



Strasbourg, 12 May 2014

CDPC (2014) 6

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

INTERNATIONAL CONFERENCE ON URBAN VIOLENCE
CONCEPT PAPER

23-24 October 2014
Lisbon
Portugal

Document prepared by the CDPC Secretariat
Directorate General I – Human Rights and Rule of Law

CDPC website: www.coe.int/cdpc
CDPC e-mail: dgi-cdpc@coe.int

Background of the conference

Urban violence is a growing phenomenon and a major concern for many countries in Europe. In the resolution adopted at the 31st Council of Europe Conference of Ministers of Justice (Vienna, September 2012), the ministers expressed their concern “about the rise of intensive and at times unexpected outbreaks of collective violence in some major urban areas in Europe” (urban violence). They recognised that this violence may be linked to the severe economic and social crisis currently being faced by many European countries, which is contributing to the deterioration of both the living conditions of their nationals and the social climate in certain urban areas.

Organised groups and instigators are often behind such violent outbreaks, sometimes targeting authorised and peaceful public demonstrations and thus jeopardising the principles of democracy, social cohesion and tolerance upon which European societies are based.

The ministers also underlined “the rapid development and broad availability of Internet-based communication technologies such as social networks and instant messaging, and 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 the potential of new technologies as a tool for anticipating and preventing violence, gathering evidence and ensuring accountability of instigators and perpetrators of violence”.

In some cases, social networks and other information and communication technologies are used by instigators to incite riots, disorder and other forms of urban violence. The criminal justice system needs to respond to the new challenges brought about by social networks.

At the same time, fundamental freedoms, notably freedom of expression and assembly, which are increasingly exercised through the Internet, should not be undermined. Proportionality and judicial oversight are key principles that should be systematically applied when looking at issues such as restricting access of specific individuals to the Internet, carrying out surveillance on their Internet activities or punishing those who have instigated violence.

In the context of urban violence, the need and ways to balance the application of certain repressive measures by the authorities in the interest of upholding law and order vis-à-vis the rights to freedom of expression and freedom of assembly guaranteed under the European Convention on Human Rights will be addressed during the conference.

Aim of the conference

The conference aims at bringing together representatives of law-enforcement authorities (judges, prosecutors, police forces), telecommunication providers and Internet service providers in order to:

- examine possible ways to develop fruitful dialogue and efficient co-operation with a view to further preventing urban violence;
- gather evidence on the accountability of the instigators of violence;
- seek a balance between the repressive measures by the public authorities to prevent urban violence and the need to preserve citizens' rights.

Structure of the conference

The conference will be divided in three sessions:

a) Session I – Dialogue and co-operation to prevent urban violence

Urban violence reduction and prevention are now top policy concerns for governments. This conference endeavours to foster closer and more effective co-operation between the relevant public and private stakeholders involved in the prevention of outbreaks of urban violence. It will provide a unique opportunity to bring the subject before a larger audience.

Urban violence is a complex and multi-dimensional phenomenon. With a view to addressing it effectively, it is important to co-ordinate various actors and policies in the fields of justice, media and communication technologies, social services, social cohesion policies and security. The justice system cannot compensate for deficiencies in the other policies but should take these deficiencies into account, in particular when they put people in situations of distress and vulnerability. This being so, co-operation between law-enforcement authorities and the Internet/telecommunications industry is necessary.

b) Session II – Gather evidence on the accountability of instigators of violence/leaders

The Council of Europe provides an appropriate framework in which to examine existing good practices in order to find the best solutions:

- a) to better understand and prevent urban violence;
- b) when such violence does occur, to collect evidence and witnesses and to ensure that those responsible for this violence are identified and brought to justice;
- c) to ensure that victims and their interests are duly protected.

The use of the Internet, social networks and other information and communication technologies by instigators/leaders to incite urban violence raises the complex question of the use of electronic evidence in criminal proceedings. In this regard, there are some challenges and legal implications related to the collection and use of electronic evidence which need to be tackled.

Can the use of electronic evidence be used in criminal proceedings? Can this electronic evidence be used to gather evidence and ensure accountability of instigators of violence?

c) Session III – Impose restrictions while preserving citizens' rights

The responses of the justice system to urban violence must strike the right balance between, on the one hand, the need to protect public order without violating fundamental freedoms such as the freedom of expression and assembly and, on the other hand, the right of access to information. It is, therefore, crucial that action by public authorities be duly framed as required by Articles 10 and 11 of the European Convention on Human Rights.

The development of new forms of expression online has created new challenges to the protection of the freedom of expression.

Any interference with freedom of expression, or freedom of association, and any interference with private life must have a legal basis, pursue a legitimate aim and be proportionate. The proportionality rule is a key principle here.

Targeted participants

The participants in the conference will be high-level representatives of the governments of the 47 member states of the Council of Europe, who are responsible for criminal problems.

Judges, prosecutors, journalists, police officers, representatives from civil society and both telecommunications and Internet service providers will also be invited.

Total: approximately 80 participants

Duration: 1.5 days

Other participants

- Council of Europe Commissioner for Human Rights
- Parliamentary Assembly of the Council of Europe
- Congress of Local and Regional Authorities of the Council of Europe
- European Court of Human Rights
- International Federation of Journalists
- European Committee for Crime Problems
- Consultative Council of European Judges
- Consultative Council of European Prosecutors
- Telecommunication services
- Internet service providers
- Social networks (Facebook, Twitter, BlackBerry Messenger)
- European Union
- European Parliament
- UN relevant bodies
- Other relevant international organisations or bodies