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31st Council of Europe Conference of Ministers of Justice

Vienna, Austria, 19 – 21 September 2012

RESOLUTION

on

Responses of justice to urban violence

THE MINISTERS participating in the 31st Council of Europe Conference of Ministers of Justice (Vienna, Austria, 19-21 September 2012),

1. Welcoming the report of the Minister of Justice of Austria "Urban Violence – Juveniles – New Media. Tackling the current challenges in Austria" and the contributions made by the delegations attending the Conference;
2. Recalling the European Convention on Human Rights and its Protocols and the relevant case law of the European Court of Human Rights;
3. Recalling moreover the United Nations Convention on the Rights of the Child, the Committee of Ministers' Recommendations (2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, (2008)11 on the European Rules for juvenile offenders subject to sanctions and measures and (2009)10 on integrated national strategies for the protection of children from violence, the Committee of Ministers Guidelines on Child-Friendly Justice (2010), as well as the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No 108) and its Additional Protocol (CETS No. 181);
4. Concerned about the rise of intensive and at times unexpected outbreaks of collective violence in some major urban areas in Europe, such as riots, arson, muggings and looting in which juveniles are often involved as perpetrators and/or victims;
5. Noting that these outbreaks seem at least partly prepared by organised groups and that they lead to a general feeling of insecurity and to substantial economic losses and conscious that there is great public interest in having such outbreaks stopped as soon as possible and in having those responsible brought to justice;

6. Recognising that European societies are currently facing a deep economic and social crisis, which exacerbates unemployment and financial hardship and is conducive to the deterioration of living conditions and the social climate in certain urban areas;
7. Aware of the fact that these factors may contribute to increased social tension and to the feeling of social exclusion and neglect, especially among juveniles who are vulnerable when confronted with instigators who incite riots and other forms of urban violence, notably through Internet, social networks and other information and communication technologies;
8. Underlining that acts of urban violence may range from minor offences to very serious crimes and that therefore the response of the criminal justice system should take into consideration the specific circumstances of each individual case and should be based on the principle of proportionality;
9. Resolved to ensure the Human Rights of juvenile perpetrators and victims of urban violence as well as maintain public safety and prevent disorder and crime, as necessary in a democratic society;
10. Considering that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration;
11. Considering that legal responses to criminal behaviour by juveniles should respect their rights and, where appropriate, take due account of their views, educational, development and other specific needs in accordance with their age and level of maturity;
12. Aware that deprivation of liberty often has harmful effects on the personal and social development of juveniles and should therefore be used only as a measure of last resort, for the shortest appropriate period of time;
13. Conscious of the fact that justice systems are designed primarily to deal with adults and therefore convinced that any measures should take a multi-disciplinary and a multi-agency approach in order to address effectively the variety of problems juveniles may face;
14. Mindful of the importance of promoting the involvement of the parents, family, carers and guardians concerned in prevention measures as well as during criminal proceedings and the execution of sanctions in order to help with the social integration of children and thus prevent their involvement in acts of urban violence;
15. Underlining the need to develop child-friendly justice and to divert, where possible, juveniles away from the formal criminal justice system and ordinary criminal proceedings to more adapted forms of response, such as mediation and restorative justice taking into consideration the interests of victims and their protection;
16. Aware of the rapid development and broad availability of Internet-based communication technologies such as social networks and instant messaging, and of the fact that persons participating in acts of urban violence often use modern telecommunication technologies in the preparation of and during such acts; but also noting the potential of new technologies as a tool for anticipating and preventing violence, gathering evidence and ensuring accountability of instigators and perpetrators of violence;
17. Determined to take the measures necessary in the context of urban violence to promote a rapid, appropriate and effective response of the justice system with regard to juvenile perpetrators and victims, to protect public order, avoid the feeling of insecurity in society and prevent the deterioration of social peace;

18. With regard to juveniles as perpetrators and victims of urban violence, agree to share best practices and use the lessons learned to consider:
 - a) adopting or strengthening justice systems appropriate for juveniles in particular for tackling the growing problem of urban violence;
 - b) developing restorative justice measures adapted to the needs of juveniles and using them, where appropriate, in criminal procedure;
 - c) developing specialised training programmes appropriate for professionals, such as judges, prosecutors, police officers, social workers, mediators, probation and prison staff;
19. Invite the Committee of Ministers to instruct the relevant Council of Europe bodies to promote consultations with juveniles and their families in their future work related to prevention and education;
20. Invite the Committee of Ministers to instruct the European Committee on Crime Problems (CDPC) to examine:
 - a) the experiences of member states with regard to preventing the involvement of juveniles in urban violence as perpetrators and/or victims and recommend, as necessary, suitable measures, in particular related to prevention and the criminal justice systems;
 - b) the existing laws and practices in Europe concerning the sanctioning and treatment of juveniles involved in acts of urban violence as well as practices regarding the involvement of families, to draw up best practices in this regard and recommend, as necessary, suitable measures, in particular related to the criminal justice systems;
 - c) the existing laws and practices in Europe regarding restorative justice and recommend, as necessary, specific restorative justice measures aimed at dealing with the phenomenon of urban violence and adapted to the needs of juveniles at all stages of the criminal justice procedure;
21. With regard to organised groups and their new ways of communicating, invite the Committee of Ministers to instruct the European Committee on Crime Problems (CDPC) to examine, in cooperation with other relevant Steering Committees ways to promote dialogue and cooperation between law enforcement authorities, telecommunication providers and Internet service providers in order to facilitate prevention of urban violence, as well as gathering of evidence and ensuring accountability of instigators of violence, while guaranteeing full compliance with the European Convention on Human Rights;
22. Ask the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution on the occasion of their next Conference.