

# IMPOSSIBLE INTERNATIONAL COMPARISONS OF STATISTICS? THE EUROPEAN SOURCEBOOK EXPERIENCE<sup>1</sup>

*Bruno AUBUSSON de CAVARLAY, research director at the CNRS, works on criminal statistics and the functioning of the criminal justice system*

The first attempts at quantified international comparisons are as old as criminal statistics themselves; that is, the early 19<sup>th</sup> century. The discussion of a resolution aimed at harmonizing national criminal statistics was high on the agenda of the first international conference on statistics, organized in 1853 in Brussels under the auspices of the Belgian Central Commission on Statistics headed by Adolphe Quételet. For the national figures of the different European criminal justice systems to be compared, prior agreement was needed on the points of the process at which recording occurred (offences detected, those prosecuted, individuals convicted, sentences pronounced and so on) and above all, on the definition of categories describing the various types of offences. But two schools of thought clashed, already, at that first conference. One called for the imposition of categories drafted by statisticians for their own needs, while the other suggested that detailed information be collected on judiciary practices, respecting peculiar national legal technicalities<sup>2</sup>. A century and a half later, we must admit that these conflicts persist, and the harmonization of statistics on crime is still a distant goal.

## International surveys

The state of international comparisons has changed, however, in Europe, with the development of several initiatives. The SPACE survey, organized in the Council of Europe framework and well known to readers of *Penal Issues*<sup>3</sup>, has been producing relatively harmonized series, contents-wise, in the correctional field, since 1983. This does not completely eliminate problems, since differences in the legal context persist, but comparisons are more reliable. The development of national victimization surveys, a new tool applied to international comparisons from 1989 on, went a step further. In this case the questionnaire – the same for every country, leaving aside possible translation problems – makes for harmonized, comparable findings<sup>4</sup>. Unfortunately, national samples are quite small in comparison with present standards for this type of survey, and variations over time from one sweep to the next are not sufficiently accurately measured in each country.

Police and the justice system have not been neglected. Interpol has been collecting information based on police statistics since 1950, using a questionnaire, annual since 1993, covering a list of offences. The actual content of the headings changes with the national legislations, and Interpol attaches the following warning to the data it publishes: "These statistics cannot be used as a basis for comparison between different countries. They do not take into account: national differences in the legal definitions of punishable acts, the diversity of statistical methods used, changes which may occur during the reference period affecting the data collected".

Similar surveys have been conducted by the United Nations Office on Drugs and Crime (UNODC) since 1976, but they cover judicial statistics, plus indications on the resources (in terms of manpower and budget) available to criminal justice agencies. The unrefined findings are circulated with a very similar warning ("to use the figures as a basis for comparison between different countries is highly problematic"). The relatively sophisticated statistical analyses published by the HEUNI<sup>5</sup> are nonetheless based on these data.

## The Sourcebook

One of the difficulties in using these international collections of statistics resides in the lack of systematic information on factors of non-comparability. Furthermore, data are collected through official, administrative circuits making direct contacts between experts from international agencies who use them and the national suppliers (i.e., local statisticians) difficult if not impossible. It is the dissatisfaction kindled by this situation that spurred a group of European experts to design a more detailed method of data-collection based on more direct (and more scholarly) relations between the individual participants.

This group was set up by the Council of Europe in 1993, and data were therefore collected in the member countries. Thirty-nine countries were included in the second edition, sometimes for only a portion of the survey. The study covered police statistics (offences recorded, suspected offenders), prosecution agencies (Public Prosecutor in general, with no distinction according to the type of offence at this level), court statistics (on both convictions and sanctions) and figures for sentence enforcement (custodial and non-custodial). This panorama is completed by the main findings of the ICVS survey for those European countries having participated in at least one of the last three sweeps (1992, 1996 and 2000).

The second edition covered the 1995 to 2000 period (the first edition went from 1990 to 1995). The series are theoretically annual, but some data, either believed to be more stable or too difficult to collect systematically were only collected for the year 1999 (1995 for the previous edition).

## Methodology: selection of offences and definitions

The *Sourcebook* chose to seek better comparability between countries by limiting itself to a selection of accurately de-

<sup>1</sup> *European Sourcebook of Crime and Criminal Justice Statistics*, 2003, Den Haag, WODC, prepared under the auspices of the Council of Europe by an expert group comprised of Martin KILIAS (Chairman), Gordon BARCLAY, Paul SMIT (website), Marcelo Fernando AEBI (graphics and data base), Cynthia TAVARES (Secretary), Bruno AUBUSSON de CAVARLAY, Jörg-Martin JEHLE, Hanns VON HOFER, Beata GRUSZCZYŃSKA, Vasilika HYSI and Kauko AROMAA. The author takes entire responsibility for the present article.

<sup>2</sup> THIXON A., 2001, *Le pouvoir des nombres. Une histoire de la production et de l'exploitation des statistiques judiciaires belges (1795-1870)*, Doctoral thesis, Louvain-la-Neuve, Catholic University of Louvain.

<sup>3</sup> Pierre V. TOURNIER was in charge of the SPACE survey until 2002. He has been replaced by Marcelo Fernando AEBI of the University of Sevilla. For the exploitation of the findings, see for example TOURNIER P.V., 2001, The prisons of Europe, prison population inflation and prison overcrowding, *Penal Issues*, 12, 6-9.

<sup>4</sup> VAN KESTEREN J.N., MAYHEW P., NIEUWBEERTA P., 2000, *Criminal Victimization in Seventeen Industrialised Countries: Key findings from the 2000 International Crime Victims Survey*, The Hague, Ministry of Justice, WODC. The ICVS reports are available in English on the UNICRI website: <http://www.unicri.it/cvs/>.

<sup>5</sup> AROMAA K., LAPPÄ S., NEVALA S., OLLUS N., (eds.), 2003, *Crime and Criminal Justice Systems in Europe and North America 1995-1997*, Helsinki, HEUNI.

fined offences; homicide, with a distinction between those completed and attempts, assault, rape, robbery, other thefts (with separate listings for burglary, among which domestic burglary), thefts of motor vehicles and last, drug offences, with trafficking in a separate category. Some offences included in other international surveys were excluded because their content was much more difficult to define (this includes embezzlement, fraud, and so on).

For each offence, a standard definition is proposed and specific situations susceptible of inclusion or exclusion are listed. Responses to the questionnaire must specify the scope of application in each case, both in legal definitions and in statistical categories.

For example, rape is defined as sexual intercourse with a person against his/her will (*per vaginam* or other). Each country is asked where possible to include sexual assault other than *per vaginam* (buggery, for example), violent intra-marital intercourse, sexual intercourse without force with a helpless person, sexual intercourse with force with a minor, incestual intercourse with or without force with a minor and to exclude sexual intercourse with a minor without force and other forms of sexual assault. The data supplied for France correspond almost completely to this definition (except for incest, which comes under the broader heading of acts committed by a person with power over a juvenile victim). Five other responding countries conformed to this basic definition while five claimed a single exception, generally involving the exclusion or inclusion of some acts on juvenile victims. Some countries are unable to provide data beyond the broad category of sexual assault.

#### Counting units and the production of statistics

The questionnaire on statistical methods goes into detail on the definition of counting units and recording points. The latter may affect outcomes, especially at the police level. In France, as we know, counts are confined to cases transmitted to the public prosecutor's office. Conversely, in some countries counting is done as soon as an offence is reported to the police, so that statistics may cover a broader field, and this may also affect the legal qualification of facts. While most (but not all) countries use the most usual unit for each series (counting offences for reported offences, persons for suspected offenders, convictions for court statistics, persons or measures for sentence enforcement), the differences definitely reside in the way they deal with "multiple" cases. A combination of offences may or may not be treated by application of the rule known as the principal offence rule (only the latter is counted here), a person convicted several times in the course of a year may or may not be counted several times, multiple sanctions (several types of punishment for a same conviction) may or may not be subsumed under the main sentence. These inter-country variations exist, but this does not prove that the serious differences observed are not linked to the actual facts.

#### Controlled data collection

Another feature of the *Sourcebook* is its close scrutiny of the results provided by national correspondents. Controls have been conducted in various ways by the coordinators of the expert group. Comparison of the pivotal year (1995) for both sweeps of the survey pointed out some sources of errors, as did the year-by-year calculation of some ratios (such as the number of convicted persons in ratio to the number of suspects at the police level) or checks for consistency. Lastly, some results judged too dubious were excluded from publication. However, a non-negligible part of the published findings cannot be used without paying close attention to the many comments accompanying them.

#### A glimpse at findings

Two excerpts from the *Sourcebook* findings – one diachronic, the other synchronic – are discussed here. The experts working on the *Sourcebook* agree that police data cannot be used for comparisons based on level (rates) because of the above-mentioned difficulties. Even if we postulate that the latter may be solved, the question remains: of what, exactly, are we measuring the level? The international victimization survey shows considerable inter-country variations in the proportion of offences reported to the police. The proportion of reported burglaries, calculated as the average for the 1992, 1996 and 2000 sweeps, was 93% in England and Wales, 91% in Belgium, 89% in the Netherlands, 76% in France, 69% in Sweden and 57% in Poland, to take a few examples.

Comparisons of trends are perhaps somewhat less hazardous if we do not delve into year-by-year details too much. The table shown below gives an overview for offences counted by the police. Homicide is declining somewhat, with only four or five countries experiencing significant rises. Assault, on the other hand, is rising in a great many countries, especially in the western and northern countries. Findings for rape vary considerably, with a noteworthy drop essentially in central and Eastern Europe.

## Evolution of police data (percentage of variation 1995-2000)

	Homicide		Assault	Rape	Robbery	Theft				Drug Offences	
	Total	Completed	Total	Total	Total	Motor Vehicle Theft	Burglary		Total	Drug Trafficking	
							Total	Domestic burglary			
Albania	+	+	-	-	+	--	+	--	-	+	...
Armenia	-	-	+	--	+	+	+	...	...	-	...
Austria	o	o	+	+	+	+	+	o	o	+	-
Belgium	+	+	+	+	+	o	o	...	...	+	+
Bulgaria	-	-	--	-	-	-	o	--	...	++	...
Croatia	-	-	o	+	+	o	+	o	o	++	++
Cyprus	o	++	-	+	+	o	+	o	...	+	...
Czech Republic	o	...	-	-	+	o	o	-	-	++	++
Denmark	o	o	+	+	+	o	-	o	o	+	-
Estonia	-	-	o	-	+	+	+	+	o	++	++
Finland	o	o	+	+	+	o	+	-	-	+	...
France	-	-	+	+	+	o	-	-	-	+	-
Georgia	o	-	-	-	-	-	+	...	...	++	++
Germany	-	-	+	+	o	-	--	-	-	+	+
Greece	o	...	o	o	o	o	+	-	...	++	...
Hungary	-	-	o	-	+	o	+	-	+	++	++
Ireland	+	o	++	o	--	-	+	-	-	++	++
Italy	-	-	+	+	+	+	o	+	+	+	...
Latvia	-	-	-	-	++	+	+	...	...	++	...
Lithuania	-	-	+	o	+	+	+	...	+	++	...
Luxembourg	o	...	-	-	+	-	--	...	-	+	...
Moldova	o	...	-	o	o	o	...	+	...	++	...
Netherlands	...	-	+	+	+	o	...	o	...	...	...
Norway	+	o	+	+	+	o	o	-	--	+	+
Poland	o	o	+	+	++	+	+	+	+	++	++
Portugal	...	-	+	-	+	+	+	o	o	o	-
Romania	-	...	-	o	-	-	-	-	-	+	...
Russia	o	...	-	-	o	o	-	...	+	++	++
Slovakia	o	o	-	-	o	-	-	-	-	...	...
Slovenia	-	-	o	o	+	+	o	+	...	++	++
Spain	+	+	...	-	o	o	+	o	...	...	-
Sweden	...	...	o	+	+	o	+	o	o	+	-
Switzerland	o	o	+	+	+	-	-	-	-	o	o
Turkey	-	...	+	+	-	+	+	+	...	+	...
Ukraine	o	...	o	-	-	-	--	...	...	+	...
UK: England & W	o	o	++	+	+	-	-	-	-	...	o
UK: Northern Irele	+	+	++	+	o	o	+	o	-	+	-
UK: Scotland	-	-	+	+	-	-	-	-	-	+	o

**Note:**

- : decrease of 50% or more
- : decrease of ]50 ,10%]
- o : decrease or increase of less than 10%
- + : increase of ]10, 100%]
- ++ : increase more than 100%

Robberies are quite clearly on the rise, as opposed to thefts without force. For the latter, there are few extreme variations, on the whole, and the situation is relatively stable in a good many countries. A closer look shows more frequent downward trends for burglaries, whereas variations are greater for motor vehicle thefts. A more detailed study of motor vehicle thefts, over ten years this time, shows a sharp upturn for a while followed by a drop, often just as sharp, in many countries but with differences in timing from one country to another. Last, drug offences are still increasing rapidly. French trends are therefore quite cohe-

rent with this overall, certainly somewhat rough picture, in which countries with an increment of 10 to 100% were labelled (+) and those with an equivalent drop, between -10 and -50% were labelled (-). Variations are more or less marked within these two intervals, but it would be difficult, and definitely illegitimate for the classification of European countries in terms of trends in crime, to develop any more detailed characterization.

Data collection all along the criminal justice process allows us to visualize the "funnel" effect as we move from acts recorded by the police to suspects, then convictions. In this

regard, the lack of data on types of offences at the prosecution level (the public prosecutor's office in France) is unfortunate. France is no exception in this respect for the time being, but

some countries may soon possess detailed information for this level. This would be particularly useful given the definite development of diversion, especially in western and northern Europe.

### Penal treatment of rape, from the police level to conviction

1999  RAPE	Rate per 100,000 inhabitants			ratio suspected offenders/ offences (1)	ratio convicted / suspected offenders (1)	proportion of UCSM in total sanctions (%) (2)	Distribution of unsuspended custodial sanctions and measures (UCSM) by length (%) (2)						
	offences recorded by the police	Suspected offenders (by the police)	convicted				< 1 year	1 to 5 years (3)	5 years or + (3)	life	indeterminate sanctions	TOTAL UCSM	
Albania	1.8	2	0.3	1.3	0.1	-							
Austria	12.2	8	2	0.7	0.2	66.1							
Belgium	18	-	4.5	-	-	-							
Bulgaria	8.1	9	2.6	1.1	0.3	63.3							
Croatia	4.1	3	1.3	0.7	0.4	83.1	17.2	62.6	10.9	-	9.4	100	
Cyprus	1.5	3	0.5	1.7	0.2	100							
Czech Republic	6.2	4	1.6	0.7	0.4	54.5	2.2	68.9	28.9	0	-	100	
Denmark	9	-	1.4	-	-	62.5	48.9	51.1	0	0	-	100	
Estonia	4.1	2	2.6	0.5	1.2	64.9	4.2	75	20.8	-	-	100	
Finland	10	7	1	0.7	0.1	48.3	18.5	77.8	3.7	0	0	100	
France	13.6	10	3.1	0.7	0.3	89.2	5.1	16	78.7	0.2	-	100	
Georgia	1.2	3	1.7	2.5	0.6	90.6							
Germany	9.2	7	2.8	0.8	0.3	45.4	4.8	77.5	17.5	0.1	-	100	
Greece	2.3	2	-	0.9	-	84.8	0	42.9	50	0	7.1	100	
Hungary	3.3	2	1.7	0.6	0.9	82.7	1.4	63	35.7	0	-	100	
Ireland	18.8	16	0.2	0.9	0.0	-							
Italy	3.3	3	2.1	1.0	0.6	99.8	20.4	71.4	8.1	-	-	100	
Latvia	4.2	5	4.3	1.3	0.8	69.2	38.9	58.4	2.8	-	-	100	
Lithuania	6.2	6	-	0.9	-	-							
Moldova	5.5	3	3.4	0.6	1.0	63.8	0	32.6	67.3	-	-	100	
Netherlands	11.2	7	2.1	0.6	0.3	63.8	32.6	60.5	7	0	0	100	
Norway	10.5	1	0.7	0.1	0.5	100	32.3	67.7	0	-	0	100	
Poland	5.8	4	2.3	0.6	0.6	58.3	1.2	86.5	12.4	-	-	100	
Portugal	3.8	4	0.6	1.1	0.1	82	0	46.8	53.2	-	-	100	
Romania	6.5	7	3.2	1.1	0.5	97							
Russia	5.7	5	5.3	0.9	1.1	73.9							
Slovakia	3.2	-	1.3	-	-	40.3							
Slovenia	4.1	4	3.7	0.9	1.0	55.3	28.5	61.9	9.5	-	-	100	
Spain	3.2	2	-	0.7	-	-							
Sweden	23.7	2	1.1	0.1	0.5	91.8	7.8	81.9	10.4	-	-	100	
Switzerland	6.2	4	1.3	0.7	0.3	70.1	1.5	75	11.8	0	11.8	100	
Ukraine	2.6	2	2.2	0.9	1.0	-							
UK : England & Wales	16	4	1.3	0.3	0.3	96.3	1.1	18.6	70.2	10	-	100	
UK : Scotland	11.4	-	0.5	-	-	96.3	0	30.8	69.2	0	0	100	

(1) Ratios based on the original absolute figures, not on the rounded figures following.

(2) Percentages refer to 1997 for Greece, 2000 for Germany, Croatia, France, Slovenia and the Czech Republic, and to 1999 for other countries.

(3) For the Netherlands and Sweden the cut-off point is 4 years.

The second example takes offences labelled as rape at the entrance point to the criminal justice system, and at the point of conviction. The table below shows the rates per 100,000 inhabitants, followed by the selection ratios. Whereas there is massive cut-off in the penal process after the policing stage in thefts, for lack of identification of the offender, this is not the

case for this type of offence. In most countries the magnitude remains the same for suspects and recorded acts. The low ratio for Sweden and Norway is partly due to the mechanism for counting multiple offences and in the Swedish case, to counting starting with the victim's first step to report. The shift from suspected offenders to convicted offenders generally en-

tails a greater selection. We recall that the count covers those convicted for rape *stricto sensu* and that convictions under another legal qualification may be found. In France, for instance, the process by which some rape cases which are legally qualified *crimes*<sup>6</sup> are downgraded to *délits*<sup>7</sup> has certainly not disappeared, although the number of suspects convicted under the accusation of *crime* raised enormously, both in absolute figures and in proportion of suspects. The ratio of those convicted/those suspected of rape is 0.3, not very different from the figures found for Germany, England, the Netherlands and Switzerland. This ratio is higher in some countries, apparently reflecting the less important role played by prosecutory agencies, except that there may well have been changes in the nomenclature or in counting methods in the course of the procedure.

There are great variations in sentencing. Unsuspended imprisonment is the most frequent punishment everywhere. But more or less so depending on the country: the proportion is under 60% in 6 countries, it ranges from 60 to 90% in 14 others and exceeds 90% in three countries. Germany is in the first category, France in the second and England in the third. Types of treatment vary even more with the lengths of prison sentences. France and England resort massively to sentences of five years or more, whereas most European countries tend to mete out sentences of less than five years. Inter-country differences in cut-off points actually enable us to state that in the Netherlands and Sweden sentences are generally to less than four years. In four countries we find at least 30% of sentences to less than one year and in three of them unsuspended imprisonment is moderately prevalent (around 60%).

Findings for other offences do not follow the same pattern. Countries in extreme positions are not always the same. For some offences (robbery and assault), the homogeneity required for comparison of penal treatment is far from being achieved, and repression may seem more severe in a particular country simply because the legal category is defined so as to restrict it to the most serious cases. However, the findings yielded by the *Sourcebook* at least have the merit of breaking with the trite clichés about widespread punitive, tolerant or lax policies in certain countries.

**Bruno AUBUSSON de CAVARLAY**

*aubusson@cesdip.com*

---

<sup>6</sup> In French law, the most serious crime category, to be tried by the *Cour d'assises*, were a jury sits along with professional judges.

<sup>7</sup> Moderately serious offences, to be tried by a criminal court called *tribunal correctionnel*.