ever noticing me. Things at home were getting worse, I went to a class of vandals, I began to consume alcohol with my first street heroes and I began to inject.

To be black makes me think of being African, of being better than the others, of being good, be peaceful except when provoked, of being, sometimes, racist. I do not choose, I am African, I am black, I am dread. There is something I always recall: Peter Tosh says that "<u>as long as you are black, you are an African</u>, even if you live among other colours".

II

A time came when João run away from the Educational Centre. For hours, he remained in a nearby stable. He had fantasies about living in the forest, steal a horse and obtain food like the "outlaws".

Based on this role, he went to a nearby city and stole a bicycle, an obvious equivalent to a horse. He rode all night and was caught by the local PSP.

Usually João was afraid of the dark. Intoxicated by the strength of that self-made image of "outlaw" he was not afraid of the dark, of the deserted secondary roads, so foggy that even the PSP could not understand how he could ride on them.

Finally, any attempt by the Centre authorities to make him understand the seriousness of the theft was lost since he repeatedly stated that he was only being an "outlaw" – after all, what could a bandit do without a horse to ride?

2. Expelled from his mother's womb, entering life *under the sign of violence* as Roger Dadoun put it, **João also saw in this way the light of the world where he lives days and nights, some more equal than others, searching for a reason to the anger he early experienced and which he put on, like a habit imposed by a society which gave him an admission ticket, ostracised him and then market him with the most magical of all spells.**

And the duty of those in control is to make a distinction between the several aggressivenesses that inhabit the atmospheres of each child or youth, reading them with different gazes and the incommensurable respect that is due to someone who was born unpolluted and, for so many different reasons, began to walk through criminal paths. Someone who hid behind curtains, behind labels of "children nobody wants", and from whom it is necessary to push away the boys and girls who are the fruits of our sacrosanct social resignation…

While some children manage to trickle part of their "hate" in a well controlled way, which develops as a side aspect of their natural anxiety or compulsive neurosis (those who show a certain aggressive rebellion from time to time, in the classroom, over the dinner table, in the streets of the neighbourhood), there are others whose aggressiveness pours out without restriction, in a direct action of merciless destruction and blind hate or even murder explosions. There are others still who are forced to choose violence in order to survive, by aggression, in a world of non-ceasing fight, of inadequacies and social dissimilarities.

In what concerns this aspect, courts of law must distinguish these aggressivenesses, always renewed in kind, trying to understand their origins and their *raisons d'être*, having a perspective of the family that is around them or that was always absent.

3. <u>But how to explain this deviating phenomenon</u>?

It is easy to talk about the absence of values and references, about the awareness that youths, like a sensitive mirror of our society, are exposed to all crises and frights. Whatever the theory that tries to explain the deviating behaviours of youths, whatever the keyword for that explanation (*precariousness, exclusion, criminality, marginality, poverty, dissolution of social and cultural ties, empty society, social vulnerability, social dissimilarities, absence of culture, presence of adolescent social mimicry, setbacks, dynamic of social disqualification, the breach of ontological, cultural, psychological and social links, a mean and*

misleading society, immigration), it is always indispensable to resort to social intervention, and consequently also jurisdictional (this one now directed to the "education of the child and the youth in the Law", following the publication of the Educational Tutelary Act, approved by Law No. 166/99, dated September 14th, 1999, in force as of January 1st, 2001), in order to try to re-establish a communication line and a social and cultural link that deteriorated in a process of risky confrontation between certain youths and the society that has engendered them and must be capable of putting them on the right track.

Let us explore some of those reasons.

A) The more the subject's individuality is distressed under the influence of biological or psychological causes, the more the unfavourable conditions of the environment become harmful and underline psychic irregularities. So, before a conflicting family situation, the reactions of an emotional, impulsive or instable person will be more disturbing than those of a child whose psychic is strong.

B) The more unfavourable the familial, social and economic conditions are, the more juvenile delinquency will absorb individuals who, in normal environmental conditions, would not become delinquents.

C) The individuality's fragility of the young delinquent frequently corresponds to a certain fragility of the atmosphere at home (psychic fragility).

D) The feeling of rejection towards the individual who commits an infraction. The person we talk about as the one who commits offences time after time is frequently rejected by family and, even more often, by neighbours. He/She suffers as a result of this situation, blames the persons around him/her for that situation and easily puts in question all society, the entity responsible for his/her distress. Thinking also to have found a compensation for the feeling of distress he/she nourishes, looks for occasions of superiority and joins other boys or girls to commit with them thefts, violent actions and plundering.

E) Incitement to drug consumption. **Under the most variable forms, an incessant publicity pushes youths to become full-time drug addicts, with a frustrating feeling that there is an evident disapproval of their consumption aspirations and what they can get with a reduced purchasing power**.

They have then a tendency to get detached from their obligations towards a society that invites them for a consumption feast and then **acts as if it wanted them to starve**.

F) Youths are not helped to build ethical values. The more fragile ones may thus be driven to a delinquency they will think to have chosen.

There is emptiness in what concerns emotions and affections. They experience a feeling of moral insecurity and anguish – they react to that inner unease with behaviours that look for a deviation to the norm. In this context, school works rather like an escape, without educational contents able to catch their attention. They use it as a meeting point and a place to exhibit their home frustrations.

G) Personal assertion before the group. These are children on their own who reveal a double parental need; the family does not exercise a preventive control action nor a constructive educational action (parental weakness – parents who give up their authority, who reveal themselves impotent to harmonise love with resolution). The CHILD is the centre of the world and family and explores that parental weakness with blackmail processes, trying to get from one of them what the other refuses.

H) The explosion of new types of delinquency that generate new types and new colours of insecurity. This is the case of narcotics consumption outburst among youths that carries impressive ordeals, the too easy access to aggression weapons, the phenomenon of the "gangs", more or less organised, that intimidate citizens in the centre of great metropolises, the immigration phenomena especially

of youths that came from African countries of Portuguese language, many of them already born in this foreign land. All of them have no alternative: they either integrate in the geographically predominant cultures, becoming a "bad copy", or keep their specificity at the price of depreciation or discrimination, in an almost social inevitability, since unfortunately the assimilation processes have a unilateral character since the effort to adjust and adapt always belongs to the immigrant.

And here we must say that the child who hates becomes an insoluble problem for the communities in which he/she lives – as Fritz Redl would say, **"the result is an enormous and unhappy mass of human waste"**.

It is up to us, community and judicial power (those I represent), to give a sense to that hate, to understand those derangements of words or actions, reinserting those aggressivenesses in the contexts of the lives of violent children, trying to recover that great amount of supplementary energy in favour of a better survival in society.

All this in spite of the "rave parties", the amphetamines and the ecstasy, the graffiti, the hip hop culture, the Piece Books – the latter a preferential target of insecurity and criticism for the holy peace of passers-by. Incompatibility with laws and rules (the offence of damage set forth in our Criminal Code may punish some of these aesthetical expression of feelings in public walls) does not deter young "writers" from continuing their activities. They do it without the political militancy of someone who, as a principle, opposes private property, but rather because the nature of graffiti implies this kind of violation. And this is a marginal, an alternative vocation of counter-culture that comes from the inner self of those who surpass dichotomies, integrating crime and art, transgression and aesthetical seduction, criminality and public acceptance, searching for name, recognition from their peers, a more visible panel where to draw speaking feelings in walls of confession that keep the memories of generations, traces of identity, expressions, clandestine risks, "*conquering walls, with fat and colourful letters, to call the attention of passers-by, in a universe of words and counter-words*" (José Gameiro and Ana

Dantas, "Traços e Riscos de vida"). And here, in fact, the cartography of fear may not correspond to the cartography of crime!

4. It is also up to the courts of law, I repeat, to give a sense to that transgression.

The Educational Tutelary Act **(applicable to minors between 12 and 16 years old who commit acts that the Portuguese Criminal Law typifies as crimes and <u>whose poof beyond any doubt must be made before a court of law</u>)** has mechanisms that try to attain those purposes.

I. **<u>Mandatory hearing of the delinquent minor by the Public Prosecutor's Department, in the framework of the Educational Tutelary Enquiry</u>**, according to the provisions set forth in article 77 of the ETA, making the minor face his own mistake, acknowledging or denying it, forcing him to face his own victim, trying thus a possible reconciliation and the immediate pronouncing of a final decision;

I also refer to the joint session of proof, an optional enquiry foreseen by article 81, in which the presence of the minor's parent is compulsory in order to take part in the discussion with all the partners (and we must not forget that in all partnerships each partner has a part in the WHOLE) about the circumstances concerning familial insertion of their child, as well as educational and social insertion;

II. **<u>Interruption of the proceedings, according to article 84 of the ETA</u>** (the ideal way to stop all educational tutelary enquiries in which it will be legally possible to use this interruption process), determining that the minor who is the object-subject of the proceedings be assessed by the Institute of Social Reinsertion, the true instrument for this familial mediation that makes the diagnosis

of dysfunctions, uneasinesses, reasons for deviating behaviours, material and emotional flaws in a certain family that sees its dynamics upset by the intervention of the courts, sometimes even with negative results. The ISR will then tell us how unnecessary and harmful our presence in another's home can be, contributing thus to a minimum of intervention of the tutelary justice. It makes us aware that a mistake in a minor's life does not signify a life of mistakes…

The minor's parents may ask for the intervention of the mediation services in order to ensure the success of the educational tutelary intervention, namely to create and execute a plan of behaviour, a condition for the interruption of the proceedings. That plan must be subscribed by the minor and by the minor's parents, with a possible intervention of the Public Prosecutor's Department when this Department considers it to be the adequate treatment for the specific case (it may take place during the joint session of proof);

III. **Imposing behaviours and duties foreseen by article 13 of the ETA**, as long as non-institutional educational tutelary measures, presenting the Judge for Family and Minors as a peacemaker and an intermediate between dysfunctional parents and minors who went astray, giving them the incentive to discover their own weaknesses and surpass them by choosing new paths that will enable them to have a better quality of life and a behaviour more in accordance with the law;

IV. By means of an educational tutelary process that has the main purpose of **defending the interests of the minor, in a perspective of his social insertion, and which can never be considered in terms of sanction or intimidation**. As a matter of fact, the tutelary measure must be put in perspective in terms of the evolution of the minor's personality and adequacy to his psychological development. The court must have in consideration the minor's behaviour in terms of criminal acts. To make the delinquent minor responsible for his actions, primacy must be given, in the scope of a repairing justice, to ideas of

restitution, understanding, reduction of conflicts, mediation (the key-word), participation, reconciliation and community service;

V. **<u>By means of the useful and creative intervention of the services of the Institute of Social Insertion</u>**, as long as *longa manus* of the court, in its difficult and sensitive execution of tutelary measures, namely in what concerns cooperation with police authorities to implement warrants of confinement of minors to Educational Centres and to instil some hot blood (away from the cold uniforms of our policemen who, however efficient they are, lack that tenderness that our boys and girls with behavioural problems approaching delinquency need the most) in these environmental changes for the minors. Sometimes, a word at the right time is enough to calm down the anger of a rebellious youth, the anguish of a parent who watches the departure of a child to a close educational facility realising that there is no way out for him…

VI. By means of a concept of **<u>compensation (while educational intervention carried out by judicial decision and implying that the delinquent subject be faced with his own behaviour and its consequences)</u>** from the theoretical point of view of Criminal Law, which intends to incorporate into the systems of criminal justice the need for a new orientation, capable of bringing a new palliative or mitigate the widely recognised crisis that strikes merely retributive justice. Intrinsically, the central purpose of the **compensation and conciliation** between the delinquent and the victim takes us into a conceptual dimension of justice in which the seriousness of the facts is no longer decided according to the criminal rule but rather according to the very experience of life of the agents concerned (victim and delinquent). They will be the primary targets of conciliation and compensation, reposition of social peace and resolution of conflicts. The rehabilitating element resides in the fact that the sanction, which the criminal law seeks to impose in a retributive perspective, disappears in the reparation in formal sense, although the responsibility for the damage caused and the ensuing reparation implicitly comprises an important component of rehabilitating character;

VII. By means of tutelary measures that will face the delinquent behaviour of minors **with intensive educational measures** that improve their social aptitudes, include the reparation of the damage caused by the delinquent activity of the minor and carry on a work in favour of the community adapted to the minor's age and with educational and pedagogic purposes, stressing thus the mediation and the approximation of the minor to the community and to JUSTICE itself;

VIII. By means of a tutelary procedural justice that bets on a constant **summons to court of the persons involved**, scheduling enquiries and meetings between the authority that renders the decision and the subject who is the object of that decision. Minors and their parents deserve to look in the eyes, without shadows or papers between them, the Public Prosecutors and the Judges of Family and Minors. Justice must have the courage and tenacity to rule, reason why it must be axis, guide, referee, conciliator, censor, agent of reprehension, light, echo, warning, lighthouse. The work must be done, without fear of the consequences…

In the families, in schools (places where the child and the adolescent learns how to integrate in society), in the work of the IRS or others entities to which the court ascribes the task of executing the measures it imposes (article 130 of the ETA), in the Courts and within the walls of the Centres, an investment must be made in fantasy, in a word spoken in a soft tone, without excessive recrimination nor making too many allowances (harmonising love with resolution), subscribing Barel's idea that "the more serious problem of this social conjuncture is not perhaps the delinquency of some towards society, but rather the delinquency of a whole society towards itself"…

Intrinsically, still in time to avoid the security cells that no juridical system can be proud of having!

5. The Pandora's Box must be opened with a key that is not magical but rather made of the materials that form each human being. So, I leave you with two of the innumerable and impressive advices given by Tomkiewicz and Finder to make a delinquent out of your child, <u>aware that, by the negative, we will find the key to that box</u>:

- Show no love; never touch a child except to ensure the very least of material care; do not embrace or caress the child or show a smile, nor even on Sundays;
- if the little scamp starts to steal money from your purse, never talk to him and be very careful not to show even the least of love; if he laughs in front of you, to hide his confusion, give him a hard slap across his face and confine him to a correctional facility; if he appears to be in despair, treat him like an hypocritical; if he says that he did "it" without intention, that he could not help it, take him seriously and treat him as if he were abnormal or mentally sick, telling friends and family about that illness and that "never had you heard of thieves in the family", confining him to a specialised institution.

Thus opened this Pandora's Box, it is up to us, society and judicial power, to prevent the young delinquents to be pushed to the hell of stigma, a greater violence than that in which they were born and grew up.

Laborinho Lúcio, in one of his unforgettable lessons of Juridical Science of Law, in the CEJ in 1988, told us, the future judges and public prosecutors of this country, that "a child who does not commit an infraction has a tendency to become an ill-formed adult".

To control and supervise this dormant willpower to break the rules is the Herculean mission of all those who come across those children on the street, in homes, in schools, in police precincts, in educational centres, in courts of law.

To be able to reach the soul of these Sand Captains, without hypocrisy and political common places, is the destiny and privilege of a few. To know

- if the subject does, in fact, commit an offence
- why does he commit the offence
- to whom does he commit the offence
- who does the transgressor intend to attain with that offence
- what talents must we find out and explore in the youth who commits an offence, in order to sublimate that transgression
- what has the society that engendered him got to offer to the young delinquent in order to make him think that the act he committed was a big waste of energy

these are objectives that must always be present in any manual of intentions and activities of those who deal with youths in search of a path that makes them understand the lack of value of the act they committed and the need to find a new path for the boat that is sailing away from the coast, that no longer finds the sea in which he was taught to sail…

However, and as if they were instruments and melody of rituals that will lead them to a cosmic balance, in a world in which, as if in a chess game, the twin towers collapse at the sound of fundamentalisms, in this Portugal of the first century after the 20th, there are children who murder their parents, driven by a futile reason translated into satanic words of a rock song by some unknown neighbourhood band.

We seem to be in a time forsaken by God.

But this is our time.

And it seems that in no moment of our history God has been at ease.

Yvon Tallec | Curator of Minors at the High Court of Paris

INTRODUCTION

Insecurity has become, during these last few years, a main subject for the citizens of western countries and the tragic events that have just victimised the American people reinforce its importance and the perception of its international dimension.

In France, the issue of insecurity constitutes one of the main bets of the presidential campaign which, in reality, has already begun this summer.

Insecurity results mainly from the constant increase of delinquency in the last years and especially delinquency committed by minors.

The official numbers recently issued for the first six months of 2001 show a 9.58 per cent rise by comparison with the previous year in what concerns delinquency registered by police forces, while for the whole year of 2000 there had been a 5.7 per cent rise.

Before this publication, police unions had reported a 12 per cent rise for that same first six months of the year.

The essential of the progression results from the rise in the number of damages and thefts that, more and more often, are accompanied by violence,

frequently committed by gangs of minors, whose role grows in terms of global delinquency.

It is symptomatic the opportunity of the subject of this session: "juvenile delinquency, youths in group, new forms of insecurity". If we put the problem in these terms, we also have to question ourselves, regarding juvenile delinquency committed in gangs by minors or young adults, if that phenomenon represents a new form of insecurity. The answer is undoubtedly negative in what concerns the criterion of novelty since committing an offence in group is an old form of criminality; but it is positive in what concerns the actual insecurity deriving from that fact. First, because the acts are increasing; then, because they are more serious and committed by minors, often too young.

In an ambivalent society regarding children, object of desire and target of rejection, delinquency committed by minors is a problem because it disturbs public order, mainly when we talk of collective actions.

The intervention over the group seems, from the start, doomed to failure, at the same time that the reaction before isolated delinquency is still felt as a probable result of a linkage logic and, consequently, of a certain skilfulness. From the part of the institutions, with rare exceptions, justice manages to treat individual juvenile delinquency, since for that purpose it has several operational instruments that range from the resource to the law by the Public Prosecutor to the detention, including mediation and correctional associations, as well as educational actions.

But the difficulties in dealing with delinquency in group are visible despite the existence, on the one hand, of legal provisions that aggravate the penalties for acts committed in group and, on the other hand, a city policy that tries to reinforce the police and judicial means mobilised to fight this particularly sensitive form of urban violence.

THE FRENCH SYSTEM DEALING WITH JUVENILE DELINQUENTS AND MINORS IN DANGER

Juvenile delinquents

The age of majority in France is 18. Minors are subjected to the Criminal Code and are criminally responsible for their acts, regardless of their age. However, they do not depend on jurisdictions of common law but rather on specialised structures: minors, at least up to the age of 16, benefit from mitigating circumstances by reason of minority, i.e., they are only subjected to half of the penalty foreseen for adults who commit the same facts.

The text of reference is the **Order dated February 2nd, 1945, as amended.**

This text establishes the principle of the educational answer and does not allow the imposition of coercive measures, especially imprisonment, before the age of 13 and if an educational treatment is not possible.

In the scope of a police enquiry, minors may be placed in a "garde à vue" regime after the age of 13. From January 1st, 2001, preventive detention of minors is ordered by the "Juge des Libertés et de la Détention". It can only be applied after the age of 16 for misdemeanours and 13 for criminal offences.

There are specialised examining judges for minors. These are heard by the juvenile court's judge (who, in session in his office, can only recommend educational measures), by the Juvenile Court (with competency in the filed of misdemeanours and crimes committed by minors of less than 16 years old) and by the "Cour d'Assises des Mineurs" (which hears of crimes committed by minors older than 16). Minors can not be the object of a warrant for immediate appearance in court.

At police level there is no service specialised in the treatment of juvenile delinquency, only "juvenile watchers"; on the other hand, when they are present, the Brigades of Protection of Minors take in charge the minors who are victims and the minors in danger.

The criminal law to which minors are subjected takes into account the group and insecurity phenomena, which results in an aggravation of the penalties when the acts are committed "in reunion" in the case of thefts, rapes and sexual assaults, acts of violence and rebellions.

Minors in danger

There are in France two types of protection for minors in danger: the administrative protection (prevention and intervention requested or accepted by the families) and the judicial protection, when the danger for the minor, regarding his health, security, morals or educational conditions, derives from the absence of conditions for the exercise of parental authority. This judicial protection, called **educational support**, is enshrined in articles 375 and following of the Civil Code and depends also on the intervention of the judge of the juvenile court, deciding in civil matters. This judge can intervene by request of the Public Prosecutor, the minor, his or her parents or guardians; exceptionally, he may intervene on his own initiative.

Only the judicial authority has the power to remove the child from his or her family against the will of the latter. In urgent cases, the Public Prosecutor has the same power as the judge of the juvenile court; he may, namely, pronounce an Order of Temporary Placement for the minor, on condition that the case will be submitted to the judge of the juvenile court in a time-limit of 8 days.

Minors who benefit from judicial protection may themselves be victims of an offence; they may as well be delinquents or the subject of a criminal procedure instituted by the same judge of the juvenile court which, in certain cases, may create some confusion.

GANG DELINQUENCY: An analysis of this kind of delinquency

History of the gangs

The gang may be defined as a group, more or less informal, of juveniles whose visible activity is generally considered deviant.

In France, the gang phenomena (in the sense of criminal milieu) appeared in the beginning of the 20th century with the so-called "The Apaches", a mixed group of youths with ages comprises between 15 and 20, originating in the surroundings of Paris, who were at the same time delinquents and dissenters of the social order. They often made raids, provocative in their clothing habits, over the centre of the capital and lived in the surroundings to escape pursuit.

During the occupation period and after the liberation, the question of the gangs appears again with the "Zazous" and the "J3". These groups operated sometimes with the support of families and professionals of the world of delinquency. They were formed in the urban areas of degraded houses, often in the bosom of families with insertion problems.

These poorly organised gangs were relatively under police control.

By the end of the 1950s, as juvenile violence grows, the gang phenomenon conquers the popular milieus and its behaviour becomes more and more destructive: "the black jackets" and the "yéyé" phenomenon.

In a society on the rise, these mechanisms carry with them a rejection of youth, a durable rupture, even when measures of repression and development of a new cultural industry have contributed to rapidly repress the manifestations of this exclusion phenomenon.

In the 1970s, the gangs were, most of the times, absorbed into the social movements and the attention turned towards the several forms of youth delinquency.

During the 1980s and in the 1990s, after the exhaustion of these movements, the universe of the youths becomes that of the "galley", without rules and annihilated, and when the gangs reappear they often materialise in a sporadic and spontaneous way, as a form of pressure or protest against the institutions of the adult world.

So, the real gang, that which presupposes the enrolment in an organisation, a system of references, a hierarchy and a duration, was then progressively replaced by the rising of groups of youths assuming several forms, with a variable contingent but usually a reduced one, seldom organised except in cases of appurtenance to a mafia organisation and representing a particularly scaring form of urban violence.

Study of the phenomenon in France

Following the serious incidents that took place at the end of January 2001 in Paris, in the *Défense* neighbourhood, and put face to face two rival gangs of the surroundings, a study was carried out by the "Direction Centrale des Renseignements Généraux" which enhanced the following elements:

More than half the youths who were questioned at the time of the incidents were completely unknown to police services. This new tendency is confirmed during several riots between rival gangs.

So, first juvenile offenders, at the time of a specific event and acting on neighbourhood solidarity, join a small nucleus of established delinquents to form a

group whose effectives range from 5 to 15 elements, according to the size of the city.

Most times they loot and damage; others, they engage in confrontation with another gang. In this last case, the origin of the conflict is often very diffuse or even obscure…

The group thus formed often dissipates, as quickly as it appeared.

The profile of the gangs' members is heterogeneous, ranging from integrated youths to those excluded from the school system. Their ages range from 14 to 20, two thirds of them being minors, confirming thus the tendency of a growing youth of those implicated.

Rather than a form of organised delinquency, the group, which frequently has the same geographic origin (the neighbourhood), represents **local solidarity** against the outside world. The expressions of delinquency committed by these groups are more and more numerous. They reveal the increase of urban violence (9 deaths in 2000 on the occasion of riots among gangs) and the fact that the use of firearms is frequent.

More places are nowadays regarded as sensitive. The most recurrent are:

- Shopping centres,
- Leisure spaces and sport facilities,
- Schools,
- City centres (near buildings, in squares, recesses of stairs…)

The expressions of this visible and noisy delinquency in group are:

- Disturbs, looting,
- Riots,
- Collective thefts,

- Development of a parallel economy (narcotics, organised receiving of stolen property…)

Two concrete examples to be developed:

1. Non-organised groups: gangs of girls
2. Organised groups: Romanian minors controlled by local bosses and constrained to begging, thefts in parking places and prostitution.

Reflections on group mechanisms and resulting insecurity

Although the gang phenomenon exists for a long time, the truth is that it has become more serious because it is less controllable. It involves younger minors, often carrying weapons.

The group of youths is not restrictive, contrary to other structures of adhesion (clubs, associations, political parties, churches, families…), it does not contribute to the development of identity but rather gives the individual a "group identity" which is perceived as a sign of total power and thus allows all excesses, all violence. That violence, which represents a rejection of all rules, a failure of the socialisation conducts, goes together with a desire of territory conquest, considered as the only valuable asset. The access and permanence in the protecting group presupposes certain rituals, a kind of "price to pay", namely the delivery of a personal item to the group, a pledge of loyalty. Certain delinquency acts may be regarded as admission or maintenance rituals into the group in order to avoid the fusion with the exterior uniform masses. To fight this gang delinquency is thus the same as fighting against individuals whose identity passes by the group as a support for a feeble individual identity.

It is hard for the minors to leave the group, to have their own projects, considering how much they are imprisoned in a loyalty conflict and a territorial logic.

It all ends up, in effect, with facing new insecurities or controlling the adults growing incapacity to regulate violence, to criminalise or transmit patterns, considering how much the reference models were violated by those bearing authority and implicated in a credibility crisis.

School, because it no longer assures its role of social promotion in the cities.

Police, because they are not seen as a neutral guarantee of public order.

Justice, because it has not the means to ensure, as quickly as it would be desirable, the enforcement of its decisions.

Finally, **politicians**, because of the instability of their compromises and media coverage of their businesses.

DIFFICULTIES IN THE SCOPE OF INTERVENTION REGARDING THIS PHENOMENON

Difficulties in connection with the forms of operation of police and judicial institutions

In the logic of judicial treatment, especially in criminal matters, the answer to the delinquent act, even when committed in group, is, from the start, conditioned by the need to ascribe the facts to perfectly isolated individuals. That personification makes it very difficult to take into account the relationships between the delinquents and the forwarding of information to the judge who must decide on the elements of the context. Even because the juridical analysis of criminal responsibilities may distort the reality of the role played by each one on the field and the rules of procedure may contribute to shatter the perception of the facts, for instance when there is a separation between the older and younger members of a mixed group.

To surpass this kind of difficulties, police and public prosecutors services must mobilise, especially in the cases of delinquency in group, in such a way that the procedures provide the judge with all the necessary elements to make a decision.

Difficulties in connection with the discrepancies among the implemented policies and the requirements of individual social work

To face the escalation of delinquency, especially urban violence, governmental policy is frequently reduced to the rise of the number of police officers and the creation of some specialised structures (CPI, "Centre de Placement Immédiat", CER, "Centres Educatifs Renforcés", and so on).

These structures are meant for a profile-type of minor (no school education, often a habitual criminal for whom institutions are no longer an option) that does not correspond to the majority of minors implicated in group manifestations. Being the latter much more dependent on a collective dynamic than on an individual answer, they should first of all prompt a social answer at neighbourhood level and benefit from a precocious prevention.

While during the period comprised between the end of the war and the end of the 1970s the praise of the educational measure in open milieu allowed maximum individual minor support, keeping him or her in a family system and a dependency network at neighbourhood level, the mounting insecurity and the assertion of harder criminal policies lead to the asphyxiation of that educational culture up to its complete abandonment in the 1990s, taking into account a delinquency of exclusion and the vulnerability of the population.

That delinquency of exclusion is strongly established in the territory, integration no longer works and the relationship with the law has no sense at all; on the contrary, for an increasing number, life outside the rules becomes a way of finding an orientation, demonstrations of exclusion are rituals of dependency.

The reference to the territory has turn into affection; it is frequently linked to the neighbourhood and rejects everything that is foreigner. The delinquent minor can only identify himself or herself with the territory.

In France, the individual social work, coordinated by the State up to the beginning of the 1980s, was, in the scope of the decentralisation laws, entrusted to the departments, which have introduced a new territorial identity and new criteria of assessment of risks.

During those same years, the appearance of the "City Policy" introduced in scene another notion of territory: that of the parish and its neighbourhoods, another political entity.

The City Policy was constructed in the base of a reassessment of the individual social work since it is no longer aimed at the individual but rather at the territory, being the concerned subject in the centre of the whole system.

More recently, the "CLS" ("Contrats Locaux de Sécurité") have reinforced that tendency regarding the very treatment of delinquency, establishing mandatory partnerships among the Municipality, Police Services and Justice (public prosecutors).

While social work, based on relationships, is aimed at individuals and, through them, at groups which are risk targets, "City Policy" is aimed at a territory in which the elected politician makes his or her appearance to change social situations.

Where social work requires switch, trust, discretion and duration, the politician introduces noise, publicity and speeches, without command of the reality, at the same time that endures the pressure of the media.

The two logics increase and collide with the identification of the delinquent minor with the "territory".

Policy stigmatizes the identification of the latter with the territory and the groups, but favours that reference in detriment of the individual approach. Such an incoherence is regrettable and the bet on justice, in what concerns delinquency (but also protection), is that of increasing the technical challenge of the relationship of the minors with their territory and their appurtenance to the delinquent group, which derives rather from impulses than from structured strategies.

PERSPECTIVES, SOLUTIONS TO BE IMPLEMENTED

Considering such a subject, i.e. the treatment to apply to urban violence committed in group, it is impossible to present a conclusion, in such a way our political, police and judicial systems insist on finding the right answers; but certain proposals can be made, certain solutions can be tried.

1. A precise observation of delinquencies must be made

Contrary to certain speeches, juvenile delinquency is not unique. There is no delinquency but rather delinquencies. Thus, there is no single solution but rather solutions, customized according to each case and combining the educational and criminal approaches.

Delinquency in group committed by minors presents several forms and each one must be the object of a precise analysis and a specific treatment:

- A gang badly organized, without territorial logic,
- A gang of spontaneous grouping in a territory that must be defended from foes, without clear reasons for that fight,
- A gang very well organized and specialized in a certain kind of offences (collective rapes, narcotics, thefts) which requires a deep investigation to "get to the local bosses" or mafia-type organizations that control it.

2. To reflect on the reduction of criminal majority age and an effective reaction since the first offence

3. To move prevention-related means to problematic neighbourhoods where educationalists and police forces no longer go

- Reinserting diversity and social mediation,
- Improving Educationalists' training,
- Improving police image.

4. To develop all partnerships and net work

- National education,
- Health services, especially paedopsychiatry for behavioural problems,
- Social services,
- Police,
- City.

5. To promote educational activity in group

- By means of a common work based on several individual educational measures,
- By means of work in open milieu over the group itself.

6. To develop community criminal police, specialising teams in group delinquency

7. To redirect policies in the scope of risk factors

- Work on the control of migratory flows and integration policy,
- Work on re-housing and urbanism policy,
- Work on the role of school.

8. To organise parents' support

- Talk groups,
- Parental support.

9. To promote European justice/police cooperation

| **Paulo Jorge Silva Rebelo Manuel** | Captain of the GNR |

JUVENILE DELINQUENCY AND NEW INSECURITIES

Ladies and Gentlemen.

In the name of the National Republican Guard, I thank the honourable invitation of the Inspectorate General of the Internal Administration to participate in this event, whose opportunity we must emphasize. In fact, "JUVENILE DELINQUENCY AND NEW INSECURITIES" are decisive subjects and more and more indispensable for a definition of domestic security.

Although this subject may be treated according to several perspectives, we have, of course, chosen a police approach. For that, we made the analysis of three actual cases, and a possible interpretation of them, as our contribution to reflection and, if deemed appropriated, discussion in this forum.

After the definition of the perspective, it will matter, as far as possible, to point out how we understand the main concepts, underlying the idea of the complexity of the subject.

Accordingly, we consider[1]:

Incivilities – acts which deserve social disapproval and, perchance, sanctions of a non-criminal nature;
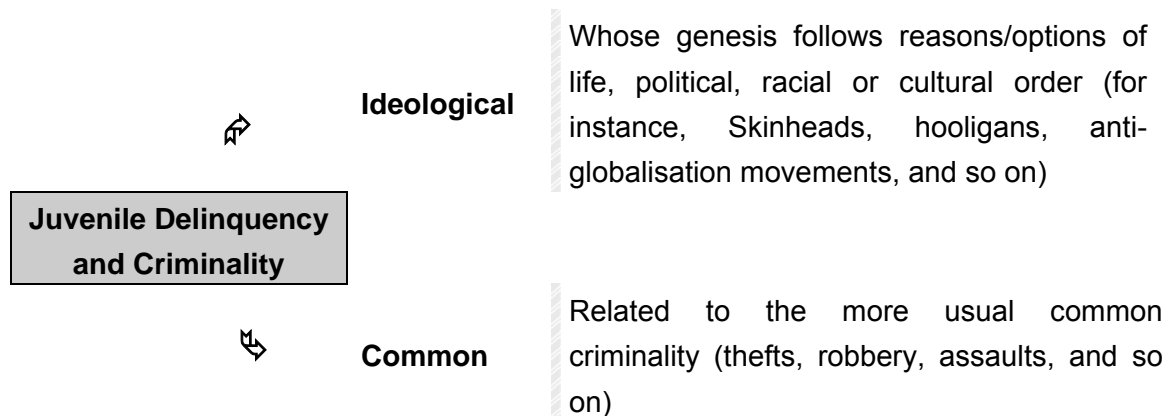
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[1] Professor Jorge Negreiros, in *Delinquências Juvenis*, Colecção Comportamentos, Editorial Notícias, Lisbon 2001, talks about the Anti-Social Behaviour as a behaviour that includes all the diversity of illicit activities committed by youths.

Juvenile delinquency – acts of a criminal nature, committed by youths under 16 years old;

Juvenile criminality – acts of a criminal nature, committed by youths over 16 years old;

Young delinquents – youths who had contact with formal instances of the juridical system.

We also consider that juvenile delinquency and criminality may, in a general way, be characterised according to their nature, the following way:

⇨ **Ideological**		Whose genesis follows reasons/options of life, political, racial or cultural order (for instance, Skinheads, hooligans, anti-globalisation movements, and so on)
Juvenile Delinquency and Criminality		
⇩ **Common**		Related to the more usual common criminality (thefts, robbery, assaults, and so on)

After this brief and generic framework, let us go on to the presentation itself that, as we have already mentioned, focus actual cases[2] that are comprised in the common juvenile delinquency and criminality. This is a phenomenon with which the Guard[3] deal, every day, in their preventive and investigatory police missions, especially through their Territorial Units and the Nuclei of Criminal Investigation of the Territorial Detachments, in the surrounding areas of big cities.

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[2] The names of the intervening persons were changed and only the factual elements we consider more important are mentioned, regardless of having been presented as evidence in the judicial cases already submitted to trial or as police information for orientation of the criminal investigation.

[3] We must note that the Guard are responsible for almost 90 percent of the territory and more than 60 percent of the national population.

DESCRIPTION OF THE FACTS

First Case

Between 1995 and 1997, in Baixa da Banheira and Vale da Amoreira[4], about 15 youths of both sexes, of white, coloured and black races, with ages comprised between 12 and 15, used to engage themselves in characteristic acts considered as incivilities and common juvenile delinquency. Acting in mutual agreement and in a group, which we will call "The α (Alpha) Group", these youths committed incivilities that began, very early, with acts of vandalism against the school and teachers and even against the Guard, among others. They committed acts against property, namely theft and use of vehicles, burglaries and robberies, muggings and use of drugs. The seemingly simplicity and the small relevance of the associated monetary values is designated by some criminologists as **small urban criminality**. But this reference, in its apparent plainness, is one of the most important external factors for the increase of the **feeling of insecurity** expressed by the populations. If not, let us look at the specific case of this group, where there are names such as **Ladio, Nelson, Batman, Rock, Mano, Nela, Dário** and **Ruby**. During the weekends, the elements of the α Group used to steal more than 20 vehicles per night, causing great damage to them because of accidents and collisions against obstacles, besides driving without being legally entitled and under the influence of alcohol and drugs. They created, either because of their psychic state of mind or their driving style, a real danger to road traffic; in some cases, they set fire to the stolen vehicles. They also caused damage to public equipments (for instance, they set fire to garbage containers)[5]. The scene was repeated day after day and the group began winning prestige and social acknowledgement, emerging as a reference to other youths who were growing in the same conditions, and becoming feared by the population. The Unit of the Guard was the recipient of the innumerable complaints, both formal and informal, being able, in certain situations, to catch *in flagrante delicto* some of those youths who immediately were set free because they were unfit to stand

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[4] Parishes in the municipality of Moita.
[5] Girls also engaged in prostitution and other sexual activities, especially with old men.

trial by reason of their age. Some youths, by court decision, were committed to educational centres to serve a compulsory measure but they often escaped[6].

And the ring of delinquency was again shut…

In the final phase, the group used arms stolen from houses and kept close contacts with other groups in surrounding neighbourhoods, exchanging and lending arms. The group also enlarged its scope of action and concluded its illegal activity running over a police officer of the Guard with a stolen vehicle, causing him serious injuries.

The dismantling of the group was largely due to information and evidence gathered, piece by piece, and a judicial order of expel of the leader of the group – **Ladio** – to his country of origin[7].

As to the other members of the α Group, some of them were arrested[8] and others committed to specialised facilities for their re-education.

Second Case

At the beginning of 1998, after escaping from a specialised facility, **Ruby** joins the β (Beta) Group, formed by youths older than he (with ages comprised between 16 and 22), which developed its delinquent activity in the municipalities of Almada and Seixal. To enter that group with a good statute, **Ruby** bought from another group of youths a shotgun[9], which they had stolen from a house in November 1997.

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[6] At least twice, they returned before the police officers who had driven them. Besides escaping from the Centre, they used to steal vehicles that were near by in order to return home.

[7] His father, residing in Portugal, refused to exercise any parental authority regarding his son and it was his mother who received him in the country of origin.

[8] Nelson, Ladio's brother, was convicted to a penalty of 7 years of imprisonment for theft. He is now serving that sentence and subsequently will be expelled from the country.

[9] It must be noted that, besides the handguns, usually with calibre 6.35mm, young delinquents show a special interest for shotguns which, without great trouble, they get by means of burglary and robbery in specialised shops. They prefer sawn-off shotguns. The act of introducing the cartridge in

The β Group, which had a base constitution of 9 individuals and other elements who moved around certain members of the group, had already climbed the stairs of "evolution" and was in an operating stage with definition of criminal strategies[10] to commit violent crimes[11], the proceeds of which would be important.

Included in their activity, we point out the following cases:

❖ **February 1998 (Vale da Amoreira)**
They robbed a jeweller's using **Ruby**'s sawn-off shotgun and a handgun. The proceeds of the robbery were around PTE 25 million (€ 125,000) in gold articles, jewels and cash[12]. They acted with 4 elements (**Ruby, Frá, BM** and **Bibi**, who was invited) and used a vehicle stolen in Baixa da Banheira. **Ruby** was the driver because he was known in the area. In order not to be identified, they used caps, stockings and gloves, which they left in the car when they abandon it in one of the usual places where the stolen vehicles used to be found, a field near **Ruby**'s residence. Without a plausible explanation, they left the handgun in the jeweller's. In despair, the owner shot several times against the vehicle with his defensive weapon but was unable to prevent the escape[13].

❖ **March 1998 (Seixal)**
They robbed a jeweller's using arms with the same characteristics. The proceeds of the robbery was evaluated in PTE 2 million (€ 10,000) in gold articles and jewels. The owner managed to pinpoint

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the chamber makes a characteristic sound that has a menacing effect upon their victims and, according to these youths, gives them a feeling of "power".

[10] To plan their actions, they met regularly in neighbourhoods hostile to the authorities, where the latter would be easily spotted (for instance, Jamaica, Santa Marta de Corroios). They made systematic reconnaissance of the places in which they planned to commit a burglary or a robbery.

[11] They usually made threats with the arms and unnecessarily injured their victims.

[12] We assume the gold articles were received by a drug dealer.

[13] The jeweller's clerk was a victim of the assault. She was so disturbed by the violence of the act that she committed suicide 6 months later, despite being under psychiatric treatment.

the driver, who afterwards was possible to recognise as being **Ruby**. Besides the latter, also **BM, Bolls, Frá** and **Jack**[14] took part in the robbery. Once more, they used caps and stockings over their faces.

❖ <u>**May 1998 (Montemor-o-Novo, Moita)**</u>
Frá and other 4 youths who lived within the group's orbit, stole a car in Seixal and went to Montemor-o-Novo where they robbed a shop using an assault weapon and physical violence. The owner was assaulted but managed to react and continue to fight until he reached the door. The driver saw the fight and run away in the car, leaving the rest of the group without transportation. He was pursued by a local Territorial Unit of the Guard and, not knowing the streets, drove into a no through road and was apprehended. In the meantime, the other elements of the group managed to steal a vehicle and drove away. During the returning journey, they committed three more robberies, using the same *modus operandi*, in shops (2 groceries and 1 supermarket) in Moita and Baixa da Banheira. During these robberies, they also assaulted the owners and employees, in a totally unnecessary way to achieve their purposes. About a week later, in the course of the investigation, they were all apprehended and, after being brought before the judge, they were put under provisional arrest until the trial.

❖ <u>**August 1998 (Sines)**</u>
Around 5 a.m., they stole 14 rifles, assault weapons and other instruments for hunting and fishing in a gun shop in Sines, the value of which was evaluated in PTE 2 million (€ 10,000). The group was formed by 9 elements who drove from Almada in two vehicles which had been stolen in the area for that purpose. In Sines they stole another vehicle, which they used to break the windowpane of the shop and then left in the spot. Before that, they had tried to rob a gun shop in Santiago de Cacém, using the same *modus operandi*, but were detected by the owner and forced to run away.

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[14] Frá's brother.

❖ **August 1998 (Moita)**

Ruby, Bibi, Anjo and **Pepe** robbed a jeweller's, using the usual method: firearms, threats and assault. During the robbery, in the assault phase, the 2 owners managed to pull away **Ruby**'s cap who, when running away, left behind his shotgun that was later identified as one of the firearms that had been stolen in Sines. The car, as already mentioned, was abandoned in a nearby locality, where another one was stolen.

In the phase of investigation, during the month of September 1998, the group was dismantled and its elements apprehended, with the exception of **Bibi** and **Anjo**, who managed to escape to an unknown place abroad[15]. The others were put under provisional arrest awaiting trial.

Some of the arms stolen in Sines were recovered during searches to houses of young delinquents, others abandoned inside stolen vehicles and one of them buried in a beach. All were found in the municipalities of Almada, Seixal and Moita, i.e. the areas of residence and activity of the youths belonging to the α and β Groups.

Third Case

A group formed by more than 15 youths and which operated under the orientation of **Rock** was dedicated, as its usual occupation, to commit burglaries and robberies, theft and use of vehicles and assaults in the streets, the latter with threats to physical integrity of the victims in case of denunciation to the authorities. At least twice, acting in accordance with a plan and operating in

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[15] Later, one of these elements gave himself up voluntarily, expecting to make a deal. The judicial decision, however, determined his provisional arrest awaiting trial. He later escaped from prison and his present location is unknown.

group, they tried to steal shotguns from hunters who, in the early hours of the day, were waiting for their pals to go hunting[16].

They stole a fruit-loaded van and a car and, that same night, using the two vehicles the φ (Psi) Group, formed by **Rock, Mano, Zézé, Batman, Dário**[17] and **Nela**, all with ages comprised between 17 and 20, [addressed themselves to a school] knowing that the school had a keeper inside since **Batman** was a student there. They make a lot of noise to call the school-keeper's attention and force him to go to where they are. The latter appears, recognises **Batman** and warns him that he is going to report the incident. We must say that when **Batman** operated in the α Group, during an escape in the course of a robbery, he was caught by a train and had one of his legs amputated. As he was young and a good sportsman, the population, under the influence of the school-keeper himself, provides for him to receive a prosthesis and he manages to make a name for himself as an Olympic athlete. The school-keeper, after speaking with the youths, turned his back on them. **Batman** grabbed him from behind around the throat and knocked him down while the group kicked the victim. **Batman**, with a stick he was already carrying, landed several blows in the school-keeper's head, leaving him senseless. Then they tied the victim's hands with the shoelaces of his own boots and put a gag over his mouth. **Batman** stayed near the body while the other elements of the group executed the robbery, seizing computers, sound systems, chocolates and other provisions, as well as office equipment. They left the place with the stolen goods in the two stolen vehicles and the victim's car, which they abandoned in a deserted place.

They divided the proceeds among them and then abandoned the other two vehicles.

When the Guard's patrol arrived at the school, alerted by a denunciation, the school-keeper was already dead and candies could be seen scattered on the ground around the corpse. They also verified that a lot of damage had been caused by the break-in and by unnecessary acts of vandalism.

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[16] We must remember that our law requires that, in these circumstances, the arm must be kept inside its case and not ready to fire.

[17] At that time, he was an evaded prisoner for he had escaped from the prison where he was in provisional detention awaiting trial for theft and robbery.

On the following day, the elements of the group continued, unperturbed, their delinquent activity. Operating in a group of 7 elements (with a special reference to **Rock** and **Mano**), they performed 2 muggings in the streets. When one of the victims, a man of 35, went to the Unit of the Guard and realised who his aggressors were, he refused to file a complaint and receive medical care, fearing retaliation.

Three days later, during the course of the investigation, searches were conducted in the houses and places the suspects used, resulting in the recovery of property stolen from the school and the fruit that was in the stolen van. All the elements of the φ Group were apprehended and put under provisional arrest awaiting trial.

Analysis of the cases above mentioned

The following aspects must be underlined:

◊ Committing incivilities, which are completely different from the ordinary manifestations of "rebellion" that are part of the "normal" development of youths, was the **entrance into delinquency and juvenile criminality**;

◊ **Operating in group** was the common feature to all actions committed by these young delinquents:

✓ Strong affective ties and a leader not always identifiable;

✓ The weight of ethnocentric composition with a hard nucleus, around which other youths moved;

✓ Ties with other groups of a same nature;

- ✓ Marked territory (with a kind of maintenance of "its" space) and great mobility, supported by road axis that allow "incursion" into more far away areas;

- ✓ The references to the Afro-American under-culture, imported from the United States, were evident and affirmed, namely by the use of stylised nicknames, firearms, violence, impulsiveness, unforeseen behaviour and other symbolic representations of power (for instance, shotguns);

◊ The passage of the youths to another group represented a transition, marked by the **progressive seriousness** of the acts committed and the intensity of violence;

◊ Socially related problems marked these youths who, generally:

- ✓ Come from divided families and have grown without the support of formal structures of reference (they usually lived with their mothers, in a physical and affective absence, mainly for professional reasons);

- ✓ The first contact with the Police, possibly by the non-existence of social filters in an early phase, was contentious and is the original source of the problems whose series it began;

- ✓ They have no profession or are students, national or foreigners living in Portugal for many years;

◊ When questioned, they always stated that the illegal acts were committed for fun, to obtain means of subsistence or to maintain bad habits.

CONCLUSIONS

The efficacy of the National Republican Guard is clearly shown in these cases, obviously in close connection with judges and prosecutors and in collaboration with the other policed forces, and represents the assumption of their potentialities and the quality of performance of their elements, perfectly aware of the environments in which this kind of phenomenon develops and, not rarely, its agents. But that efficacy was not only the result of police techniques and tactics applied to this specific case. Also the interaction with the population was fundamental to gather the necessary information, even considering that those communities are very problematic. Thanks to a proactive action during the investigation was it possible to involve the local population and, in an effective proximity, to contribute in a decisive way to the reinforcement of the **feeling of security**.

It is by acting at the origin of the problem, immediately at the level of the incivilities (which represent the first step to more serious acts), that the control of **deviating behaviours** must be done. The role of police forces is important but is not exclusive. The phenomenon of juvenile delinquency and criminality can only be efficiently fought if police forces and the remainder structures of **social control** know how to become involved, in a coordinated way, to achieve that common purpose.

What comes next, shows how transitory and not always consequent police "victories" are:

- ❖ **July 2001** – 5 youths, 2 of them brothers, with ages comprised between 14 and 17, commit a robbery with a stolen vehicle. They are arrested after several hours of police pursuit. Message painted on the vehicle: "Officers, we are f…";

- ❖ With reference to the third case, the one of the murder, we see how human life is devaluated and "exchanged" for meaningless material values:

  - ✓ A computer mouse of no specific brand;

  - ✓ A keyboard of no specific brand;

  - ✓ A stapler;

  - ✓ A "post-it" writing pad.

Thank you very much for your attention.

Manuel Graça Dias | Architect

PREDICTABILITY AND SECURITY

I suppose I was invited to this round-table because I am an architect. Accordingly, it will be expected of me to talk about *cities*, a concept that appears in the generic title of this session.

If this meeting had taken place a month ago, probably there would have been more subjects to deal with, but we would not be living this kind of security paranoia in which we live today, dominated by the anguishing pressure caused by the recent events. So, I image that the main subject of this round-table will somehow include this new reality brought by September 11.

Anyway, I think it is still valid a kind of *boutade* that I would like to formulate before entering a discussion on "cities and security"; a *boutade* that may also be, if we want, a principle. If we focus on the security of persons and property – probably the first subject we think of – maybe it would not be such a "bad idea", instead of demanding an increase in the number of police forces and police officers, to try something to decrease delinquency and theft levels by looking for the deep causes of that reality and moving forward to a world where life would not be so hard for some people, where the asymmetries would not be so scandalously marked.

These situations are not solved with chats around a coffee-table and there will always be a need to take, even if in a reformist way, measures and decisions,

some of them political, but for the most part intrinsic to our citizenship and to the wish to try to regulate and to help to regulate the social contacts between us and the others.

The issue of security is probably appearing with more accuracy in Portugal not because it is a new problem but rather because cities have grown in an unthinkable way up to some years ago. This exponential growth, both in area and in population, is certainly making more serious the problems and conflicts that a society as the modern one necessarily generates.

Since I do not have a very nocturnal reading of this subject – I do not think that *insecurity* is necessarily a night situation and that to *security* is associated daylight – I would enlarge a bit the perspective and the "field" of reflection.

If, in the least, we keep up with what is going on in the world, we know that AIDS or hepatitis are nowadays causes for great insecurity in contemporaneous society. The *food* industry (allowing, on the one side, a more equitable distribution of resources – at least in the western world – and, on the other side, the obscene profits of multinationals we hear about) for which we have been finding, little by little, formulae for regulation and control is, in spite of everything, a factor of insecurity, as recent scandals remind us. And the pharmaceutical industry, with the proliferation of several medicaments and laboratories, is also comprised, for better or for worse – without denying the role of scientific research that has made remarkable progresses – in the chapter of insecurity for the populations.

And there is the insecurity caused the climatic changes, whose connections with CO_2 production are increasingly disturbing. Insecurity caused by knowing in advance that one of the more precious goods of humankind, water, will run out. There is the insecurity of not knowing what to do with garbage, toxic waste, nuclear waste. The insecurity that all minority groups suffer because they are targets of daily discriminations (racial, sexual, religious, economic, xenophobic).

There is the insecurity caused by wars between nations.

There are as many "insecurities" as the number of factors that may create instabilities, mess up all the rational and democratic effort that a *city* represents; this artificial construction in which we try (and succeed!) to put men side by side to create collectively, in solidarity.

So, I would like to try not to reduce this issue only to "cops and thieves", to this immediate concept of "private property" being threatened, to the *petit-bourgeois* that is afraid that his car's paintwork will be scratched in the big city.

I would like a more broaden discussion, at other levels, that seeks other stages of *security* and/or *insecurity*.

Anyway, and to return to the cities, both the extension and demography have changed to a great extent the balance of the social contacts among their inhabitants.

To me, a city is, contrary to what would be expected, a *territory of freedom*. I think a city is a place where we manage (where we have been managing) to put our differences aside; where we negotiate, with our codes, rules, good sense and rationality, the possibility of tolerating the several differences that the different contributions represent.

Of course, there are cities and cities. I mean the western world where, in a more or less tolerant way, we have been managing to maintain the balance between all differences. And *differences* are the greatest value that the city ensures.

If we had a city – forgive me the redundancy – of equal citizens, that would probably be the most unbearable place.

What is gratifying to us is the social contact with the *differences*: the differences between men and women; the differences between races; the differences between

religions; political perspectives; sexualities; generations; philosophies of life; ways of producing the city space; the ways of living it.

And it is the "scenery" or "background", formed by the relationships among persons and groups that are generated among the population living in the city, that is also a factor of the great complexity and unpredictability that characterizes urban life which, in the framework of a reflection on security, may be terrible.

Security lives exactly of the control attempt to master the unpredictable and that is, by contradiction, what we appreciate in a city.

A predictable city would be an unbearable city.

What we like is precisely not knowing what will happen to us when we turn that corner, whom are we going to meet, what thoughts will occur to our minds, what kind of solicitations are we going to face, how much can we grow (live) when we cross the city.

We could say that security, in a given way, tries to close the unpredictability of life because this is the only way that control can be exercised or the only way to decrease that imponderability that *anomaly* represents; the mess caused by the many factors that co-inhabit in a city and that we may call here, only to make things easy, *delinquency*.

If we are optimistic and believe in men, I think there will be some chances of making a city "safer", chances that have not yet been tried.

Although, I repeat, I do not have a special perspective of nocturnal dangers – I imagine that some have – to the night we could give the big dimension that the city attained, the night could be much more inhabited and much more active – if we wanted – thus making it *safer*.

In a city with the dimension of Lisbon, I see no reason to have a commercial activity like we had in the 19th century or at the beginning of the 20th century when there was no electricity, a "thing" that opens at 8 a.m. and closes at 5 p.m., leaving the city deserted for a long period, especially in the more commercial areas.

One of the saddest places of Lisbon – and now I am not talking of security – is exactly the City Centre, from 5 or 6 p.m. on, when commercial activity decides to close. The shops close; the offices close; the services close; the restaurants that serve the people that work in the area close. And all that area becomes actually empty, cruel, unsuitable to live in, terrible!

We had, recently, an interesting experience in Rua de S. Bento, with an initiative taken by the antiquaries that have shops in that street.

Rua de S. Bento has been specializing. In the 1970s it was a street of junk shops that, in the meantime, have been transferring their businesses to a more sophisticated typology, the sale of antiques. Those shops that already totalize 29 – according to what I read in the street publicity – have decided to open, during the last three days of September (for the third year in a row), up to midnight or one a.m. I do not know if the street became safer but it certainly was more fun and alive! To walk down the Rua de S. Bento in those days, with the red carpets that the shop owners put on the doorways, some flaming torches on the sidewalks, the lights that came from the interior and, especially, lots of people coming in and out, taking advantage of the fact that the business was opened "at awkward hours" – at a time when people are usually more free – made that street *more city*. A *cosmopolitan* city; a city that was more *city*; a *more alive* city.

This is a very plausible situation. I do not know if, in terms of security, it has any value. Probably after midnight, Rua de S. Bento became empty again (maybe with a small group of people waiting to visit Amalia's house the next morning).

But I am interested in reflecting on this possibility of the city – being so big, having so many inhabitants – be able to continue to diversify its offer along the hours of

the day, being, in this sense, more useful to its citizens! Being more *used*! And, if there is a coincidence between this *more prolonged* use and the decrease of insecurity (it seems easy, to me, to elaborate statistics based on these experiences), we will have here, no doubt, a chance to make it safer.

In another context, totally different, we should also reflect on the limits of our concept of security. We can mention other examples: security against fires or security against certain kind of natural cataclysms.

We have reports that show how these tragedies, along the History, have been terrifying. (It is enough to mention – once again to stick to Lisbon – the big earthquake of 1755.)

Violent shakes to the structure of cities to which, in the aftermath of the cataclysm, the cities themselves and architecture responded, according to the manner of that time, trying to prevent or minimize, if not the phenomena at least their results.

We know that the Lisbon earthquake killed many people, because not only the earth shook and buildings collapsed but because the fires spread and the earthquake was followed by the rise of the Tagus waters that invaded all the low area of the city. What is now Pombaline (after the Marquis of Pombal) downtown was the most damaged part of the city since it was a very densely populated area and with the characteristics we still find today in Alfama.

One of the most interesting consequences was the so-called Pombaline architecture (a very modern one, even because it introduced concepts of great efficiency in the construction field), which tried to conjugate three "preventive" aspects:

- The buildings began to be built with another kind of structure, the so-called "cage structure", based on a wood web that was meant to be more flexible in case of an earthquake;

- Separators were introduced – the so-called intermediate walls – between the several buildings and corresponding roofs, to prevent fire from spreading and make possible a faster combat;

- All ground floors were, as much as possible, waterproof, made of stone (as well as the first flights of steps), trying thus to ensure a certain degree of security against possible floods.

Each situation collected, in some way, information from the scientific development of the time in order to try, based on the existing knowledge, to surpass some of the problems in the field of security regarding persons and property.

But we also know that this care in circumscribing fires, in the new Pombaline city, was inefficient when, in August 1988, with the intermediate walls full of holes, the wood structures in bad state of preservation and the several floors used as garbage, paper and fabric deposits (as a consequence of the low rents), a very big fire destroyed a part of Chiado.

The next step was the reconstruction of that part of the city by Siza Vieira, who proposed new concrete structures. All contemporaneous requirements of security against fire were put in place: the stairs have smoke chambers, anti-fire doors, anti-panic openings; a whole sort of concerns in the sense of preventing the same catastrophes.

But we also know that a completely new and unthinkable situation, like the one that occurred in New York last September, made vain all the efforts of this new science against fires. A completely unforeseen situation was at the origin of a great number of deaths, shaking and destroying a very big area of Manhattan.

I do not want to pass the idea that it is not possible to control anything in the field of security and prevention; I think that we may have a minimum of control. But I think we should appease our anxiety since we can not live in the paranoia of imagining that we can control everything.

No matter how rigorous the control is at airports, preventing the entrance of pocket knives and nail scissors, nothing could prevent an accident like the one that occurred yesterday, in Linatte, when an aircraft, in the fog, without even having taken off, hit a small airplane and then crushed against a warehouse, taking along 120 persons.

There is always a factor of unpredictability and risk, which probably may be decreased if the causes immediately before can be controlled. But, in my opinion, we should not embark in an obsessive security and controlling spiral with the purpose of being able to turn the joy of the city into something absolutely *predictable*.

José Medeiros Ferreira | Member of the Parliament

I will begin by thanking the Inspectorate General of the Internal Administration and its Inspector General, Mr. Maximiano, who brought a tie in dialogue with him. I also want to thank the introduction my friend and colleague for many years, Mr. Eduardo Prado Coelho, has just made.

By the way, I would like to begin by noting how selective memory can be.

Even Mr. Eduardo Prado Coelho began my political curriculum mentioning the institutional posts I occupied after April 25th. He did not mention that part that lies deeper in my heart, although regarding more informal activities, which began in the students' associations in the 1960s. Activities that had a continuance when I stood as a candidate representing the democratic opposition in 1965 and, as many of you will remember, was forced to give up considering the climate of insecurity that was created around the candidates who represented the democratic opposition when, by the voice of a young lawyer at that time, Mr. Mário Soares, who was at the head of the list, they said that the overseas' issue would have to be solved by self-determination. We were then in 1965.

I am very proud of that part of my curriculum and I think that it explains my political activity after April 25th in institutional terms and in what concerns those posts, some of the posts Mr. Eduardo Prado Coelho mentioned.

Naturally, this remark is made with all friendship and the confidence I have in Mr. Eduardo Prado Coelho and surely, when he mentioned the institutional

posts, he assumed that we all were aware of that more substantial part of my political motivations.

So, let us move on to the topic that brought us here.

When Mr. Maximiano invited me to participate in this panel, I questioned myself (because I agreed immediately since I could not resist the invitation and only afterwards did I begin to question myself) on what was expected of me. Deep inside, we have to put that question.

I then remembered a dialogue I had as a member of the Political Commission of the first time General Eanes stood as a presidential candidate, in 1976.

At that time, when I was informed of the topic, proposals for slogan and subjects for the campaign, one came up in conversation.

The main idea was:

"Freedom in Security"

I remember very well that freedom in security raised a big political discussion among the members of General Eanes' Political Commission, especially among the more leftist members, who put the question "why freedom in security?". Even because the Communist Party was running under the topic "Give more strength to freedom".

I remember having said, in 1976, that:

"Well, as long as it is freedom in security we are in a very positive phase regarding the Portuguese society. The problem will be when we put the question 'live security in freedom' ".

Twenty-five years later (if we want to be analytic at this moment), there is a diffuse sensation that we are no longer in that phase of "living freedom in security" but that, at least in worldwide, European and national terms (something to be seen during the discussion), we are "living security in freedom".

If we look deep, these subjects cross eras, cross societies and always balance in a binomial, like this we have just mentioned, of freedom and security.

I will try to give a certain order to my intervention with three topics, knowing of course that the last topic is the one that matters the most.

The first topic is that the world is, generally speaking, more dangerous. It is more insecure.

The second topic refers to the European Union, to the European Continent, which has a very diffuse tendency to engage itself in a kind of "Holy Alliance". Please note my express stress on this security aspect in what concerns the immediate objectives of the European Union.

The third (and last topic) regards our culture. The Portuguese culture.

Portuguese culture is not very prone to risks. Portuguese people do not like risks. In fact, they dislike everything that represents uncertainty, everything that architect Manuel Graça Dias mentioned, everything that is not predictable. That is very disturbing.

These are the parameters of a culture in which goods are rare, in which there is a feeling that life is precarious and that we must economise on everything, so we must also economise on freedom. Accordingly, there is a general cultural drive in that sense.

And these three plans I tried to schematise - a more dangerous world, a European Union more prone to security issues, a national culture in which the

feeling of risk is psychologically disturbing to the community – require an effort of cultural compensation to stop what could become a cascading bursting of an excessive security atmosphere.

First, the world is more dangerous.

There is no need to give a lot of consideration to this matter. Present-day reality speaks for itself.

Nobody knows what tomorrow may bring.

Let us hope that everything remains in the present framework of a rational management of the international situation and we may not witness the process, that History also mentions, in which a simple terrorist act is able to start wars among States.

I do not need to say, before such an institutional and selected audience, that:

- The First World War began when a young Serbian student murdered Archduke Ferdinand in Sarajevo, today a well-known city;

- That the Austro-Hungarian Empire said, from the start, that Serbia was surely implicated in that murder;

- And that, three weeks after the murder (how time sometimes is similar) an ultimatum was made to Serbia.

At first, everyone thought that the war would be restricted.

Then, with the formation of some coalitions, people thought that it would be a European war.
But, when it was supposed to be merely European, it became a World War.

The war calendar in those days had winter as the natural limit to the progression of land campaigns. Everything led to the conclusion that the war would take place between July – a good month to start any war since the land is dry and the troops in those times could progress more easily in dry land – and December, when rain and snow would begin. Then, with the fronts limited, the diplomacies would settle the winner and the final terms of the conflict.

As you know, the persistence of this situation was ascribed to no one.

But if you look at the previsions at the beginning of the conflict, you will notice that they did not go beyond six months.

I am convinced that this will not be the case and that today there will be a rationalisation and a much greater prevision of those consequences.

But the truth is that, quickly, many states (and many entities that are not even states) took profit of this emotional conjuncture to do what Jean-Jacques Rousseau asks all legislators **not** to do, i.e. to legislate when emotions are stronger.

And he says, with that coolness of a Genevan old man, that the moment to legislate distinguishes the legislator from the tyrant.

The tyrant legislates in a situation of crisis.

The legislator prefers to do it when his head is cool.

But these are phenomena that overcome us and if I mentioned them is only to stress this topic, i.e. that the **world is more dangerous** and that we can not be sure (no one can be sure) of the evolution of the international situation in this field.

Let us hope that everything is conducted according to the rationality with which it has been, at least up to now, namely on the part of the United States.

This is my position regarding what is going on.

The second level regards the European Union and a certain tendency it has developed of putting police and judicial cooperation in the frontline of the European construction before endowing the European Union with the democratic organs of control on these issues.

While there was, in the European Continent, an ideological war regarding freedoms, the European Union countries had a very strong compromise because the war of public freedoms was an ideological war against Eastern Europe and communist regimes. There was therefore the objective need of keeping unbreakable the whole set of individual and public freedoms.

With the end of the cold war, the instrumental side of individual and public freedoms ceased to exist. Only the normative side, intrinsic to the defence of individual and public freedoms, remained to keep our civilisation of freedom.

This is a risk that, fortunately, in 1997 the European Union tried, in a certain way, to limit introducing in the Treaty of Amsterdam the well-known article 6 (that you certainly recall) on the fundamental principles in which the European Union is based and which are:

- The defence of human rights

- The promotion of public freedoms, democracy and liberty.

So, this article 6 is the first explicit reference that there will be no coming back or at least no coming back that will put at stake those limits.

But the European Union, in terms of "parafederal" cooperation (let's call it so, in order to avoid any problems of conceptualisation), has been developing much more in terms of police and judicial cooperation than in terms of the democratic political powers which may control that new dimension. That aspect of the European Union is somehow in contrast to the federal process in the United States of America.

In the United States of America, the Union's federal power promoted the rights, freedoms and safeguards, and the federated states were compelled to follow the pattern – more demanding in terms of freedoms and safeguards – of the federation. The symbol is the Bill of Rights (elaborated two years after the Constitution), a federal safeguard of individual rights. Just like the 13th and 14th Amendments to the Constitution of the United States, in 1865 and 1868.

It is the federal power telling the federated states "you must respect civil rights", especially the prohibition of slavery that, as you know, was the issue that led the Union, the Federation, to call upon itself the defence of individual rights.

In the European Union, in a diffuse way, it is just the opposite.

It is this point that deserves to be made transparent in order to make us aware of what is being produced inside the European Union.

Individual freedoms, public freedoms, and also security, are more protected at national level, in terms of each member State, that at Community and Union levels.

This unbalance was what made me say at the beginning of my speech that there is something of the "Holy Alliance" culture that, in a certain way, surrounds the manufacturers of community norms.

And this must be denounced.

This is what European citizens must demand of the European Union. That it ensures, at the highest level, freedoms, citizenship. So that it may then legislate, as it should, in what concerns European security and European police and judicial cooperation that, obviously, are present-day needs.

The third subject is precisely related to the national culture, a culture that is contrary to risk.

Sometimes, when I look at our cities (usually I travel a lot by airplane, when I come from Ponta Delgada, and arrive at Lisbon very late; it could be any other city; this is common to a lot of cities) and when I get into a cab, around one o'clock in the morning, a reasonable hour for a nocturnal person, I cross the city and the city is deserted. Deserted.

I kept thinking: is there an implicit curfew?

It is as if someone had said, "at 11 p.m. please close your doors".

This is, in my opinion, the impression someone gets today when crossing several cities.

Dual cities at night, where there are deserted streets and then centres of live. Specialised. Precisely located. Where, once again, there is the control of security and insecurity.

The control of security, in most of the city territory, is done by the conjugation of the excellent television programs we have and which force the citizen to a continuous zapping (who does not know this cultural act?). To sit there, looking at more than 40 channels (I do the complete round), when, at the third or fourth or fifth (it does not matter now), the citizen should say "Oh man! I'm going out. I'm going to meet my friends at the coffee house."

But what does really happen?

Some time ago, coffee houses in the cities closed between 1 and 3 a.m.

I can give an example of a coffee house that no longer exists and so it can not be considered publicity. I am talking about the "Monte Carlo", near Saldanha, that closed precisely between 1 and 3 a.m.

I confess that I do not know if it was legal or not. But the truth is that we went to the coffee house and stayed there, up to 1 or 2 a.m.

Today, coffee houses close at 10 or 10.30 p.m.

Sometimes I go to a coffee house in my neighbourhood and, at 10 p.m. (I think it is not just a question of labour hours), the employees are already piling up the chairs. That is the truth.

There is an implicit feeling that there is a curfew and that, at 11 p.m., the best thing to do is watch some sport programme on television, one of those where freedom of expression is ensured.

What shall we do?

Because the problem is not only ours.

We have already seen that there is a national culture in which risk is not exactly a part of our acquisitions. But this is a problem that materializes at several levels.

I, for instance, attended the last Assembly of the Council of Europe where the "Bockel Report", named after its French rapporteur, was discussed and approved. Its subject was security and crime prevention in European cities and it recommended the setting up of a European observatory.

Reading the report (which I have here with me and I am sure most of you know) and what it says about the 120 European cities that were in a meeting in Naples, I think we can include our big and medium cities. I will finish (since I do not want to take much of your time) with the following proposals that I think would be interesting. Although adding one, on my own account, it is in brief what Architect Manuel Graça Dias said in his speech.

Why not prolong certain activities that can be done as well during the night as during the day? In order to carry them out also during the night.

Commercial activity was mentioned here. But there are others.

I would suggest, since I am a deputy, that the Parliament should held meetings in the afternoon and night as well, and not only during the usual working hours.

For two reasons.

The average citizen, who is working during the day, should have the possibility, if he so wished, of going to the Parliament and watch the debates. It would be nice if the Parliament would centre (some Parliaments to it) its activity in a period such that would allow all citizens who are interested in its activity to follow some of its works.

Secondly, to set an example. To show how the night is safe. To prove that at night not all cats are grey.

Thank you very much.

Min Zhou | Professor of Sociology and Chair
Asian American Studies at the
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Immigrant Neighbourhoods in Los Angeles:
Structural Constraints and Institutional Resources
For Families and Children

Abstract

My research on ethnic neighbourhoods in Los Angeles's Chinatown, Koreatown, and Pico-Union (a Mexican/Central American neighbourhood) focuses on three basic issues: What immigrant neighbourhoods are like in inner cities, how risk factors associated with immigrant status and ghetto conditions affect immigrant children and their families, and how these neighbourhoods create social resources for the education of immigrant children. I find that children and residents living in immigrant neighbourhoods tend to be poor, socially isolated from mainstream society, live in substandard housing with unsafe streets, and are handicapped by inadequate schools, high dropout rates, low academic achievement, and poor English skills. However, immigrant neighbourhoods differ along a variety of dimensions — class and the density of ethnic organizations/businesses being among the most notable features. Whether inner-city neighbourhoods manage to create resources to combat adversarial conditions or allow these conditions to get worse depends on how they are organized and how effectively the ethnic economy is integrated into the organizational structures of poor immigrant neighbourhoods. Emphasizing the importance of education and neighbourhood-based social organizations, I conclude that how we invest in the neighbourhood can affect how well children do in the inner city areas.

My research focuses on how neighbourhoods affect immigrant families and children. Three questions are of particularly interest. First, what are the immigrant neighbourhoods like today in inner cities, and how do the risk factors associated with immigrant status and ghetto conditions affect immigrant families and their children? Second, how are communities organized at the local level, and how do community organizations differ across ethnic groups? Finally, how do neighbourhoods face social and economic conditions, and how various neighbourhood-based institutions relate to one another to create social resources for the education of immigrant children.

As is well known, immigrants are highly concentrated in the big cities of America and, within them, in the inner-city neighbourhoods. In the past, immigrants have used their inner-city neighbourhoods as the springboard for social mobility and eventual integration into mainstream society. Some of those neighbourhoods still serve that function but others are at high risk of downward or stalled mobility. Basically, the issue is not whether immigrant children are able to advance beyond their parent's status, but whether they can advance to middle-class America and why some are able to success while others fail given the similar unfavourable social context in which they grow up.

School-age children spend a considerable portion of their time in school. But there are also a large number of days that they do not have school, and in each day there are at least six waking hours that children are not in school. During those hours away from school, children either stay home, participate in organized activities through their neighbourhood or elsewhere, or just hang out on their streets. The conditions of inner-city neighbourhoods are usually not conducive to the education of these children.

What are the immigrant neighbourhoods like today in inner cities, and how do the risk factors associated with immigrant status and ghetto conditions affect immigrant families and their children?

My research focused on three neighbourhoods in downtown Los Angeles: Chinatown, Koreatown, and Pico-Union, which is a Mexican/Central American neighbourhood. These neighbourhoods have at least three distinct characteristics, which are common in cities like New York and Miami where the proportion of immigrants is significantly higher than other cities. The first characteristic is that immigrant neighbourhoods are dominated by racial and ethnic minorities. In these three neighbourhoods over 85 percent of the residents are ethnic or racial minorities, predominately Mexican, Central American, and Asian. The second characteristic is that a majority (more than two-thirds) of the residents are foreign born. By foreign, I mean first generation residents. And even though their children are born in the U.S., many are growing up in immigrant families. And a third common characteristic is that a majority of the families are poor. Table 1 shows what immigrant neighbourhoods are like today.

Table 1: Selected Characteristics of Inner-City Neighbourhoods, Los Angeles, 1990

Percent	Chinatown	Koreatown	Pico-Union
Non-Hispanic white	7.8	12.6	6.7
Non-Hispanic black	1.1	6.7	3.1
Latino	37.1	51.1	77.6
Asian	53.8	29.3	11.9
Other	0.2	0.3	0.7
Foreign born	66.9	69.1	70.3
Median Household Income	$21,000	$21,000	$16,000

Source: U.S. Census of the Population, Census Tracts, 1990.

These neighbourhood characteristics mean that immigrant children growing up in the inner city are socially isolated from mainstream society and have little contact with white or middle-class American co-ethnics. It also means that they are culturally exposed either to the native-born minority culture that is often oppositional to mainstream establishment, or to immigrant cultures from which immigrant children often try hard to distance themselves, or to materialistic mainstream culture, which is overstated in television. They are also disadvantaged by poverty, substandard living conditions, unsafe streets, and economic distress, and handicapped by inadequate and turbulent schools.

The neighbourhood disadvantages are also exacerbated by other risk factors associated with immigrant status. One such risk is family disruption, which undermines the customary measure of social control. Migration disrupts normal patterns of social relations in the family, such as the parent-child and husband-wife relationships. Another risk factor is the lack of adult supervision at home. The majority of immigrant children live in families with both parents working full time. In many cases, those parents are working several jobs and on different shifts. Therefore, parents do not have enough time to supervise their children. A third, and perhaps most devastating risk factor, is the erosion of parental authority. Often parents worry that their children have too much free time, too little adult supervision, and too many risks on the streets, but they do not have the authority to exercise parental power. Parents' lack of English ability pushes children into parental roles. Children read the report card for parents or tell the parents what goes on in school the way they want to present it, and interpret for their parents at teacher-student conferences. In one often-cited case, a teacher was puzzled at the smiling face of a parent when she told him that his son was suspended from school. What the teacher did not know was that her student interpreted her words to his father as meaning that he was doing so well in school that the teacher decided to give him a vacation. When the parents use their own way of disciplining their children (often corporal punishment), they are threatened by their children's power of calling 911. They are then at risk of being jailed for child abuse. A fourth factor is the language problem among the children

themselves. Many children have difficulty in understanding teachers or expressing themselves in the classroom—thus making the education of immigrant children a very challenging task.

How are communities organized at the local level and how does community organization vary by race/ethnicity?

We know that neighbourhoods are crucial contexts in influencing the educational experience of immigrant children. Whether neighbourhoods manage to create resources to combat disadvantages or to allow adverse conditions to get worse depends on how they are organized. In general, we look at how well neighbourhoods are organized across several dimensions. One is the variety of neighbourhood-based organizations, the second is the density of those organizations, and the third is how those organizations are interconnected and how they involve local residents and children in those neighbourhoods.

In our Los Angeles study we looked at four types of neighbourhood-based social structures. One is the public facilities — that is, libraries, reading rooms, parks, and other recreational facilities that are available in the neighbourhood. The school facilities are a very important neighbourhood structure because many of the kids spend their after-school time on school playgrounds, basketball courts, and tennis courts. A second type of organization is the non-profit and ethnic service organizations. We looked to see how those organizations provide services to immigrants and what goals those organizations are serving. The third type is the religious organizations. Churches and temples are very important community-based organizations. We also included a fourth type of organization — ethnic businesses or private businesses — to see what types of businesses exist, the types of ownership in them, and whether private businesses serve the educational needs of children.

We found that a central problem facing many inner-city neighbourhoods is disinvestment, along with the pulling out from these communities of ethnic businesses and community-based organizations, and even non-profit organizations. Generally, what happens is that many businesses withdraw from the inner city and invest somewhere else because of high risk and low profit and some non-profit service organizations run out of funds and then close down. There is also a big problem with respect to the disconnection between the local residents and their upwardly mobile middle class co-ethnics or the American middle class in general.

There are some exceptions and differences among the ethnic groups along these dimensions. Koreatown, for example, is surviving with a high variety and density of ethnic businesses, despite a relatively large proportion of non-Korean residents, even after the 1992 Los Angeles civil unrest. Chinatown experienced a certain degree of decline, largely because of the growth of the nearby middle-class immigrant Chinese community. But there is also evidence of

revival by entrepreneurial Southeast Asians who reside in Chinatown. Pico-Union geographically overlaps with Koreatown. Although there is a very high density of ethnic businesses, the ethnic businesses are mostly owned by Koreans. A key difference in these neighbourhoods is the ownership of these organizations. As is well understood, if the businesses and organizations are owned by co-ethnics, then more co-ethnic members will interact in those organizations, creating an ethnic community that attracts the participation of local co-ethnic residents and suburban middle-class co-ethnics but excludes outsiders. In Koreatown, many of the ethnic organizations are indeed able to pull the suburban middle class into those organizations so the organizations become a site for interclass co-ethnic interaction.

We find that in Koreatown, in the private institutions serving children and youth, the middle class presence is very obvious — for example, a lot of Korean families send their children to those Korean language schools, SAT cram schools (hagwons), and church and recreational activities there. As a result, there is a very high level of interaction between the children who were from poor Korean families and their middle-class co-ethnics. In that way, both the parents and the children get a lot of information and resources that would not otherwise be available in the neighbourhood.

The Latino children also live in the neighbourhood, but, because of the language and the cultural barriers, they are not able to access Korean ethnic organizations. I think that if more organizations were owned by Latinos (especially by Mexican/Central Americans), it would ease some of the difficulties that Latino children face. We find that Asian children are doing much better in school than Latino children even though those children are living in the same neighbourhoods and going to the same schools. The key difference is that Asian-American children have greater access to a greater variety of after-school activities, both privately owned and publicly funded, than do Latino children. As a result, they have a very clear advantage over Latino children in that respect. Of course the way neighbourhoods are organized depends a lot on pre-migration social economic status and host society reception of different national origin groups.

My findings also indicate the significance of the effect of the ethnic economy on the making of social capital at the neighbourhood level. First, the density of commercial activities in the neighbourhoods run by ethnic entrepreneurs can enhance the condition in neighbourhoods for investment and other types of business activity. Second, the density of commercial and social activities allows people to go out on the streets into a public space to interact. When they are interacting, people from the same ethnic background are likely to agree on certain goals and also the means of achieving those goals — which forms an important mechanism of social control. For example, a Chinatown teenager said, "you can talk back in front of your parents at home but you cannot do it in public [in Chinatown] because that would make you look stupid." This

statement reveals the awareness of being part of a larger community, that is, knowing the common code of conduct means that people agree on certain types of social norms and act on them. Thus, if you are connected to the community, you are likely to be subject to these controls.

Third, the density of privately-owned educational institutions not only support educational goals, but also compensate for a lack of public funds and public facilities in the neighbourhood. The ethnic language schools, for example, are not actually teaching the language because children and youth are really not interested in learning their parental native language. These schools, however, do provide an important site for children to interact with one another, to do homework, and to do other sorts of things. Finally, the density and diversity of ethnic businesses create job opportunities, role models, and cultural-specific goods and services that attract suburban middle-class co-ethnics, as well as tourists, into the neighbourhoods.

To conclude, I argue that how we invest in the neighbourhood can affect how well children do in school. The school dropout rates are very high in many immigrant neighbourhoods, but social organization at the local level can matter in mediating these negative effects. State and local governments have paid much attention to enhancing school quality and classroom instruction, but not much effort is directed toward strengthening neighbourhood social structures that really matter for immigrant families and their children. It is very important to enhance existing neighbourhood organizations that help immigrant families keep their children productively occupied in the space between home and school, and generally to understand how neighbourhood structures can be improved to yield positive educational outcomes.

FACT SHEETS

HOW COMMUNITY MATTERS FOR THE EDUCATION OF IMMIGRANT CHILDREN: SOCIAL RESOURCES AND STRUCTURAL CONSTRAINTS IN THE INNER CITY

Why is the education of immigrant children an urgent issue, especially in large urban areas?

> *Today, immigrants and their children are highly concentrated in America's largest metropolitan regions and the second generation is coming of age in large numbers. In Los Angeles, for example:*

- More than half of the metropolitan population is either immigrants (the first generation) or U.S. born children of immigrants (the second generation), as compared to 20 percent of the total U.S. population (Figure 1).

- More than half of the second-generation population is under 15 years of age (Figure 2).

- More than half of the second-generation is of Mexican origin, another 10 percent are of other Latin American origins, and 12 percent are of Asian origins (Figure 3).

- In the LA Unified School District (LAUSD), second largest in the nation, more than 70 percent of the 700,000 student body is of Latin American origins, half of LAUSD's students are from poor families, and more than a third are categorized as EL (English Learners) or LEP (Limited English Proficiency).

- In the State of California, the size of the EL student population is larger than the size of the entire public school student body of at least 38 states.

Why is a safe and productive neighbourhood environment important for immigrant children?

- While school-age children spend a considerable portion of their time in school (about 180 days a year), there are an equal number of days when they have no school. And there are at least 6 hours per day during the school year (presumably from 3 to 9 p.m. or later) when children are either at home, or are participating in structured activities of some sort, or are simply hanging out on streets.

What are immigrant neighbourhoods like in the inner city and how do risk factors associated with ghetto conditions and immigrant status affect immigrant families and their children?

Inner-city neighbourhoods in downtown LA are constrained by many disadvantages (Table 1). They are:

- Dominated by racial/ethnic minorities — 87 percent or more (over 90 percent in Chinatown and Pico-Union), most of the residents are Mexicans, Central Americans, and Asians;

- Dominated by first-generation immigrants — more than two-thirds are foreign born, implying that a very large proportion of the U.S. born child population would be living in immigrant households; and

- Dominated by the poor — over half of the households has income between $16,000 to $21,000, far below the county average of $30,000, as of 1990.

Residents and their children living in disadvantaged neighbourhoods are likely to be:

- Socially isolated from mainstream American society with little contact with whites or the middle class;

- Culturally exposed either to native-born minority culture that is often oppositional to mainstream establishment, or to immigrant cultures from which children often try hard to distance themselves, or to a materialistic mainstream culture, that is over-stated through television;

- Devastated by poverty, substandard living conditions, unsafe streets, and economic distress; and

- Handicapped by inadequate and turbulent schools — low achievement, high dropout rates, high rates of below-grade level enrolment, overcrowding, violence, and the problem with English.

These neighbourhood disadvantages are exacerbated by risk factors associated with immigrant status:

- Migration disrupts the normal patterns of social relations and interpersonal interaction between family members and people in the community, and undermines the customary measures of social control.

- Most immigrant children live in families with both parents working full time and some at several jobs on different shifts in order to meet survival needs, hence the lack of adult supervision.

- Parents lose control over children due to their lack of English language proficiency and the resulting role reversal.

- Many children lack English language proficiency. They have difficulty in understanding the teacher and expressing themselves in classrooms.

How are communities organized at the local level and how does community organization vary by race/ethnicity?

Immigrant neighbourhoods differ along a variety of dimensions, class and the density of ethnic organizations/businesses being among the most notable features. Whether inner-city neighbourhoods manage to create resources to combat adversarial conditions or allow these conditions to get worse depends on how they are organized and the ethnic resources they muster.

Neighbourhood-based social structures can be examined in terms of the types, variety, and density of:

- Public facilities, such as libraries/reading rooms, parks, public basket ball/tennis courts, or football/soccer/baseball fields;

- Civic organizations (non-profit service organizations and ethnic service organization or home-town associations);

- Religious organizations (regular services vs. secular services); and

- Private businesses (ethnic-specific services, such as restaurants, beauty salons, health clinics; educational institutions, such as language and tutoring classes, and career training schools; and recreational enterprises, such as music, dance, and karate/kungfu studios; video arcades, mini-marts, and bookstores).

A common problem facing many inner-city neighbourhoods is disinvestment along with the flight of the middle-class (whites as well as the more upwardly mobile co-ethnics) with the exception of some immigrant neighbourhoods.

How are neighbourhood-based social, economic, public, and ethnic/religious institutions related to one another to create a web of social resources, or constraints, for the education of immigrant children?

Supervised after-school activities offered by schools and private institutions are productive and effective:

- Children who actively participate in supervised after-school activities tend to do well in school regardless of race or ethnicity.

- Resources generated from neighbourhood-based organizations vary by ethnicity.

The ethnic economy constitutes an important part of community organization and is instrumental in fostering a healthy environment in poor immigrant neighbourhoods:

- The density of commercial activities enhances the neighbourhood's conditions for investment in other types of enterprises, such as educationally oriented ones.

- The density of commercial and social activities allows people to go out on the street and increases interpersonal interaction; participation in a wide range of social and economic activities at the local level can help rebuild ethnic and family networks and thus reinforce goals and measures of social control.

- The density of privately owned educational institutions not only supports the educational goal but also compensates for the lack of public funds and public facilities where children can go after school.

- The diversity and density of ethnic businesses create job opportunities and role models, attract the middle-class to return for shopping and culture activities, and cultivate social ties between the inner-city poor and their middle-class co-ethnics, which to some extent offsets the negative effects of isolation.

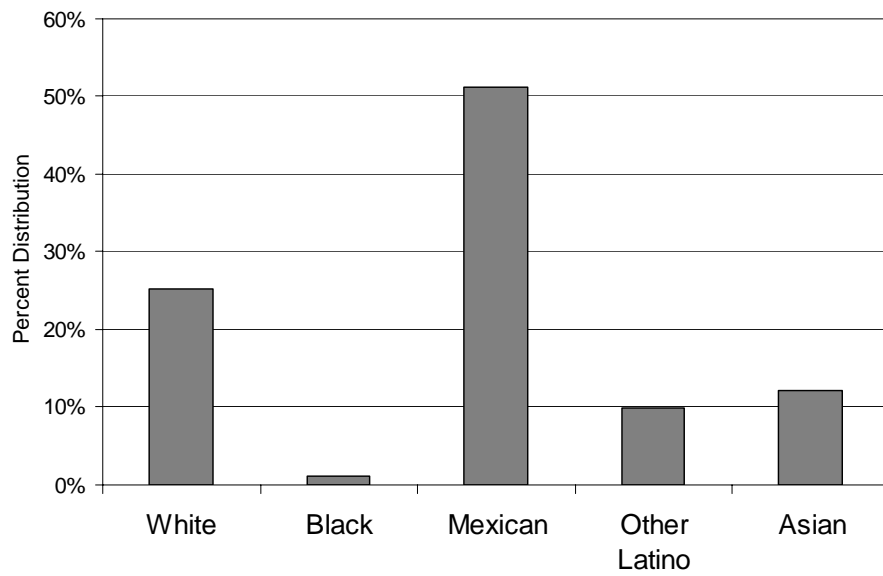**Figure 1. Population By Generation, Los Angeles (CMSA)**
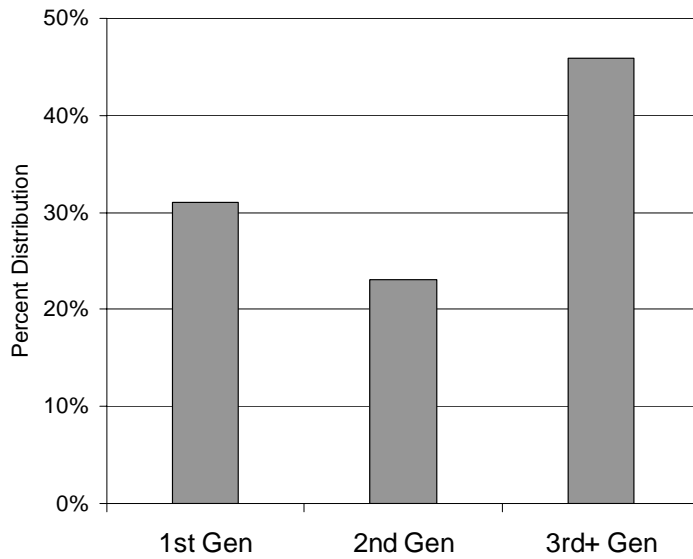
Source: CPS 1994-1998.

Figure 2: Distribution of Second-Generation Age Cohorts: Los Angeles (CMSA)
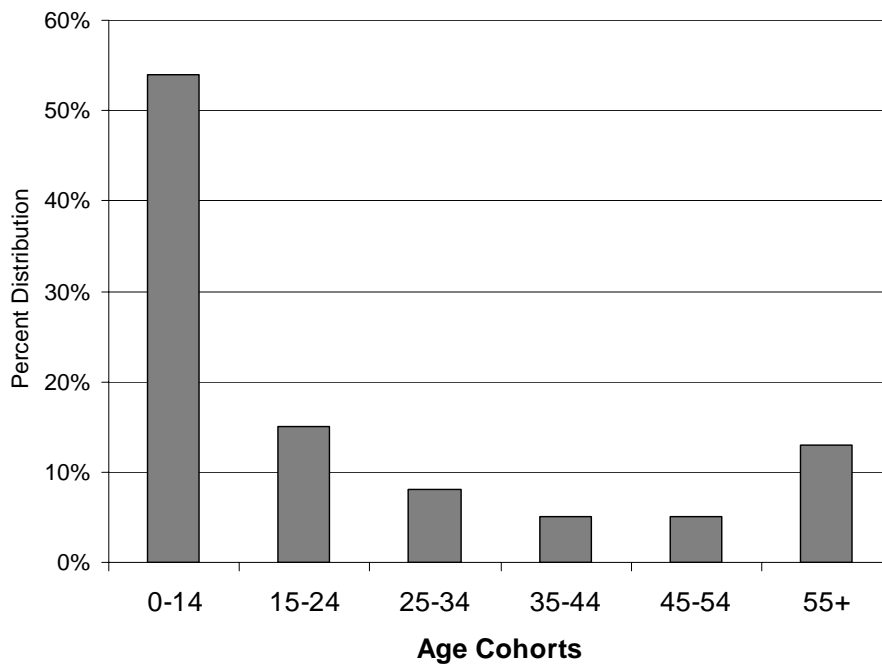
Source: CPS 1994-1998.

Figure 3: Racial Makeup of the Second Generation: Los Angeles (CMSA)

Source: CPS 1994-1998.

ABOUT THE SPEAKERS

Dr. Min Zhou received her PhD in sociology from SUNY-Albany in 1989 and now is Professor of Sociology and Chair Asian American Studies at the University of California, Los Angeles. Her main areas of research are immigration and immigrant adaptation, ethnic and racial relations, ethnic entrepreneurship and enclave economies, the community, and urban sociology. She has done extensive work on the educational experience of immigrant children and children of immigrant parentage, ethnic economies, and residential mobility. She is author *of Chinatown: The Socio-economic Potential of an Urban Enclave* (Temple University Press 1992), co-author of *Growing up American: How Vietnamese Children Adapt to Life in the United States* (Russell Sage Foundation Press 1998), and co-editor of *Contemporary Asian America: A Multidisciplinary Reader* (New York University Press 2000). She is currently writing a book manuscript on how inner-city neighbourhoods matter for immigrant children. Her website is (http://www.sscnet.ucla.edu/soc/faculty/zhou/).

Cândido Mendes Martins Agra | Professor at the University of Oporto

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1. OPORTO CONTRACT OF CITY

The issues of criminality and citizens' security have acquired a great importance in Portugal in the 1990s. The political context is marked by the passage of a policy centred on structural reforms of strong economic nature and the beginning of a strategy that gives relevance to social policies, citizens' worries, social phenomena

such as immigration, ethnic and racial issues, the problems of big urban agglomerations.

Given the complexity that security issues assume, we recognise that the policies of the central government are insufficient; so, we try to find at local level, with the participation of citizens and local institutions, new solutions that are more convenient for the specific social realities.

In this context, in November 1996 Oporto City Hall and the Central Government signed the City Contract that initiates, in Portugal, a new governmental policy on security in big urban centres. Besides the local basis, the City Contract presupposes the principle of intervention, carried out by different sectors of the community, and the principle of knowledge, according to which an efficient intervention can not be made without knowledge.

The aims of the City Contract are the development of an integrated programme for the promotion of urban security in Oporto and the creation of an instrument of partnership to enhance cooperation, in the field of urban security, between central and local governments. To achieve these purposes, operational programmes and the "Observatório Permanente de Segurança" (OPS) were established.

The operational programmes, whose management is in the hands of private institutions of social solidarity ("Associação para o Planeamento da Família", "Norte-Vida – Associação para a Promoção da Saúde" and "Clube Soroptimist – Porto Invicta"), have as targets youths, drug addicts and victims of prostitution and violence. The OPS, as a structure of research and involvement, is managed by "Radicário – Instituto de Ciências do Comportamento Desviante", an institution which is not run for profit that develops and promotes research in the field of deviating behaviour.

2. "OBSERVATÓRIO PERMANENTE DE SEGURANÇA" (OPS)

2.1 STRUCTURE AND FUNCTIONS

The OPS vocation is to produce scientific knowledge about the insecurity phenomenon. To establish facts, eliminating beliefs and ideologies; to put in relief the objective phenomenon relations, beyond its apparent manifestations; to establish a solid base of empirical data that allows decision-makers to adopt intervention strategies based on reason; this is the OPS aim.

The OPS functions are organised according to two great vectors: (a) research itself, in which the objective is to characterise, explain and understand the several forms of insecurity in the city (either in terms of objective insecurity or criminality, or in terms of subjective insecurity or feeling of insecurity), as well as to promote innovating projects that may contribute to the prevention of urban insecurity; (b) control of the actions developed by other partners in the City Contract in the scope of prevention and intervention upon insecurity

To accomplish its purposes, the OPS has an operational structure that includes: (a) the Permanent Data Base (BPD); (b) the research mechanism.

The Permanent Data Base (BPD) is the OPS central unit, to which are sent all data from the projects already implemented or to be implemented in the future by the OPS, as well as from the Operational Programmes. This unit plays thus the main role in the mechanism, ensuring the connection between the several levels that operate in the specific scope of the OPS and in the general scope of the City Contract.

The research mechanism is organised by research lines directed at a wide dimension of insecurity. Gathering a whole set of studies, the research lines operate in two interactive cycles of knowledge production: the analytic cycle and the applicable cycle. The first cycle – ascending – departs from the socio-historical

questioning on insecurity towards the epistemological level of theorisation. The second cycle departs from the theoretical constructions of insecurity towards the practices of intervention upon the concrete problems.

Having in mind the integration and consolidation of the different resources deemed necessary for the development and implementation of the several actions and projects it develops, the OPS has at its disposal a field of interactions. Accordingly, the OPS cooperates, among others, with several institutions that have an intervention in relevant areas, including Police Forces, Institutions of Health, Education, Employment, Social Security.

2.2 THE LOGIC OF THE PROGRAMMES OF STUDIES IN INSECURITY IN THE CITY OF OPORTO

2.2.1 FRAMEWORK AND PRINCIPLES

The OPS programme of studies was not determined by the organisation but by a previous analysis that intended, on the one hand, to establish the acquired knowledge and its structural lines and, on the other hand, to identify methodological and theoretical faults and ill-defined points. For that purpose, it observes the following principles:

a) The principle of continuity between objective and subjective insecurity. Trying to overcome the dichotomy "feeling of insecurity" / "objective insecurity", it evaluates the insecurity phenomenon as two moments or states (that of objectivity and that of subjectivity) of the same process. To consider insecurity as a process and not as a thing consists in changing in a drastic way the angle of analysis of the problem.

b) The principle of multi-dimensionality and the levels of analysis. The phenomenon that is the object of the study is multidimensional, implying several variants at the following levels:

- psychological (the feeling of insecurity);
- psychosocial (the social construction of collective fears);
- criminological (objective insecurity);
- victimological (objective insecurity);
- echo-social (<u>defensive</u> attitudes towards the city space; measures of self-defence; social control);
- morpho-behavioural (urbanism and insecurity).

c) The systemic principle. The insecurity phenomenon is a complex system formed by a whole set of elements, articulated among them. As a system, it has a structure, a function and an evolution in time.

d) The ethical principle. Insecurity-"fact" is not indissoluble from insecurity-"value"; the scientific sphere must thus be open to contributions form the ethical sphere.

e) The aesthetic-existential principle. The insecurity phenomenon appeals to an analysis of the aesthetics of existence, the arts of life management, in the finite spaces on which we inhabit and in a time that tells of a humanity now facing the specific issues of a new era. The insecurity phenomenon may be, after all, no more than the symptomatic expression of a deep anguish that attained the anthropological structure that is subjacent to behaviour and the present life systems.

2.2.2 METHOD

It is by means of methodological diversity that theoretical constructions will be corroborated or fade away. The scientific spirit that guides the OPS is not happy

with the mere confirmation of hypothesis by means of a single method. Accordingly, the following characteristics of method must be pointed out:

a) General method. The interdisciplinary method tries to articulate, under a common referential, the diversity of the objects of study and the specific methods required by each study of the scientific agenda.

b) Specific methods and techniques. Inquiry and interview techniques are used, as well as psychometric and ethno-methodological (field studies) techniques, cartography, documental and contents analysis, statistical, longitudinal, clinical and biographical methods.

c) Quantitative and qualitative methods. The programme of studies tries to overcome the traditional scientific argument between quantitative and qualitative methods, crossing them in different studies and making them converge and interact in the analysis of the results.

The scientific construction of insecurity will only find some solidity when, from this "methodological mix", derive conceptual series that will proclaim the promise of a possible solid theoretical organisation.

2.3 PHASES OF THE OPS DEVELOPMENT

Although still brief, the OPS history allows the identification of three phases of development:

The first, from 1996 to 1998, was characterised by the creation of the organisational structure and the performance of the first studies, with eight research topics being explored: the present state of scientific research on the phenomenon of insecurity; the dimension of the criminal phenomenon in the city of Oporto; criminal victimisation; perceptions and representations of fears; insecurity

and criminality in the media; urban plan and criminality; urban project and crime; measures of self-defence.

The second phase, between 1998 and 1999, was dedicated to the systematisation of the information contained in the Permanent Data Base and implementation of three lines of research:

a) The line of studies dedicated to the feeling of insecurity, including two studies: perceptions and representations of fear in the city of Oporto; feeling of insecurity and perception of the characteristics of space;

b) The line of studies dedicated to "objective" insecurity (criminality), including three studies: dimension and structure of criminality; enquiry on criminal victimisation in the city of Oporto; self-revealed crime and delinquency;

c) The line of studies dedicated to police intervention, including two studies: applicability of community policing strategies in risky areas: police in the Sé neighbourhood; urban peripheries, feeling of insecurity and social control.

Following the creation of the operational structure and definition of the consistency of the instruments of data collection (international enquiry on victimisation; international enquiry on self-revealed delinquency; enquiry on urban insecurity; instrument of data collection in police forces and courts of law; ethno-methodologies) and methodologies of data treatment, the third phase that is now starting and will comprise the years 2000 to 2002 includes two versions of studies:

1) Complementary studies of the enquiry methods, whose analytic power may contribute to enlighten aspects regarding both the feeling of insecurity and objective insecurity not revealed by the quantitative techniques;

2) Scheduled studies following the OPS development lines that, for one reason or another, could not be initiated or are about to begin.

So, in the year 2000, the following studies are being developed:

a) *Dimensions and structure of criminality*. Established the validity of the instruments of data collection and the methodologies of data treatment in the two previous phases, the conditions are now gathered for the systematic application, in time, of the same instrument in order to measure with rigour the objective criminality in the city of Oporto. For that purpose, with the collaboration of the Metropolitan Command of the Police of Public Security, a collection of the complaints presented to that police force from the year 2000 is being made.

b) *Feeling of insecurity and system of life*. The study intends to make clear the subjective meaning of the feeling of insecurity and the how it inscribes itself in and affects people's system of life. Qualitative methods of biographic nature will be used.

c) *Victimising trajectories*. This study intends to place the victim in his/her trajectory of life, establishing a connection between the victimising event with other events and situations. The study throws some light on victimisations that rarely appear in the enquiries (for example, rape, domestic violence, and so on), as well as on their meaning and conditions in which they may occur.

d) *Trajectories of juvenile delinquency*. The enquiry on self-revealed delinquency, implemented in the second phase, provides information on the dimension and socio-demographic characteristics of youth delinquency. But it does not say a word regarding the following variables: risk conditions; emergency conditions; choice of delinquency forms; factors of protection against delinquency; factors of desertion from a deviating career; factors of affirmation of a delinquent life style. In order to analyse these factors, a longitudinal study was developed to follow up the evolution of a sample of youths along their developing process.

e) *Psycho-sociology of intervention in the field of security*. This study is in line with the research on social control and policing, but resorting to what we call ethno-experimental methods, which foresee an "intimate" research work between

police and researchers. Given the specific nature of this method, during the year 2000 only exploratory studies will be made. Still in the perspective of the intervention in the field of security, the studies on self-defence strategies and private security will be resumed.

f) *Research/Intervention.* Two studies of research/involvement are scheduled: 1) *Communitarian.* It is not enough to study the feeling of insecurity. It is also necessary to work that feeling, namely by the transmission of objective information. Accordingly, a study of social experimentation is being developed in an area of the city with the purpose of testing a model of communitarian intervention upon insecurity; 2) *Socio-sanitarian.* As foreseen in the City Contract, the systematic evaluation of the operative projects is carried out by means of a whole set of tests and enquiries.

g) *Security policies: comparative studies.* The OPS develops comparative studies on European security policies, together with the "Groupement Européen de Recherche sur les Normativités". In this sense, studies are carried out on social construction and history of insecurity. Given Portugal's privileged position as Europe / Latin America mediator, comparative studies were initiated with Brazil.

2.4 SYSTEM OF CULTURAL EXTENSION

The OPS tries to publicize, at national and international level, the activities developed, since its creation, in the scope of the City Contract.

Accordingly, at national level, each year it organises Forums for public announcement of the main activities and results of the OPS and remainder partners in the City Contract and it periodically publishes the "OlhareSeguros" Bulletin.

It also participates in meetings with entities that have an intervention in the issues of security, namely in the scope of the Oporto Municipal Council on Security.

At international level, we must mention the organisation, in April 2000, of an international seminar of research on urban insecurity, in the scope of the scientific meeting of the "Groupement Européen de Recherche sur les Normativités".

3. PROVED FACTS

1. Insecurity is a real social problem associated to other problematic phenomena

- Similarly to what is observed with the majority of western world populations, to the inhabitants of the city of Oporto the feeling of insecurity is general and deep.
- The feeling of insecurity has its roots in crime, especially in violent crime and/or criminal acts of a sexual nature and in the world of narcotics and drug addiction.

2. Insecurity has an objective dimension

- Criminality, in the city of Oporto, is dominated by crimes against property, with special relief to a set of predatory offences mainly related to vehicles, residences and commercial or industrial facilities. Criminality against persons has a relatively modest value, being dominated by bodily harm.
- Criminality committed by youths, rarely detected by the formal instances of control, presents high levels of occurrence although the more frequently committed acts are those less serious. Everywhere, the more violent criminality is committed, in a systematic way, by a small group of youths.

- The experiences of victimisation are relatively frequent, especially in what concerns crime against property.
- The movement of criminality keeps pace with the rhythm of the social life of the city.
- During the last years, criminality has registered a spreading movement of crime through the whole city that seems related to urbanistic development and to follow closely the main viary axis. However, the neighbourhoods in the historical area are those that present higher levels of criminality per thousand inhabitants and per square kilometre.
- The several types of crime present a different location according to the activity sector that is predominant in the urban spaces, being criminality against property higher in the areas where commercial activities and services are centred.
- In the social quarters, the criminality that is more predominant and acquires more visibility is the criminality related to narcotics, being the acquisitive criminality almost non-existent.
- Crimes usually take place in spaces near the victims' homes.

3. Insecurity, translated into fear of crime, has a subjective dimension

- Fear of crime is high and there is a general perception of increase of criminality.
- Fear of crime is associated to the evaluation of criminal acts as generically very serious and to an intense perception of risk of victimisation.
- Relation between gender and feeling of insecurity is obvious, with women presenting higher levels of fear, perception of risk and presumed seriousness of crime. The same occurs regarding socio-economic levels, being the groups that have less economic resources

those that show higher levels of fear, perception of risk and presumed seriousness of crime.

- By contrast, the relation between age and feeling of insecurity is more complex and the several age groups present patterns of fear relatively specific, with a special reference to the elder for fear of theft and house breaking and the younger for fear of rape and car theft. Victimisation, on the other hand, has no direct effects on fear of crime.

- Fear of crime, however, is not uniform in the different segments of the population and we may rather talk of profiles of crime that translate different meanings and experiences regarding the feeling of insecurity in urban milieu.

- Fear of crime is specialised and the social quarters and city centre have the spaces reckoned as the most dangerous.

- To ascribe a degree of dangerousness to certain areas of the city has no justification in statistic data (which show dissemination of crime through the whole urban space) nor in the personal knowledge of those places (insofar as individuals, in general only have media-related references of them).

- The more menacing characters and those more linked to criminal activities are organised groups, sexual offenders, drug addicts and gypsies.

4. People do the management of their fears

- The use of defensive strategies by citizens is unremarkable and almost limited to the protection of the residence and to worries about avoiding: groups of people; city spaces; periods of the day.

- Contrary to data from other countries (for instance, the USA), the resource to firearms as protection is still limited.

- Attitudes towards the punishment of crime vary; the most repressive people are the elder, the less educated and those with higher levels of fear of crime.

5. Insecurity is also constructed by the social environment and the media

- Everyday, the media produce reports of crime in the city, giving special relevance to sensational and violent crime.
- The way the media build their reports on crime increases the identification of the citizen with a possible victim.
- The way the media build their reports on crime increases the identification of everything that in a stereotyped way corresponds to what is different, to the threatening delinquent.
- The media present proposals of reality that contribute to the social construction of the feeling of insecurity.
- There is a relation between the exposure to the media and the feeling of insecurity, even if the nature of that relation is extremely complex.
- Discriminated peripheral areas, almost hidden in the game of city spaces, are still feeding media-related subjects that form the echo-social level of the feeling of insecurity.

6. The image of police and their action

- Police are perceived as important characters of resource, even though the participation of crimes to the police is generally very low.
- The nature of the crimes and the opinion regarding police authorities is decisive in what concerns the participation of crimes.

- The assessment of the work developed by police forces has suffered a positive evolution. However, there is the perception of a certain inadequacy of police services in dealing with particular kinds of victimisation.
- Police are picture by the media as passive and weakened. This contributes to limit their function of restoration of public order.
- The models of community policing are deemed important by citizens and are seen as an efficient way to reduce fear of crime.
- However, in social quarters the reciprocal image police/inhabitants is characterised by mistrust and detachment.
- Police presence in social quarters, not always able to disintegrate deviant phenomena, does not increase the degree of cooperation and trust between police and community.

7. For a deeper awareness of the problem

- The results of several researches confirm that the feeling of insecurity is not limited to merely subjective or objective factors. The feeling of insecurity must be understood as a true phenomenon that worries populations and has deep negative implications in the citizens' quality of life.
- It is, thus, important the look deeper into the knowledge of this social problem, having in mind the definition of scientifically based intervention strategies. So, for instance, the knowledge of the perceptions and interactions between city inhabitants and police may result in the re-establishment of trust between police and public; deeper knowledge of the dynamics in social quarters will certainly contribute to a less stereotyped and marginalised relationship between these populations, the city and the instances of social control.

- The aim, with the systematic production of scientific knowledge on the insecurity phenomenon, is to contribute for the definition of intervening strategies, based not in beliefs but in empirically established facts.

Maria João Seixas | Journalist

THE NIGHT OF THE WORLD

I will begin by congratulating the Inspectorate General of the Internal Administration for having organised this Seminar dedicated to the discussion of ideas on the vast universe of Cultures, combined with the world of Security, that source of worries that progressively has become a part of our lives. Lives that are being summoned to give more attention to it or even being dominated by that source of worries. I still want to thank the kind invitation I received to participate in this panel. It is not my habit to talk about what I do not know but I can not resist to calls that, since their formulation, talk to me in a language nearer the one I like to use. It was THE NIGHT OF THE WORLD that pushed me to accept the challenge to say aloud what, inside me, is already whispered, is already subject of meditation.

I was born and grew up far from Europe. Where I was born, political and police authorities insisted on making us believe that the threat to our security came alone from those with a different colour of skin. In the cities, we were not supposed to feel the war that tore apart the northern forests and so, not to allow the confusion to take hold of our spirits, the urban rebels were called "ma'bandidos". They were just "the others", and they were negroes, rioters and the sole agents of our insecurity.

When I grew up a little more, I left that far away place and came to metropolitan Portugal. Teachers, friends, songs, films and books contributed to a better definition of the edges of Night and Day and made me aware that the central nucleus of our presence in the World passed, unquestionably, by values such as Freedom, Justice, Human Rights. Men could not be classified according to the colour of their skins; it was the colour of their ideas that indubitably distinguished them. I also learnt that the security agents of that time of mine were dedicated to the task of assuring that those essential values were step on and could not be exercised. So, in my country and in that time, the days were also made of night.

When, in April 1974, the day dared to be day, I kept some of those tics of reaction against police forces. One of them, absolutely childish, pressed me to perform an accomplice ritual with drivers on the roads, making light signs for warning when I passed a Road Traffic Brigade. Up to the day I was stopped and received, from an officer with a remarkable sense of humour and a solid democratic training regarding public service, an unforgettable lesson about the attempt to my own security, and to other's, that light game meant. I became aware of the aims of any "Operation STOP". From then on, I stopped my thoughtless game of signs.

April 1974 consecrated the victory of values and ideas that put on equal terms, before the Fundamental Law, all differences. This principle is a generous, welcoming principle and often perverse because it also assumes the air of a permissive principle. Used to accept the difference in each one, we often forget to demand the system's kindness to regulate the respect for the Law of all. And we also forget, step by step, in our own steps, to materialise the principles proclaimed by the Law and get used to the idea that, once Democracy implanted, Freedom, Justice and Dignity for each one and for all of us are automatically ensured. This is not true or possible. It is as if this thing called life in the polis – local, regional, national and international – could be conducted by means of a magic wand, abstractly waved, without the permanent participation of the citizens.

I talked about the welcoming and generous aspect. And I also talked about permissiveness.

The welcoming and generous character opens its arms to all those who wish to enter, assuming that, being equal and free, all wish to participate in the construction and development of all, a *sine qua non* condition for making social harmony into a reality. We know that this is not the way things work – there are those who think and live in conformity with this rule and there are those who think only of themselves and do not respect at all the regulating mechanisms of everybody's life. And I am not talking exclusively of individuals; there are groups, organisations and institutions – both public and private – that also forget this basic rule.

The permissiveness of the system is reflected in the form, slow and almost ashamed, how it penalises those who commit offences and attempts against the common good (and those "who" may be natural or legal persons, private or public) and in the form, almost always weak and little mobilising, how it requires from everyone a permanent attention to the accomplishment of the most basic rules that ensure the said equality, freedom and dignity, reminding that they are not acquired certainties but rather are subjected to precariousness if that attention is not stimulated and applied with perseverance and commitment.

If I was invited to participate in this panel, not being an expert in the matter, was, I think, out of curiosity to hear the voice of my personal reflection and some balance of my experience. This is the only reason I bring before you, with some embarrassment due to its possible uselessness, the impressionist balance of the foundations that were the base of my walk through the Day and the Night of the World and my answer to the challenges of life in the cities – stages as safe as unsafe of our performance in life.

I was lucky enough to be educated according to one single precept – do not do to others what you do not want them to do to you. I was also taught to stop to think before reacting in the face of any knew or unknown situation. I was asked to try always to understand the phenomena (pleasant or unpleasant) and to question the causes that could have originated them before allowing myself to give an emotional

answer. I was required to look for the key, a key that would reveal the nature of that phenomenon, that event, that behaviour. In brief, what was asked of me was CURIOSITY and KNOWLEDGE. A "curiosity" and a "knowledge" that are applicable both to big and small issues. It is not always comfortable to live with this request within ourselves. But it is a principle of evaluation of behaviours, events and phenomena that has proven to be of a priceless utility and efficacy.

I will give two examples, almost primary, which the memory of my days as a girl registered, regarding the way I was taught to react to signs of violence and attempts against my security:

- If a dog bites you, you must know how to defend yourself but it is better if you know what kind of animal a dog is, how it must be treated, looked after and trained. What steps must you take in order to avoid that that dog or any other dog bit you again? Do you call the police? Do you try to know if that dog has a owner and do you denounce the situation? Or do you stick to your legitimate complaint and promote a battery of lamentations?

- If you are victim of a theft, what shall you do? It would be good if you were in the least prepared to ensure your self-defence regarding a situation like that; but if it is not the case and you can not avoid it, what shall you do? You call the police and then? Do you stick again and solely to your complaint? We all know it is wrong to rob persons or beat them. But what do you think of the persons who commit those actions? Are they ontologically bad persons, i.e., are they persons with a bad nature, a nature that is different and reflects an evil effluence, or are there other causes that you should try to understand and, who knows, try to correct if you can?

This way, I was told about the origin of conflicts and other turmoil and questioned on my evaluation of what I read in the History books. This way, I was also given clues to understand better Frelimo's guerrilla and the Portuguese presence in

Mozambique. When I recall the lessons I was lucky enough to receive during that period of learning, I am taken aback by the wisdom and love with which I was prepared for the confrontations with my autonomous life. The best legacy of the luck I had was exigency: exigency of knowledge, the more important tool to participate in the polis life, *urbi et orbe*; exigency also of exemplarity, without which our insertion in the collective does not make sense.

I was also informed about fear and told that fear of being afraid is even more suffocating than other fears. It was always added that life is a risky run and it should not be "my" security to orient my purposes but the joy of knowing how to face, go round or even eliminate the risks that could trouble me, that could put me in question. And that I should know how to preserve, from one stage to another, the fair flavour of the nature not only of each surpassed risk but also the others, those that had managed to hurt me or affect me.

To finish this incursion into the attic of my education, I remember that ENVY and GREED were classified in the hierarchy as the worse faults in man, while COURAGE and GENEROSITY were his greatest qualities. The balance that was constantly exposed to me on the development of humankind in its journey towards a fair and happy life, passed inexorably through the imperative of education and acknowledgement of culture as an indispensable nourishment to attain the plenitude of life.

What I mean is, the lesson I learnt teaches that, in order that NIGHT turns into DAY in the WORLD and cities may, in the collectives they harbour, reflect that luminosity that is the greatest security the human being may wish for, we must commit ourselves to a fight without truce against all forms of obscurantism. If we can utter the expression "Holy War" without shiver with the brutal contradiction of terms, so the war against obscurantism is the holiest of all wars, the only one I recognise and on which I enrol.

We were and still are, since the violence widely spread by the media that fell upon two American cities on September 11, summoned to interiorise, in a global way,

the NIGHT OF THE WORLD. And we are going round in circles with the indigestion of this tremendous scare. From what I have read and heard, two elements have served as consolation to me in the attempt to understand the brutality of the phenomenon and to nourish the hope that it has served to eradicate the causes that led to it:

1. The questions that many analysts begin to put about the "state of things", the state that has led the powerful of this world to inhabit the world under the aegis almost exclusive of "greed" and the aloofness in which we have been living because so we agree to live, distracted by that ferocious dominant factor that, in the last decades, has developed itself as a fatal illness and which is called "market", with its omnipotent and omnipresent rules;

2. The cathartic resource, in a generalised way made by anonym persons, to Poetry, that supreme form of discernment of everything that exists and happens, and lenitive, efficient and mobilising, to the grief that blind violence makes us feel.

To conclude, I will take a jump in time and tell you a story. It happened in Roma, in the year 1581. Catholic Europe lived the passionate excesses of Counter-Reformation. Monsieur Michel de Montaigne, a French thinker I much admire, left his Tower in the Périgord and made a long trip through Italy. He was impelled by two reasons – to seek relief in the Italian thermal waters from the suffering caused by his renal calculus and to present the manuscript of his "Essays" to the censors of the Holy Office in the Vatican, hoping to get from them the approval for publication that the prestigious Sorbonne was obstructing.

As a result of that trip, Montaigne wrote a Diary with delicious comments on the places by which he passed and on what he saw and heard. On March 18 of that year, the notes in his Diary mention that the Ambassador of Portugal, where Filipe of Spain was the king, had presented his credentials in the Vatican. And, in reference to this diplomatic ceremony, Montaigne says that he heard of a curious

ritual performed by Portuguese people, certainly members of some sect, and which was the following: they gathered during Holy Week in Saint John Church in Porta Latina and, before the altar and according to the rituals of the holy sacrament of matrimony, men married men and began to sleep and live together. This brief reference to our fellow citizens, made in a kind way, finishes with the remark "that eight or nine Portuguese belonging to this beautiful sect were sent to the bonfire".

Is March 18, 1581 really so distant from September 11, 2001?

Thank you very much for your attention.

Miloudi Hamdouchi | National Security of Morocco

INTOLERANCES, RACISM AND CRIME CONTROL

Using the thoughts of Eros Robert Grau according to which "there are no undetermined concepts. If the concept is undetermined, it is not a concept. If there is ambiguity, it can not be but an ambiguity of the terms which express the concepts"[1], I would begin by observing that the 7th subject refers to "Intolerances, Racisms (in the plural) and Crime (in the singular) Control".

Without falling into the hermeneutic, I would say that we are facing terms and not concepts and that the coordinator was right in not closing the subject, allowing thus the speakers to have the liberty to navigate according to their culture, their academic anguishes or their analysis of the social phenomena.

According to Grarvitz, tolerance is, in the common sense, an "attitude of acceptance of the opinions and behaviours of other persons. Contrary to the authoritarian personality, and thus a virtue of the democratic society…"[2].

Grarvitz used terms such as "opinion": "A reaction, either verbal or susceptible of verbalisation, including a judgement about a situation that is open to discussion." The notion of opinion is absolute, i.e., it refuses any form of limitation, including the legal norm, contrary for example to the freedom of the press, which is the object of a sanction whenever the information or the news

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[1] "Concepts Juridiques", *Droit et Perspective*, Presses Universitaires d'Aix Marseille, 1994, 3, pp 773 and following.
[2] *Lexique des Sciences Sociales*, Dalloz, 2nd edition, Paris, 1983, p 358.

that are published constitute a violation of a right. We may talk here of relativism.

In what concerns the behaviour, as a set of objectively observed reactions, it has no account of what is submerged, inculcated, invisible.

This crude and brutal approach excludes the thousand concrete cases which, theorised, would lead to an extremely complex explanation of opinions and behaviours.

We would then understand that the terms "intolerances" and "racisms", in a common sense, express a tension, an extreme, an excess that is nothing more than, according to Roger Dadoun, "a push, a pressing, a constraint, a force: in a word, a violence"[3].

The term is weak. Violence, in a wide sense, is an illicit constraint whose character "is expressed by the assault against peace and liberty, by the brutality of the proceedings used (physical or corporal, material violence) and/or, as a result of intimidation, by inspiring fear (moral violence)"[4], "with the purpose of obtaining from a person or a group of persons what they do not want to consent to on their own free will"[5].

Violence, the most aggressive form of criminality and the most serious assault against public order, must be under the control of the judiciary authority and its assistants (all police forces). Ando so, the title of the 7th subject reveals its simultaneously internal and external logic: violence and crime control. This logic excludes from the scope of the reflection the inter-societal violence, an issue deriving from regional disparities (centre, periphery) as explained by Dicter Senghass[6].

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[3] *La Violence, Essai sur l' "homme violent"*, Optiques, Philosophie, Hatier, Paris 1993, p 8.
[4] G. Cornu, *Vocabulaire Juridique*, PUF, 1st edition, Paris 1987, p 845.
[5] Jean-Marie Domanche, "La Violence", in *La Violence et ses Racines*, Actuel, UNESCO, Paris 1980, pp 34 and following.
[6] "L'Apport Spécifique des Recherches sur la Paix à l'Analyse des Causes de la Violence Sociale: Transdisciplinarité", in *La Violence et ses Racines*, op. cit., p 101.

We will briefly refer the forms of violence and then suggest some methods (or modes?) to control this crime.

Psycho-sociologically, Raymond Boudon and François Bourricaud have two conceptions of violence: one is anarchic, the other strategic.

1. The violence–anarchy. According to its most straightforward definition, the anarchy is the absence of rules.

"The rights and duties cease to be actually sanctioned because the persons no longer know what their obligations are, do not recognise the legitimacy of their obligations or because they do not know who to appeal to in order to see their own rights respected when they are violated. The violence-anarchy results from the spreading of the aggressive relationships in the sectors of society deprived of rules."[7].

The violence-anarchy may be illustrated by what an expert called "decentralised violence"[8].

2. The strategic, organised or even methodical violence, as opposed to the decentralised violence, is more efficient. It is a qualitative violence, the one preferred by the terrorists.

Roger Dadoun describes it, *ex professo* (or *ex catedra*?), the following way: "Contrary to termination which, obsessed by the quantitative aspect, exercises an unrestrained slaughter, terrorism seeks to exercise a qualitative violence, using economic and almost 'surgical" methods"[9].

Crime control, especially that regarding qualitative violence, presumes prevention and repression.

1. Prevention. It consists on knowing that, first of all, "it is that same violence that feeds the tumultuous sequences which are usual to terrorist movements: seizure of power, settlement of disputes, real or imaginary treasons, summary executions, divergences, suicides, explosions". The group constitutes a privileged cultural environment for the materialisation and

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[7] *Dictionnaire Critique de la Sociologie*, PUF, Paris 1982, pp 610 and following.
[8] Hirochmann. Mentioned by the same authors.
[9] Op. cit., p. 24.

exacerbation of neurotic and psychotic symptoms: obsessive rituals, hysterical gesticulations, persecutory ideas, missionary deliriums, visions of apocalypse and war, mystical ideas of all kinds.

However, at the same time they act as factors of rupture and explosion, those conflicting forces contribute to cement the group, to give it homogeneity and density, and lead to the concentration that makes the terrorist group a hard "nucleus", an "autonomous" cell, an opaque "fraction", a knot of "resistance"[10].

Prevention must, secondly, be of a normative kind. "For many years, human cultures have tried to control violence by religious means and following two paths: first, ascribing legitimacy to certain forms of violence (…), then, using religion to purify the violence by the choice and sacrifice of a victim."[11].

Nowadays, only a preventive and clear norm may discourage those who are impaired with violence.

Thirdly, we could foresee a prevention process that would minimise the dangers. It would consist on the infiltration of those groups on an ideological, political and organisational way, which infers a management personnel who knows what he wants, a top personnel and an operational personnel, who must be recruited either in the dependence group or in the reference group.

2. Repression is not a blind bee. What is going on nowadays in Europe verges on the irrational. The sliding effect is evident; otherwise, how to explain those arrests of alleged terrorists who are immediately set free by lack of evidence? Have we forgotten that terrorism is a policy implemented by violence means? A thoughtless repression, trusting in its own references, is a terrible means of disturbance of the value systems. It translates the inaptness of the repressive services to understand their mission and take responsibility, in the absence of information on the gang of men they propose to combat. Let's say the following prayer: "That the practices of nepotism and favour may cease in democratic societies. That the virtuous competences be rewarded" because "when the ultimate possibilities of violence match the destruction of mankind, it becomes impossible to claim for limitations and controls. It is to another troublesome issue, another practice, another policy that we are invited, hoping, in any way, to be constrained there."[12]

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[10] Roger Dadoun, op. cit., p. 26.
[11] Jean-Marie Domenach, op. cit., p. 40.
[12] Jean-Marie Domenach, op. cit., p. 42.

| **Júlio Alberto Carneiro Pereira** | Director General of the Service of Foreigners and Borders |

RACISM AND CRIME

Note: The facts are true. The names are fictitious.

Angelino Tavares Lopes, born in Cape Verde, a mason by profession, entered the "O.K. Bar", in Praia da Vitória, shortly after midnight. As usual, he positioned himself in the narrow passage that divided the two parts of the bar, through where Manuela had to pass in order to serve the clients. The waitress did not always show a bad reaction to this behaviour, allowing Angelino to stay there and enjoy the sporadic contacts with Manuela's body when she passed.

That day however, either because she was in a bad mood or because of Angelino's miser regarding the space left for her to pass, Manuela refused to serve him the beer while he had not taken a seat. They exchanged some words and then insults, after which Manuela slapped Angelino in the face, who returned the caress with two punches.

Then, everything changed.

All the clients rose and went, with chairs in the air, towards the aggressor. The latter took a knife to face them. As the men came nearer, Angelino was invaded by a white light that warmed his brain, disturbed his eyesight and blinded his reasoning.

He began to see shadows in front of him, towards which he pointed his knife.

When he reached the door, he perceived a shadow that seemed to be holding something in the hand. Once again, he pushed his knife forward.

A cry was heard from Mr. Manuel Linhares: "I'm going to die". He was right. With his heart pierced by Angelino's knife, he would die in a short while.

The enquiry was brief. Angelino was arrested a couple of hours later in the log cabin where he lived because, according to the enquiry, "he had murdered a man and injured another three who are in serious condition…" From these three men, one had been injured in the abdomen, the other in his left arm and the third in his left arm and leg.

The enquiry then described the facts, in such a way as to give scientific reason to the attributes of "slaughterer" and "murderer", as the defendant was called.

Also the witnesses did not restrain from showing their feelings. Angelino or the defendant, as initially they called him, soon became known simples as "the black" or "the nigger".

The Public Prosecutor had no doubts. Moreover, the case translated the validity of an old formula that had been used for generations: "The defendant acted willingly and of his own free-will, well aware that his behaviour was illegal."

The trial illustrated what is already known. Summary justice is seldom complete and serene.

After all, Angelino acted with potential intention and in a disturbed state of mind caused by his fear of being assaulted by the men who where in the bar.

He lived, in very poor conditions, in a log cabin and earned a salary of 30,000 Escudos per month (€ 150).

He had in his charge the women he lived with and a daughter and, besides that, he helped his parents and four younger brothers who lived in Cape Verde.

All things considered, he was sentenced to 11 years of imprisonment for the crime of murder.

I decided to make a reference to this case not only because it was the first in which I came across a diffuse situation of racism but also because it includes a great number of the ingredients in which sociologists often look for the genesis of the crime.

A black-coloured immigrant, living in poor conditions in a log cabin. These are the visible features for the surrounding society. A daily fight for the family survival, not only the elements that are present but also those who are absent, represents the less visible side.

This occurrence possibly illustrates the characteristic state of the cases of racism in Portugal. A "soft" racism that invades even the institutional plan.

I remember, as if it were today, the day of the trial in which there was the belief that if Angelino had been white all would have been solved with the Azorean clam, with the separation of the fighters and an appeal to good sense.

The general mobilisation of the clients against Angelino proved that the right moment to act against the "impudent nigger" was expected. The knife in the aggressor's hands revealed that there was a latent conflict between him and society.

The concurrence of the two factors killed Manuel Linhares.

Crime has been the object of different attempts of approach, from which the racial perspective did not escape.

Some sociologists intended to see in this simple factor the causes of high levels of delinquency in certain ethnic communities. It was the basic and cheapest form to face that reality, allowing everything to remain the same. After all, according to Gresham Sykes: "The most difficult problem is precisely to determine the real social cost of discrimination, in terms of delinquent behaviour, and perform the necessary social changes to eradicate it."

Also the relation between criminality and immigration did not escape the sociologic analysis. The high percentage of crimes in some immigrant communities does not allow us to characterise as xenophobic that simple verification. What is not possible is to make an immediate association between one reality and the other since the simple fact of the inexistence of an adequate policy of social integration for the immigrants is one of the basic explanations of that reality. Even more, when we know that as important as the sanctions imposed by the State, or more important still, are the informal sanctions imposed by the social environment that immediately surrounds the individual.

The immigrant, away from the social environment that in an informal way imposes on him certain norms of conduct in order to be accepted in its bosom, does not feel constrained by that web of social relations as soon as he is away from it. And, since he is not in the least integrated in the society that received him, the risks of adopting a delinquent behaviour are increased.

Furthermore, the immigrant community is often called to play the role of scapegoat. A good example is what happened with the Italian community in the United States at the beginning of the century when, besides being stigmatised by the import of

supposedly subversive ideas, would be pointed out as responsible for anything that was considered a crime since the implementation of Prohibition.

In 1963, Edgar Hoover said: "The *Cosa Nostra* is a universal fraternity whose members are Italian, either by birth or national origin, and we have verified that it controls the main criminal activities in many of the great metropolitan areas, often working together with criminals who represent other ethnic groups. It operates at a national level, with international connections, and up to very recent times it conducted its activities in an almost absolute secrecy. It works like a criminal cartel, with its own organism of 'law' and 'justice', and thus prevents and replaces the authority of the legally established organisms."

Here was the explanation not only for the crime but also for the FBI fiasco in stopping it. And it had the advantage of tranquilising the consciences since the dangerous conspiracy that organised crime represented was simply the work of Italians and other ethnic groups with which the *Cosa Nostra* was associated.

There was the concern of mentioning that the network operated at national level, in case it was forgotten any crime committed in a recondite valley in the Rocky Mountains. And the FBI had not to explain the fiasco of its fight against organised crime since the network operated in an almost absolute secrecy.

Without minimising the dangers represented by the *Cosa Nostra* and similar organisations, we have here the expression of a xenophobic attitude towards Italian immigration. And, in the absence of elements that would allow a precise identification of other ethnic groups, it involved in the conspiracy other ethnic communities that, for want of naming them, excluded none.

Besides the racist and xenophobic perspective, this position accentuated the problem because it directed the investigation to fields that were far from covering the scope of organised crime.

A similar situation occurred recently regarding the yellow danger represented by the Chinese Triads.

The openness of the People's Republic of China in 1979 and the transition processes of Hong Kong and Macao led to an important migratory flow that began in the 1980s, namely to Canada, the United States, Australia and the United Kingdom.

There was a proliferation of texts denouncing the Chinese organised crime and the danger of contamination for the receiving societies. These texts had in common the absence of any statistic data and the fact that they illustrated the said danger by making the inventory of crimes that had taken place in all parts of the world and denouncing the criminals related to the Triads, some of them already dead for decades. Amazingly, those fears began to appear mainly when elements of this community started to hold relevant positions in the countries of destination or created economic difficulties to the local middle classes, as it happened in Vancouver, Canada, where huge investments of the Chinese community in real estate originated a substantial rise of the prices.

As a last example of the attack against the immigrant community we must mention the expel of hundreds of Portuguese emigrants from the United States, the great majority of them with Azorean ascendancy, under the pretext of having committed offences, many of them insignificant ones. A great number of those emigrants have no affective ties with the Portuguese society and some of them do not even speak our language and are the product of a situation of segregation to which they were subjected in the American society.

Racism in Portuguese society

According to the CRIDA report of 1998, only 3 percent of the Portuguese considered themselves racists. However, more than 50 percent think there are too

many gipsies and 50 percent are against mixed marriages, which makes us think that the general tendency is against a multicultural society. The report calls the attention to the dangers of the racist path if the economic situation deteriorates and if unemployment and exclusion increase.

Hostility regarding gipsy communities is, besides, the object of recurrent news in some media, which never get tired of giving voice to those who refuse to send their daughters and sons to school along with gipsy children or plant in that community the seed of all evils, from theft to drug trafficking. And it has been at the origin of conflicts even at political level, such as the one that occurred between the parish council and the civil governor of Braga, the discomfort caused by some support given to the decision taken by the Mayor of Vila Nova de Gaia regarding the housing of the gipsy families of Francelos or yet the polemic statements of a member of the county council of Vila Nova de Poiares. Attitudes that illustrate the fragility of constitutional and legal principles *vis-à-vis* the weight of some votes.

Also the European Commission published in 1997 the results of a survey on racism and xenophobia in Europe, according to which 58 percent of the Portuguese declared they were not at all racists, 25 percent declared they were not very racists, 14 percent were very racists and 3 percent totally racists.

The situation is not as bright as the numbers suggest, although they are more favourable than in the great majority of the Union countries. The reason is that, contrary to racism, the non-racism is not always militant.

In Portugal, similarly to other countries, the racist and xenophobic positions appear both in situations of crisis and of real or apparent prosperity.

The tendency to ascribe to others the causes of our own failures can be seen at the most different levels. The parents, when their child is not a good student, misses classes or adopts other deviating behaviours, usually ascribe that conduct to bad companies. They do not even question that the parents of those bad companies say exactly the same.

In times of crisis, in the face of economic difficulties, the blame is put on foreigners who occupy the nationals' working posts and send to their countries the product of their salaries, some voices questioning even their insertion in the social security system.

In times of prosperity, the ghost of insecurity appears. In some situations, real insecurity translated into the actual and justified fear of being victim of a crime. In most cases, it is a plain fear of feeling insecure, a clear symptom of a situation of hypochondriacal want of security fed by news of crimes and the importance sometimes given to those crimes.

The feeling of insecurity or hypochondriacal want of security, which is not true insecurity, usually disappears when different worries appear, namely the concern with the economy or, as it recently happened, with terrorism.

In these cases, the foreigner, especially the ethnic minorities, appears as the cause of all evils.

Some associate racism and xenophobia with the level of education. The higher the level of education, the less are present feelings of that nature.

The assertion is logical. In fact, since man ascribes to the unknown the cause of all evils, a better knowledge of peoples and cultures would push away the racist and xenophobic ghost. That would be the path of the Greek man.

In the face of the unknown, the Greek man was invaded by a feeling of amazement. However, he did not run away from it. He decided to walk towards it. And first through myths, and later through reason, he created that extraordinary thing that was the Greek philosophy. The unknown roused his curiosity, which brought knowledge and with this came understanding and tolerance.

But there is the opposite attitude. That of rejecting the unknown, with the subsequent intolerance. And to these men, the greater the contact and closeness of cultures, the greater the effect of rejection. It was in fact the knowledge of new cultures and ways of life that motivated the search for fundamentalist roots with the effects we all know.

In a global society, there would be reasons for the proximity of peoples. Technology allows us to watch direct what is happening on the other side of the world. Eça de Queiroz would have more difficulty in writing "O Mandarim" today. Being the victim so rich and important, he would probably watch, if not direct at least a short while afterwards, the death of the peaceful Chinese citizen, a victim of materialistic greed.

However, knowledge has also its perverse aspects. After the attacks of September 11th, how many did not begin to look with suspicion to their Muslim neighbour, with whom they had always had a cordial relationship?

And after watching the demonstrations of the Pakistanis radicals, how many did not hurry to agree with Mr. Berlusconi?

Higher levels of delinquency in some minorities, as in the majority of segregated populations, are not a fatality. It may be an option of the State itself. We must be aware, as Elisabeth Lévy suggests, that there are several kinds of criminality that are tolerated as a way to achieve social peace. And, on the other hand, the "ghetto" is a cheap and summary way to restrain crime to certain areas. In these cases, we only remonstrate about this state of things when the police can not avoid an incursion to the city, i.e. when delinquency leaves the areas that were marked for it.

An answer?

Obviously, integration. Not through the imposition of a cultural model but rather respecting the multicultural feature, always assuming the respect for the values of human dignity.

Finally, I can not avoid a reference to the problematic of crime inside the immigrant community in our country.

Nowadays, there are in Portugal 2070 foreign prisoners. The number of preventive prisoners is not known and, among these, there are those who are simply there because they were illegally in Portuguese territory and there is the danger of escaping the order of expel from the country if left free.

On the other hand, we are neither in a position to say how many of those prisoners have their residence in Portugal.

Anyway, the number of prisoners shows there is a high ratio of foreign citizens under detention, which probably exceeds the percentage of the foreign community residing in Portugal.

The available statistics more directly connected with the SEF's activity refer to cases of detention and expel following a criminal decision, i.e. the cases involving a more serious criminality.

In 1999, 171 immigrants were expelled following a condemning criminal decision.

The most frequent cases were drug trafficking (135), theft (12), qualified theft (8) and murder (4), forgery and rape (3).

The nationalities that were most common corresponded, in a general way, to those that have the largest number of residents in Portugal, with the exception of Spanish citizens, who rate second place, with 27 expels connected with transfrontier drug trafficking.

Up to August 2000, 36 immigrants had been expelled, which shows a significant decrease of the number of expels. Once again, the second cause of expel was the practice of offences of assistance to illegal immigration. As to the rest, there are no significant changes regarding those that had taken place the previous year.

The immigrant is thus in a more serious situation than the national citizen since he is subjected to the measure of expel from the national territory. However, and considering the criticism I just expressed regarding the expel of Portuguese emigrants by the American authorities, I must say that expel is not, and it could not be, an automatic consequence of a crime.

Expel can only be ordered in the case of a condemnation by reason of a serious crime to a penalty of imprisonment of more than six months, in the case of a non-resident and a condemnation by reason of a serious crime to a penalty of imprisonment of more than one year, in the case of a resident citizen. If the offender is a foreigner with permanent residence in the national territory, he can only be the object of a measure of expel if his behaviour constitutes a sufficiently serious threat to public order or national security.

Finally, our law foresees situations in which the measure of expel will not be applied. This happens regarding foreigners in the following situations:

- Those born in Portuguese territory and who have here their permanent residence;
- Those who have minor children living in the Portuguese territory and in relation to whom, at the time the crime was committed, they effectively exercise parental authority, provide for their maintenance and education, since the minority lasts for the expected time period for the service of the sentence;
- Those who are in Portugal since they were less than 10 years old and have here their usual residence.

In other words, our law, without disregarding the interests of public order and national security, consecrates a balanced solution of humanitarian nature, confirming thus the evaluation of the United Nations Committee on the Elimination of Racial Discrimination which, referring to Portugal, underlines the commitment to building a more solidary society that ensures equality of opportunities to all citizens without discrimination.

Thank you very much.

Manuel Martín Fernandez | Professor at the Police High School of the University of Barcelona

A STRATEGIC PERSPECTIVE ON SECURITY

The new professions in the field of security and risk management

Usually, when we talk about security we are faced with an interpretation directly related to the formal social control systems. Accordingly, the criminal system is the main instrument with which we approach security in all its aspects. Security and police, justice, prison system, they are an indissoluble whole, difficult to separate. This interpretation of security as something that is intrinsic to the formal social control system has its origin in the very fundament of our societies, in which the use of the force is a competency of which the State has the monopoly, in such a way that only the State has legitimacy to use the force. No doubt, during the last years a conception of security, which has led to the creation of a true security market, was developed. Although this is a competency of the State, whoever has the necessary financial means or resources to pay for his/her own security system, has bought it availing himself/herself of private security systems which, in spite of the direct opposition of public security forces and services to their development, have in practice developed in an endless way.

In all the countries of our cultural sphere, the emergence of security companies equals to say that the progressive privatization of security has been a phenomenon that has been accelerating in a geometric progression for the last

years. In the United States, private security companies greatly outnumber the existing public services. The same happens in England, in France and, in general, in the remainder countries of our cultural sphere. In Latin America, in a general way, privatization has followed development patterns very similar to those of the other countries: the market defines what security is and which instruments are the most appropriate to ensure the levels of security that the ordinary citizen esteems acceptable. Of course, when we leave this definition in the hands of the market, an unavoidable action is produced: how, in practice, are the acceptable levels of security and the most adequate protection means established by those who have enough resources to really influence the evolution of the answer to insecurity problems.

As Mark Moore has put it so well, we run the risk of creating a situation in which whoever has the necessary resources to pay for his/her own security will achieve adequate levels of security and, more important, combinations to a way of understanding security that is more related to social reality than to official definitions. Whoever can pay for his/her own security defines exactly what type and what quantity of security is willing to pay. The inherent risk is that those who can not pay for their own security must be happy with public security systems, composed of uninterested police bodies, defeated by the criminal reality and scarcely prepared to answer those social requirements. In other words, the risk is the creation of two kinds of police: a private one, to provide an answer to the security problems of those who can pay for it, and a public one, with less quality, to answer the needs of the remainder. A police force for the rich and a police force for the poor. It could even become reality that old conception of the police as an institution formed among the poor with the mission of controlling the poor.

The origin of this situation is, no doubt, in an interpretation of security based on fear. We ask the police to be able to defend us against an alleged enemy. We ask public powers to be able to defend our physical integrity, our property, our juridical assets in general. We assume our own security as something alien to our own responsibility. It is the State that has to ensure adequate levels of security. This reality is also true in other fields, such as health and education. We demand

that the State be able to ensure our security and our education. It is not I who am responsible for my education our for my children's education, nor for my health, nor even for my security, but the State. No doubt, the possibility of the State to become a warrant of our security, of our health and of our education is more and more improbable. The State is overcome by the reality in view of the resources at its disposal, which are becoming clearly insufficient to answer with success the increasing demands of security. The State is thus faced with the demands of security (as it also happens regarding health and education) to which it has no means to answer, considering the actual needs of the population.

Up to some years ago, the existence of the police was not questioned by anything, precisely because they served to ensure our security. Insofar as police were fighting crime, they helped us in the moments of crisis and emergency; insofar as police were keeping public order or the respect for the law, they should exist and, although considered with a certain reservation and often as a necessary evil, the truth is that the existence of police forces was legitimized by their own mission. Undoubtedly, insofar as the requirement of security becomes more complex and related not only to our alleged enemy, but rather to the problems of social insertion and cohesion inherent to the whole society, as it is the case of our own society. Accordingly, police no longer have a clear enemy to fight and face the necessity to turn into an agent of social insertion, into a civic educationist, into a mediator regarding social conflicts and, at that moment, police begin to be overcome by reality and their role questioned.

In our entire cultural sphere, criticism to police forces is becoming more common, which leads to a certain feeling of failure by police forces.

The problem, no doubt, does not reside in the greater or lesser efficacy of police when facing crime or offences in general; the main problem is that what we ask from police nowadays, when we talk about security, is not to become our blue border, capable of protecting the good from the bad guys; what we ask them is to ensure our security, regardless of the actual menace to that security. Security, as perceived today, is no longer an exclusive competence of police forces but of many

social operators. Furthermore, we can not talk today of security as something exclusively related to crime.

As Morales Villanueva said, during the 19th century the demands of security were related in general to the physical safety of persons; the main fear, the risks for security more deeply felt were those that put in danger our physical safety. During the 20th century, we could no doubt confirm how that demand of physical safety gave progressively place to a tougher demand of security concerning property itself. Without being verified a decrease of the concern that any threat to our physical safety could represent to security, the truth is that the main demands regarding security became, during all the 20th century, those related to public property. Not that crimes or problems regarding property have increased; what happened is that we have been passing to the public administration the responsibility of resolution of this kind of conflicts.

In the 21st century a phenomenon, which had already been noticed at the end of the 20th century, begins to appear and it consists in the fact that the requirements of security are more and more related to the quality of life, to relationships, decisively to our life in society. Subjects like environment, domestic violence, protection of endangered species, these are some of the problems that the common citizen sees more and more as a risk to his/her own security. No doubt, traditional police forces are ill-prepared to give an adequate answer to all these problems; the average citizen complains more and more of lack of security and police forces, unquestionably, have no easy answers to solve them; furthermore, in most situations the very criminal system has proved to be insufficient to provide an answer to these problems. All these factors – the gradual awareness by the individual of his/her responsibility regarding his/her own security, the stronger relation of security to elements inherent to quality of life, the inexistence of an enemy against who to fight – constitute some of the elements that explain the identity crisis we may observe in the majority of police forces of our present cultural sphere.

According to all that has been said, we verify that security and risk management are beginning to be no longer a subject reserved for the formal social control mechanisms, especially police forces, to become the pillar of an interdisciplinary work which is open to a great variety of fields of knowledge and different social partners.

Gradually, these subjects are thus becoming an occupational reference for a whole set of new professions and new occupations that begin to appear in the field of security and risk management. The general criteria and the specific requirements with which these new professions are being materialized depend on the scope and the society in which they appear; in all cases, however, there is a subjacent conception that is different from that traditionally established in what concerns the approach to make and the risk management thereof.

This evolution of the society in general and the greater demand of quality of life by the citizens, together with the other factors already mentioned, is implying, during these last years, that public administrations must adapt to a new reality in order to be able to provide an answer to the increasing demand of security, in its largest sense and not only regarding the pursuit of the offender.

Furthermore, the population is demanding the Administration's contribution, not to go in pursuit of possible offenders but rather to ensure that offences, crimes and disturbances of public order do not occur.

This naturally leads to the modernization of the structures; the orientation of the service in the sense of the resolution of the problems; the closest possible proximity to the citizen; the permanent search for the maximum quality of service. All these are basic requirements for any modern Public Administration.

In this sense, general lines of action are being established that result in the creation of new jobs related to security. It is no longer a matter of adequately reacting to security problems but rather their prevention. The criminal system becomes an element, but no longer the only one, and in many cases it is not even

the most important. Prevention implies another kind of actions, more interdisciplinary and centred in preventing the materialization of the conflict. Moreover, there is a special concern regarding acting before the fact and not in a criminal framework.

So, more and more security and risk management cease to be a subject reserved for criminal domain and police action to become the pillar of an interdisciplinary work, opened to a variety of fields of knowledge and different social partners.

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The case of the "agentes de intervención en civismo" or the "delegados de prevención de distrito", in Spain, of the "Secure-Cité", in France, or the "agentes de prevención", in Argentina, are some of the examples of new occupational characters which are typified by their proximity to society, their municipal scope of action, their preventive and mediator character, their search for the causes before the effects and their fully civilian nature.

All these cases may be included in the professional family of community and personal services. The same occurs regarding other occupational characters that are appearing, such as the experts on situational prevention, on mediation of social conflicts or on integral risk management, which constitute a potential field for new jobs around prevention and resolution of conflicts regarding risk, security, civics and life in society.

All these new professions must look after the maintenance of urban peace; however, although their mission implies an active participation in social control, they are not police forces. Furthermore, most times they do not even have arms since their main tool is the prevention and, consequently, the analysis, the study of situations, the mobilization of resources, in a word, information.

One example of the above mentioned is that of the "agentes de prevención" of the San Fernando municipality, a city near Buenos Aires. It is a body composed of 20 agents, for which an increase of personnel is foreseen in a near future. There is a high level of intercommunication and cooperation with police; police have even made a certain division of San Fernando by sectors, in order to keep police officers and cars in a same sector; all this makes cooperation easier but we are talking about very different fields of activity. For police officers, prevention constitutes the very fundament of their own existence.

This body has a strong presence in the neighbourhoods, the areas where the population lives, and its mission is to listen to the needs of the inhabitants. As a matter of fact, the agents have turned the municipality area into a space where there is a greater contact with the inhabitants. They have a well-identified physical scope of action, which makes this contact easier. The relation with the inhabitant is thus more natural, making possible the performance of really efficient preventive actions.

Due to their own mission, they have a good implementation in the territory and a strong commitment to the population. The inhabitants know how to contact them, their itineraries and the areas they patrol. In practice, they are a kind of "centre of attention" in movement. The "agentes de prevención comunataria" are a kind of intermediaries between the inhabitants and the administration and they form a body with a permanent presence in the streets.

Because of their own mission, they have strong links with other areas, such as traffic, the Inspectorate General, public services and other, having however their own functions, competencies and rules of procedure.

One of the main purposes of these "agentes de prevención comunitaria" is the improvement of the quality of life of all city inhabitants, cooperating in an active way to establish the space of freedom and security that the said quality of life requires.

The "agentes de prevención comunitaria" of San Fernando, the "agentes de intervención en civismo" of Badía, the "delegados de prevención de distrito" of Barcelona, the "Secure-Cité" of France and, in general, all these new jobs that are surfacing, tend to harmonise the coexistence of all, organised in such a way as to prevent the creation of physical or symbolic gaps in urbanism, to provide the access to the services or the access to the decisions. We believe that solidarity and the participation of the citizens in security subjects must become a right that everyone can exercise.

The possible conflicts must find their solutions in the policies of prevention of social integration, as well as in the conception and organisation of public space. The search for quality in public spaces may help to ensure a better security for all persons. Public spaces for parking and commercial activities must be meeting points. We want a hospitable and habitable city.

This is all about repealing any fundamentalist strategy to eradicate conflicts. We must formulate the hypothesis that, based on legality and solidarity, violence and fear may be transformed into a reason for social development, tolerance towards the others. This implies a new approach to the subject of security, putting more emphasis in its causes than in its effects; analysing the situation in which it is produced and doing an interdisciplinary work in the quest for alternatives.

Insecurity is not only the fear of theft or assault. It may also appear as a result of the danger represented by cars, a bad or precarious environment and mainly the fear of not having a public service that helps prevention or provides the necessary support when we are victims of a crime. The feeling of insecurity can only be reinforced if we face, with all citizens who inhabit our city, the collective

management of real insecurities, worries and social problems. Part of the answer is in this collective participation.

Urban security does not depend only on criminal problems; it is also linked to the problems of public health, working conditions, environment, urbanism, growing disparities in the access to resources, conflicts of interests regarding the division and use of space, the existing patterns of relationships.

New security professionals appear and new perspectives and values related to security in other professions and jobs are generated. However, in all cases security is planed with different characteristics vis-à-vis the old concept of security as something related to the criminal system. These characteristics are also gradually changing the organisational culture of police forces and we observe that security, either when treated by the new professions or by traditional police forces, presents characteristic elements:

1. Potentiality of interaction of the social fabric with work based on interdisciplinary and community methods;

2. Orientation to excellence, to the resolution of problems and to the attention that must be given to the demands of citizens regarding all security conflicts that may appear in the different fields;

3. Improvement of the available resources, using them in the most efficient manner possible, according to the needs;

4. Potentiality of permanent and updated training in security issues, increasing motivation and professional conduct in all things related to problems deriving from security.

We must increase permanent communication between the population and the Administration in everything regarding relationships and security. More and more we require the active participation of directors of educational centres, members of

court, citizens' associations and, in general, all inhabitants, pupils, businessmen and other members of the population who best know and can transmit the problems that may occur in the territory.

The intervention in problems that may occur among neighbours, as well as in the field of minor offences, is no doubt the basic nucleus of action to establish a desirable quality of life. Conflicts caused by noise, disturbs, occupation of public spaces, and so on, materialise a whole set of situations in which there is a confrontation between persons or a conflict of opposed interests that, although valid, generate conflicts that may become true social problems that affect, namely, the citizen's quality of life.

Conflicts among clients of bars and nightclubs and the persons who live in the area and want to rest, persons who feel disturbed by their neighbours, minor offences, and so on, these are cases in which insecurity can be prevented, acting before the result really occurs.

The urban space is the meeting point of the community, is much more than a passage. In the public space a great number of social interactions are produced and the predominant level of social integration is directly felt.

A degraded environment contributes, in a decisive way, to generate feelings of insecurity, decreases the quality of life and causes people to move away, reasons by which, in an indirect way, there may be an increased feeling of isolation in the cities.

It is thus fundamental that we pay the highest attention to relationships and to conflicts that occur in public spaces, detecting the black points of degradation or the potentially insecure areas and adopting preventive measures that encourage an integrated and pleasant environment.

Administration must not only be capable of providing an answer to conflicting situation when the conflict has already taken place, but it must also

foresee those possible conflicts before they take place and suggest and adopt the necessary measures.

This implies a great knowledge of the milieu and the social dynamics that occur there. The spaces or meeting points of people, such as squares, gardens, parks, and so on, imply the gathering, in a same place, of different groups that share the same territorial asset. Youths to whom it constitutes their point of reunion, together with old people who desire the tranquillity of an open space; dog owners who take them for their daily exercise, mixed with children in the same spaces. All this generates the need to foresee the possible conflicts that may result from the use of the same space by different groups.

The detection of black points (spaces in which the assessed levels of insecurity are higher than usual, degraded, dirty or ill-used territories) constitutes one of the main purposes of any security-related professional.

The mandatory count of synergies to which Public Administration must answer makes it imperative that, regarding the subjects somehow related to security, interdisciplinary work and interdepartmental coordination will be increased.

The duty of prevention is the first to be developed among the agents, in order to make them able to foresee the situations and contribute with solutions in the right moments. We must know all the facts and work in the sense of being, in each moment, the closest possible to reality. In security, prevention is the only thing that matters. Any other action that does not prevent the act from being committed is related to justice, order or any other similar element; but not to security, in relation to which we can only say that it exists only the offence, the assault, does not take place. Security is not equal to Police but rather to Prevention; the professional who achieves more legitimacy in this field is not the agent who arrests the greatest number of delinquents but the agent who prevents the greatest number of offences.

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ABSTRACT

Security and risk management are beginning to be no longer a subject reserved for the formal social control mechanisms, especially police forces, to become the pillar of an interdisciplinary work which is open to a diversity of fields of knowledge and different social partners.

Gradually, these subjects are becoming an occupational reference for a whole set of new professions and new occupations that begin to appear in the field of security and risk management. The general criteria and the specific requirements with which these new professions are being materialized depend on the scope and the society in which they appear; in all cases, however, there is a subjacent conception that is different from that traditionally established in what concerns the approach to make and the risk management thereof.

The case of the "agentes de intervención en civismo" or the "delegados de prevención de distrito", in Spain, of the "Secure-Cité", in France, are some of the examples of new occupational characters which are typified by their proximity to society, their municipal scope of action, their preventive and mediator character, their search for the causes before the effects and their fully civilian nature.

All these cases may be included in the professional family of community and personal services. The same occurs regarding other occupational characters that are appearing, such as the experts on situational prevention, on mediation of social conflicts or on integral risk management, which constitute a potential field for new jobs around prevention and resolution of conflicts regarding risk, security, civics and life in society.

The professional profile of these new professions is rapidly defining itself, keeping however, in all cases, a great flexibility and adaptation to the milieu. The old concept according to which security was something related to police work is

overcome. Accordingly, Public Administrations are beginning to suggest the need to develop new strategies of intervention.

In this sense, an interesting experience which constitutes a good example of the above mentioned is the creation of the "agentes de prevención" in the municipality of San Fernando, a city near Buenos Aires.

Their general competency is strongly related to the detection of points in the urban space susceptible of suffering attacks against good behaviour, as well as the enforcement of preventive measures and, if necessary, coercive. The analysis of their general competencies, as well as the analysis of the units of specific competency, of the criteria of operation and their scope of priority activity according to present needs and requirements, is presented in this paper as a subject for consideration and debate.

Eduardo Lourenço | Essayist

**"Something begins or is beginning or is about to begin
or has already begun or nothing has yet begun."**

António Ramos Rosa

THE CULTURE OF INSECURITY

In a famous book on prospective – a modern form of ageless prediction – Alvin Toffler predicted that after the great planetary conflicts, which characterised the past century, we would enter an era of disseminated violence hardly controllable because <u>no</u> code would be used. This is written in the famous *Third Wave* and for some weeks this diagnose, somehow daring, has been acquiring the dimensions of an evidence which entered our houses in the form of two burning towers.

But this evidence, by reason of its excess – and the speed with which television consumes and reduces to a ghost the most <u>physically</u> present horror – hides, after all, the essential. I mean, the universality and, most of all, the triviality of <u>insecurity,</u> which is nowadays, <u>and has been for some years</u>, the most <u>shared</u> feeling of a society that generated in its bosom a violent beat. I could say, a <u>capital of violence</u> which, if not new in essence, is at least new regarding the ways it shows itself and the means that express it.

The title that, in a very innocent way, I gave to these considerations and which I esteemed the most appropriate, in my opinion, to justify my bizarre participation in this seminar, is prior to the now unavoidable events of September 11th, 2001.

If I had considered those events, maybe I would not have taken the liberty, almost provocation in the present circumstances, of speaking in such a speculative way of what I call the culture of insecurity. In itself, that insecurity is quite obvious and does not need any discussion on our part. I do not intend to speak about security or insecurity, but rather about our culture, aware, as never before, of its component of violence, not only non-formulated but also declared and upheld as such. My title, culture of insecurity, merely translates the awareness not only that the degree of the insecurity in our civilisation has become an almost universal social phenomenon but also that in a great number of cases we may talk about a truly or virtually criminogenic society. And, as if it were not enough, its culture, our culture, which is in essence not just men's answer to the inborn violence of human condition – the act by which we suspend or transcend it – is lived and supported, as it seldom was, as a mirror of violence but also as a cult of that violence and the ecstasy that goes with it.

What statute may have, in a society not only episodic or casually insecure, the mission, the imperative combat to preserve security and, if that is the case, to defend it, without which the latent violence of a society and the vertigo of the barbarity that is always peeping, empties the contents of the social pact, the laws that implement it, replacing it by the empire of Disorder, the total absence of law, when we already live, as if it were the norm, in a culture of insecurity?

Not long ago, in that land were Law, as we still see it, was born, its new Minister of the Interior made this astonishing statement: "The Italians must get used to live with the Mafia." This means that that thing we call society must live with, I do not dare to say to make a pact with, the anti-society. No doubt, no one ignores that in Italy, and outside Italy, what we call "mafia" or the kind of violence that rendered it famous, is not only a "culture" whose reflections have long surpassed its original space and have even given origin to well known films, paradoxically fascinating,

but its model has found copycats in this new Europe, where the national scenario and its juridical traditions and legal mechanisms no longer ensure the same authority regarding the respect for the laws. Such a disturbing sentence as the one pronounced by that Italian Minister, the more so that he is the heir of a political culture that has always written <u>Order</u> not only with a capital but with all letters in capital, would not be possible if he were not the product of something more disturbing: the period in which was in force, irresistibly so to speak, a more generic <u>culture of insecurity</u>; I mean, a culture unable to defend, with a minimum of conviction, the very idea of <u>Order</u> or of an <u>Order</u> in the name or in defence of which those who are par excellence supposed to defend it, feel not only sustained but truly <u>legitimised</u> and, with them, the society regarding which they are, at the same time, the <u>blade of the sword</u> in terms of security and the <u>scapegoats</u> who exercise that violence, we hope legal, in our name.

It is obvious that the so-called <u>security forces</u> – at least in a democratic country – implicitly act (at least apparently) according to that support, let us say, at the same time ethical, epistemological and juridical, provided by a self-legitimising <u>Order</u>. Or used to act, before we entered the era of <u>insecurity</u>, not only empirical, which surrounds us, but also <u>cultural</u>, in which it is the very idea of <u>Order</u> that is at stake. Only an extraordinary event such as the one that right now seems to shake exactly the <u>Order of the World</u> (or so it is called) has temporarily suspended – and God knows at what cost – the fact of being in force a visceral culture of insecurity and its concrete contents: <u>violence</u> in all its forms, which is, so to speak, co-natural regarding our Civilisation. Only two months ago, the events of Genoa, in the scope of a frontal and radical demonstration against the Western model of <u>globalisation</u>, showed up to what point it was <u>Order</u> that was being charged, with its legal defenders in the double and ungrateful role of defenders and victims of an <u>Order</u> which, in the perspective of the <u>culture of violence</u>, is not capable – or is barely capable – of getting legitimated. Needless to say, it is not its own violence that can legitimate that order; that violence less than anything else.

Portugal is a quiet country and these considerations about the new condition of the world – especially the Western world – in questions of <u>security</u> – security

considered as "habits" and norm of life in community in a civil society with a democratic regime – will probably seem incomprehensible or excessive. Compared to others, our society seems to be immune or more preserved in relation to the influxes of that culture of insecurity. Among us, our values, as far as I know, do not live yet restricted to very luxurious "ghettos", surrounded by walls and fences, as in the rich neighbourhoods in Mexico, São Paulo or Rio, or separated – but also surrounded – in this old and free Europe, by cities that are anti-cities where common Law no longer applies. Or is only applied with difficulty, as if we were already living a kind of New York, based on the prophetic film "1999", that was a New York converted in Alcatraz, in which two groups committed to mutual destruction illustrate the chaos into which our world has a tendency to plunge, at least in the field of fiction.

By contrast – by contrast in this chapter – the famous image of the oasis of peace may yet serve. The people that are listening to me know, a thousand times better than I, the Portuguese situation. But, if I believe in the little ambiguous messages of some of our last and celebrated films, also Lisbon – I mean, in a word, the country we are and will be – is not so immune, as I still dream of it, to that universal culture of insecurity. In a lesser degree, all phenomena that characterise it are present: from the most visible aspects of the culture of drugs, if I can thus express myself, and its effects, to the level of delinquency converted almost into amusement. Let us leave aside the extraordinary range of the most intimate or hidden violence - but which is, nevertheless, violence for the one who suffers it without being able to defend himself/herself from it or even name it (I do not mean, naturally, private violence in its proper sense) – that, not having perhaps the unimaginable expression it has in countries we consider, or used to consider, as cultural models, is very disturbing and the very image of a society also sick, worn away and invaded by that insecurity to which nobody escapes, nor even those who, by reason of privileged conditions, can better defend themselves from its harmful effects. And paradoxically those who have the mission or are named the guardians of the city, in the proper senses called the security forces.
In a society where the levels of violence, together with the insecurity they generate, become a kind of pandemic, the most sheltered site is, of course, that of those who

do not suffer in the first place that violence or were brought up and trained to contain it, in the name of all, within the limits of legality, or so we imagine. And, nevertheless, nobody more than them is physically and at the same time within and outside that universe of insecurity, regarding which they have the duty of making every effort to restrain.

At different levels, according to their degrees of responsibility, despite that paradoxical comparative privileged situation and regarding the violence they must detect, put in a framework, contain and, in extreme cases <u>repress</u>, no one is more interested in understanding the reasons and the mechanisms of this society based on a new kind of violence, which is our case, than those to whom that society entrusts public peace or the minimum of harmony.

Violence and insecurity have always existed. But its expression is <u>historic</u> in itself. We really have a tendency to imagine that ancient times were, in several senses, more barbarian than ours. The history of humankind is the history of its unburied and always reborn barbarity. But its subjects <u>change</u>. In the movies of the last twenty years, when the directors want to illustrate metaphorically the nameless <u>barbarity</u> that is in fact ours, they choose preferably a kind of super barbarian Middle Ages or a decaying Roman Empire so that we may, in the past or in any futuristic <u>galaxy</u>, exorcise that violence. There, the basic imaginary of the American cinema industry is recycled in pseudo-historic "Westerns" of science fiction with their Manichaeism's logic between <u>good and bad guys</u>, which may have its practical applicability and which is yet a paradoxical optimistic vision of the most complete violence, typically modern, that questions us.

The <u>Manichaeism's</u> scheme of the North American pioneer society during the 19th Century, with its epic style of life, could work and had the advantage of being more simple and simplistic than the ideological perspective that the <u>class struggle</u>, which characterises the European civilisation, especially the modern one, makes of itself. Two world wars are going to transfer and amplify those two models of <u>violence</u>, characteristic of two different histories, to a planetarium level. Oddly enough, the rules of the game in that time of radical conflicts, with their display, without states

of mind, of the most extreme <u>violence</u> – the one that the cold war revealed and legitimated – kept the civil society (at symbolic level) if not in peace, what would be absurd, at least comparatively preserved from really <u>civic</u> or social insecurity and violence. The paradox of historical violence, acknowledged and institutionally positioned – even in a conflict such as the Second World War, which has already brought insecurity and violence into the heart of civil society – left the common citizen <u>in parentheses</u>. It is as a fighter, as a soldier, that he suffers in full the extreme violence expressed by war.

In the First World War, while millions of men die upright, buried in the trenches, Paris <u>dances</u> or can dance. Between the trench and the rear, there is a complete separation. After the tempest, men could return to normality, to a society ruled by the common law and preserved from violence. Of course, things did not happen that way. The historic and somehow <u>traditional</u> <u>violence</u> from the time of the First World War passed insidiously, due to its effects, into the whole society. And in the Second World War, different from the First because of the political views and ideology of the enemy societies on the battle fields, <u>insecurity</u> settled as if it were now an <u>inevitable</u> feature, in the life and daily conduct of the whole social reality. We all become <u>subject</u> and <u>object</u> of that violence, which settled in our inner selves, spread over the whole social reality, and where responsibility had a face: Power, in all its forms; Power that is, at the same time, the sphere of a <u>counter-violence</u>. The so-called totalitarian states have impeccably illustrated these two roles. For the citizen who does not threaten it and ultimately mixes with it or sees himself reflected in it, its violence is the maximum of <u>security</u>. For the citizen who challenges it or disagrees with it, the maximum of violence. With the end of the totalitarian era – at least in the Westerns countries – the statute of <u>violence</u> and consequently of its ritualised denegation as an imperative of security, is more complex. And both one and the other are only what society organically is in the issue and levels of violence and they determine, define the horizon, the framework and the means that same society has at its disposal to defend itself from that society, i.e., from <u>itself</u>. How to define, in a society like <u>ours</u> in the present days, with some accurateness and especially with some efficacy, the limits that separate, in a violent and insecure world, the acceptable violence from the unacceptable

violence, the likewise acceptable and legitimate repression from the unacceptable repression?

For practical purposes and in a context assumed as normal in a democracy formally <u>consensual</u>, Law, but also <u>tradition</u> or the several traditions, a certain idea of what is <u>tolerable</u> or <u>intolerable</u> are enough to legitimate the security <u>institution</u>, namely in the scope of civil society. But things really change when the social consensus and the values on which they are based have lost their point of <u>reference</u>, those values that allow us to differentiate with a minimum of clarity what constitutes an <u>offence</u>, serious or not, what is violence or just a simple trampling on the citizen's rights and especially on the individual's rights, or even what belongs to the sphere of felony or not. All this the Code defines or allows us to circumscribe. But what the Code can not solve is the real or fictitious contradictions that an <u>order</u>, <u>intimately</u> unstructured by a generalised culture of protest – well grounded or not – against those consensual values and against the Order that trough them considers itself to be the <u>Order</u>, trivialises or legitimates, so to speak. How to combat <u>drugs</u> if society is itself a <u>drug addict</u>, in the proper sense of the word and figuratively? How to resist school violence that every morning turns thousand of professors into potential and unarmed victims of their pupils, who are or may very well be our own children or grandchildren? And that conduct that criticises, that brings into question, in the most illegitimate way, what we still call society? Or is it society that must be blamed for permissiveness, that authorises and makes almost acceptable those conducts?

In the ancient compartmentalised society – compartmentalised but also restricted in its pulsations by poverty or economic mediocrity, i.e., by its social statute – the levels of violence were contained within those social spaces that were lived as separated worlds. <u>Violence</u> – social violence, let us say <u>primitive</u>, either suffered or occasionally expressed – was the dowry, if not the condition, of the poor and, in modern societies, of the outlaws. It is the world of Victor Hugo's _Les Misérables_, the world of Dickens, the world of the Bronx, the world of the "_favelas_", our world of the peripheral "ghettos" of Lisbon or elsewhere. It was easy, hideously easy, to implement the Law in the name of that Order, so clearly based on injustice or

responsible for the absence of social conscientiousness. The lawman solved or endured that violence – so indubitably over-determined by <u>misery</u> – with all the good conscience or cynicism that Victor Hugo lends to his police officer Javert. In a very psychoanalytic manner, the lawman came from, or was recruited in that same world. But contemporaneous society, especially that designated by <u>consumer society</u>, changed almost completely the genealogy of that <u>violence</u> or of the <u>insecurity</u>, let us say natural, it caused. The <u>margin</u> left the ghetto or the <u>margin</u> turned into anti-society; its culture, into its code of violence, non-subjected to norms and in the deepest sense institute itself as a way of life, a look, a <u>culture</u> that fascinated and still fascinates the privileged ones of the <u>ancient culture</u>. The aristocracy or the great of this world have always liked to be tarnished, as they used to say, in the company of the so-called people, mainly the "basfond", no doubt a way to reject for a few moments the social corsets of their supposedly superior life. But now, who makes them pay the entrance to those luxurious ghettos were they relax are precisely those who come from that margin. The cap turned back, the "Santiagos", the graffiti, all this marks the territory where <u>counter-culture</u> expresses its desire for power and avenges itself – perhaps without knowing – for centuries of obscure marginalisation and obvious victim of the violence caused by the great of this world.

Because in our world what really matters derives from the imaginary of the cinema industry that made America the owner of the world – of that world – without even needing to fight, nothing more significant than if in a future movie, Eminem rapper, the white exponent of the most symbolically expressed American violence, will be the son of Kim Bassinger, the marvellous creature of the sublimated and sublimating Hollywood culture. As if a son of Marie Antoinette would marry Sansão, the executioner.

The popular heroes of modern violence – a paradigm of what the youth of the world imitates, copies or transmits – are not the true subjects of the culture of insecurity where we bath. They merely are, most times, the illiterate successors of the most radical and subversive creators who gave to that culture of rejection of the modern world their letters of nobility. They are the illegitimate children of the

diversified but coherent lineage that goes from the romanticism of Schiller or Byron to Arthur Rimbaud, Antoine Artaud or even Céline, expression of the genius of disenchantment with the world and effort to restore it through a kind of regenerating violence, the classical way for certain mythical visions of the world. Catastrophe – regeneration. In this perspective, the culture of insecurity is a child of the historical and social insecurity that concerns us, is a kind of exorcism of actual violence and the announcement of its conversion in something else, the famous kingdom of the ends of which all utopians dream in order not to despair of the present one, such as it is.

What all these people destroyed or helped to destroy – not ideologically, as modern revolutionaries worthy of that name, but in a virtual and symbolic way – was the code of the so-called values, the code of harmony, especially that illustrated by the great bourgeois tradition, and the illusions in which it was based: a greater and almost automatic perfection of the human society, what we now call the illusions of progress. Progress and its order, the children of a more and more precise knowledge of the laws of nature and, through them, their use for purposes men consider positive, is not an illusion; but perfection – as the eighteenth century imagined it – conceived as the triumph of men over necessity and their own violence, may possibly be. To tell the truth, nobody knows exactly what a society thoroughly free, or even relatively free, of violence will be. This makes our fight against it not less imperative, but also a true Danaides' vessel, as if with each new victory another and more subtle form of violence would appear to instigate our appetite for violence.

In less than a century, to a violence circumscribed by the boundaries of the collective space that produced it – nations, classes, races, people – a mass violence succeeded, not because the masses were its agent but rather because they were its factor, at the same time amplifying and unifying it. This was foreseen by Ortega Y Gasset, in one of the rare actually useful and prophetic books that the twentieth century left us, the *Rebellion of the Masses*. Not a subject of it but rather an object of it, manipulated and susceptible of manipulation, even before their (or our) almost unlimited instrumentality by television, the masses have expressed

themselves in all fields by a childishly kind of <u>violence</u> that has become for us like a <u>second nature</u>. We only have to see what happened to <u>sport</u> conduct that was, from the *Belle Epoque* up to the 1936 Olympic Games of Berlin, a <u>space</u> of exemplary exorcism of passions and violence. Its motto, as we all know, was the <u>fair play</u>. The hooligans that come from the land of the fair play, the land that invented that motto, show us up to what point and in which sense degradation was made. But who could imagine that, beside a court or in the seats, a renowned coach of that <u>elitist</u> sport that is tennis, would give his pupil the commanding order, the barbarian advice: <u>kill him</u>?

Sport has always been a simulation of war: it has become the <u>fifth essence</u> of the war spirit that includes all human life, from economy to art, and of which the trivial or the most trivial expression of violence constitutes the other face – or the same, read in two different ways. It is not by change that in our society the great managers, the people who really have in their hands the direction of our economy, are trained or should be trained as sportspersons, and high-level sportspersons, to endure the war they are really involved in. While sixty years ago from America came model boys and girls like Shirley Temple and Diana Dublin, now come not only Madonna, the modern Salomé, fantastic, but also the long theory of the <u>baby killers</u> that cinema and television contemplate and explore – especially explore – with a fascinating horror and helping to nourish other horrors. And, as if it were not enough, the stream of violent *faits divers*, which is the inexhaustible source of spectacles, adds the culture of the exception of violence or even its imaginary and complacent exploitation. After the <u>Rambo</u> and <u>Terminator</u> that replaced the celestial cowboys of the old virtuous violence of the West, the Gary Cooper and James Stewart, came, as a <u>pre-Christian</u> <u>icon</u> of a definitely <u>post-Christian</u> world, the fearsome and fascinating face of Anthony Hopkins, a transparent metaphor of the Cannibal and, in that quality, ritually assumed.

What degree of illusion, of blindness, of heroism, what kind of anachronic sense of responsibility is it necessary in order to assume, in a society like ours, the role beforehand known to be <u>ungrateful</u> of being the one who has the mission of preserving its tranquillity, anticipating by surveillance, prevention and restriction,

the imperative of ensuring its security, without which the barbarian vertigo imposes itself and turns the social pact, on which are laid the laws that explain and sustain it, into pure fiction?

Obviously, the statute of security in a society – and especially in a democratic society – is not the object of ethical or metaphysical perplexities and anguishes and even less turns law enforcement officers into Hamlets of the Order. They exist and act according to an exact law and at the service of an Order, conscientiously and democratically assumed, which excuses them from having or does not encourage them to have what we call states of mind. But it would constitute an innovation to force them to interiorise the old idea that required that law enforcement officers should not analyse the orders they were supposed to obey and even less the Order in the name of which they had to obey. In a word, an invitation to dissociate from their condition of citizens the condition, if not the obligation, of enforcing the law. In consensual times, in a democratic context, the obedience to the law, the interiorization of the Order that legitimates it, is not a transcendent issue. In a gravely perplex world, theoretically or pragmatically, in relation to the statute of that Order, the case changes altogether. Is it already the case of this era of global or generalised insecurity?

By the end of the fifteenth century, the new Europe we call Medieval watched the end of the war, restrained ethically and religiously, the truce of God, the myths and the chivalry rituals. To be a knight, as intended Charles V, the first Emperor of half Europe, was an anachronism. War had turned mercenary, a job for technicians, and an intrinsic component of policy in the modern sense. To this new situation Machiavelli gave an answer, coldly accepting what had become an evidence.

In principle, the cycle that began in the fifteenth and sixteenth centuries finished, by excess, in our time, before our very eyes. What we are watching is not a war. To have a war, we need to have two [opponents]. The so-called Kosovo war was not a war. This is a punitive operation, painfully raised to the old epic dignity, when it is a punitive operation with Afghanistan playing the role of the Far West. Nobody knows what consequences will result from the technical and actually virtual non-war.

Something we do not have great doubts about is that, barely out of centuries of actual conflicts that we called <u>war</u>, we are entering the unknown, turning our <u>insecurity</u> – incidental, occasional – into the background of our Civilisation. To parody Berlusconi's Minister, we will have to <u>socialise</u> with it. We may start by thinking about it. It is always a consolation.

Lisbon, October 10th, 2001.