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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

31st COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE

(Vienna, Austria, 19-21 September 2012)

**ELEMENTS for
DRAFT RESOLUTION
on juveniles as perpetrators and victims in the context of urban violence**

Document prepared by the Secretariat of the CDPC and endorsed by the Bureau

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**ELEMENTS for
DRAFT RESOLUTION
on juveniles as perpetrators and victims in the context of 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 "XXXXX" and the contributions made by the delegations attending the Conference;
2. Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocols and the case law of the European Court of Human Rights related to the response of the justice system to juvenile offenders;
3. Recalling moreover the United Nations Convention on the Rights of the Child, the Committee of Ministers' Recommendations Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions and measures, Rec (2009)10 on integrated national strategies for the protection of children from violence, and the Committee of Ministers Guidelines on Child-Friendly Justice (2010);
4. Concerned about the rise of intensive and unexpected outburst of collective violence in urban areas in Europe, such as riots, arsons, muggings, pillaging and other forms of urban violence, in which many of those involved, as perpetrators and/or victims, are juveniles, even sometimes children;
5. Having discussed the responses of justice to urban violence, including the responses of justice to juveniles as perpetrators and victims in this context;
6. Noting that European societies are currently facing a deepening economic and social crisis which exacerbates unemployment and financial hardship and favours 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 tensions and to the feeling of social exclusion and neglect, especially

among children and juveniles who are vulnerable when confronted to instigators who incite riots and other forms of urban violence, notably through Internet and 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. Underlining that, in particular in the context of urban violence, a rapid, appropriate and effective response of the justice system to juvenile offenders and victims is required to protect public order, avoid the feeling of insecurity in society and prevent the deterioration of social peace;
10. Considering that penal responses to the criminal behaviour of juveniles should be adapted to their age and mental development and should take due account of their educational needs and personal development, and that deprivation of liberty often has harmful effects on the personal and social development of juveniles;
11. Conscious that a child's mentality and stage of development are different from those of an adult and that the justice systems are designed primarily to deal with the latter;
12. Considering also that any intervention should take a multi-disciplinary and a multi-agency approach in order to address effectively the variety of problems children and juveniles may face;
13. Underlining therefore the need to develop child-friendly justice and to aim, where possible, at diverting children and juveniles away from the formal criminal justice system to more appropriate forms of response, which also take into consideration the interests of victims, such as mediation and restorative justice;

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14. INVITE the Committee of Ministers to CALL UPON Council of Europe member states to implement the relevant Council of Europe standards, and in particular: the Committee of Ministers' Recommendations, Recommendation N° R (99) 19 on mediation in penal matters, Rec(2000)20 on the role of early psychosocial intervention in the prevention of criminality, Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice and Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions and measures; Rec (2009)10 on integrated national strategies for the protection of children from violence, and the Committee of Ministers' Guidelines on Child-Friendly Justice (2010);

15. REITERATE the general principle that detention should only be used as a last resort due to its especially damaging effects on children and juveniles, in particular in cases of police custody and pre-trial detention;
16. INVITE the Committee of Ministers to CALL UPON Council of Europe member states to:
 - consider the possibility of adopting or further consolidating juvenile justice systems;
 - develop restorative justice measures adapted to the needs of children and juveniles at all stages of the criminal justice procedure;
 - develop specialised and appropriate training procedures for professionals dealing with children and juvenile offenders or victims, such as judges, prosecutors, police officers, social workers, mediators, probation and prison staff.
17. INVITE the Committee of Ministers to instruct the European Committee on Crime Problems (CDPC) to:
 - a) examine the experiences of member states with regard to preventing the involvement of children and juveniles in urban violence as perpetrators and/or victims and recommend, as necessary, suitable measures, in particular related to the criminal justice systems;
 - b) examine the existing laws and practices in Europe concerning the sanctioning and treatment of children and juveniles involved in acts of urban violence, draw up best practices in this regard and recommend, as necessary, suitable measures, in particular related to the criminal justice systems;
 - c) examine 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 children and juveniles at all stages of the criminal justice procedure.
18. 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.