

Strasbourg, 22 June 2015
cdpc/docs 2015/cdpc (2015) 7

CDPC (2015) 7 Rev

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

**COMPILATION OF REPLIES TO THE QUESTIONNAIRE
ON URBAN VIOLENCE AND JUVENILE INVOLVEMENT**

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ANDORRA

Le phénomène des violences urbaines, tel que le définit la Conférence de Lisbonne célébrée en octobre 2014, est inconnu en Principauté d'Andorre puisqu'il ne s'est jamais produit de situation similaire, motifs pour lesquels nous considérons que le questionnaire ne serait pas applicable au cas concret de l'Andorre.

ARMENIA

During the last 10 years there were no records in Republic of Armenia of urban violence among juveniles.

In the structure of the police of the Republic of Armenia operates the Department of protection of juvenile rights, where trained police officers are working. They are working with families, in public places, schools. They are carrying out preventive activities in order to reduce violence against juvenile.

The appropriate guidelines for police officers has been developed in which the topics concerning the violence are included. The mentioned topics are being taught in the Educational Complex of police of the Republic of Armenia.

The preventive measures have been conducted not only with children but also with families, the rehabilitation community centers have been established.

AZERBAIJAN

The term “urban violence” doesn’t exist in the legislation of the Republic of Azerbaijan, as such. The article 220 of the Criminal Code refers to the analogous notion of “mass disorder”. According to the article “The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders is punished by imprisonment for the term from four up to twelve years”.

Statistics are not routinely collected on number of urban violence and the number of people (juveniles) involved in these acts.

According to the penal statistics - 20 judgements have been delivered and 185 persons (including 1 juvenile) have been convicted of a crime defined in the Art. 220 of the Criminal Code (“The organization of or participation in mass disorders”) within the period of 10 years.

Since the number and the scope of juvenile involvement in the acts of urban violence are extremely insignificant, the preventive measures have been carried out within the general framework of juvenile crime prevention. Basic legislation that regulates this sphere is the Law “On the prevention of homelessness and juvenile delinquency” dated 24th of May 2005 and the Law “On the Statute of commissions for minors and protection of their rights” dated 31th of May 2002.

BULGARIA

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

According to the definition "urban violence" could be viewed as series of crimes that match concentration of aggressive behavior in urban areas and serve as means for expression for certain categories of the population. Compared to our criminal law and by analogy, the term defined in this way under certain signs finds certain concretization in acts qualified under Chapter II Offences against the Person – homicide, bodily harm (Articles 115 – 135, Penal Code); under Chapter III Crime against the Rights of Citizens - Crimes against the equality of citizens, religion and the political rights of the citizens (Articles 162 – 169d, Penal Code); Section II of Chapter IV – Crime against Youth (Articles 187 – 193, Penal Code); Chapter VIII Offences against the Activity of State Bodies, Public Organisations and Persons Performing Public Duties - Offences against the order governing (Articles 269 – 281, Penal Code); under Chapter VIIIa Crimes against Sports (Articles 307b – 307f), under Chapter X Offences against the Order and the Public Peace (Articles 320 – 329, Penal Code); under Chapter XI Generally Dangerous Crime - Offences committed in a generally dangerous way or by generally dangerous means, offences against the transport and communications, offences against the national health and the environment, other generally dangerous offences (Articles 330 – 356c, Penal Code).

The Protection of Public Order during Sports Events Act (promulgated State Gazette 96/29 October 2004) regulates the measures for protection of social order and measures against antisocial deeds committed during sport events (articles 7 – 17a) in view of protection of the social order during sport events; prevention, discontinuing, revealing and sanctioning of antisocial deeds; providing cooperation between state authorities and social organisations for the purposes of prevention of any form of antisocial deeds during sport events; providing interaction and co-ordination between the state authorities and the foreign or the international police services regarding the organisation and conducting of sport events.

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

What was the background for these instances of urban violence ?

- How many judgments have there been in your country relating to instances of urban violence within this time?
- Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

As it has already being pointed out, the current Bulgarian legislation does not contain juridical classifications that distinguish between “urban violence” and other antisocial acts /crimes, related to unlawful behaviour defined as “violence”.

▪ The Chief Directorate National Police to the Ministry of Interior, in accordance with the functional competencies of the structural units in its composition, has information on the protection of public order, and on ensuring security and safety of citizens at sports events throughout the country.

It is our understanding that the acts of violence performed before, during and after sports events cover the specific characteristics of the term “urban violence”, as defined in CDPC’s document.

The available information for 2014, as compared to 2013, is provided in the table below:

| INDICATOR | 2014 | 2013 |
|--|-------------|-------------|
| Total number of sports events | 396 | 522 |
| Total number of spectators | 801 154 | 889 851 |
| Established offences (No.) | 117 | 96 |
| Offensive behaviour (No. of cases) | 15 | 3 |
| Induced fray/fight (No. of cases) | 6 | 3 |
| Participation in fray, beating (No. of cases) | 9 | 15 |
| Beating a referee (No. of cases) | 0 | 4 |
| Detained persons (No.) | 411 | 350 |
| Total number of penalized persons | 130 | 170 |
| Total numbers of imposed penalties, including compulsory administrative measures and administrative sanctions | 179 | 228 |
| <i>Penalties, total and types (No.):</i> | 68 | 88 |
| - fines | 53 | 55 |
| - unpaid community work | 0 | 1 |
| - detention at Mol detention premises | 13 | 28 |
| - sent to Local Commissions against delinquency of minors and juveniles under the Measures Against Delinquency of Minors and Juveniles Act | 2 | 4 |
| <i>Imposed compulsory administrative measures (No.)</i> | 42 | 58 |
| <i>Imposed administrative sanctions (No.)</i> | 69 | 82 |
| Initiated penal proceedings - pre-trial proceedings and /or immediate /quick police proceedings at Mol (No.) | 1 | 5 |

In this context it also needs to be pointed out that according to the instruction on

the organization of the information activities of the Prosecutor's Office of the Republic of Bulgaria (approved by Order № LS – 1985/30.05.2014 by the Prosecutor General), there is no indicator "urban violence" in the official statistics of the Prosecutor's Office. There is no such information in the Unified Information System of Prosecutor's Office. Therefore such statistical information is not available.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

According to the Bulgarian criminal law, criminal liability rests with the individual who is mentally responsible and has reached a certain age. In this respect, considering age, there are:

- **Adults (18 years of age)** who are criminally liable as long as there is no insanity.
- **Juveniles (age of 14 but under 18 years)** who are responsible only if they are able to understand the nature and meaning of the act and to lead their actions.

Special rules laid down in Chapter VI of the Penal Code apply to them, the main purpose of the punishment of juveniles is provided in Article 60, Penal Code - they can be re-educated and prepared for community service. This purpose of the penalty does not cancel the purposes of Article 36 Penal Code, but only emphasizes the rehabilitation of the guilty person, taking into account the absence of a permanent criminal habits and the fact that juveniles are susceptible to impact, including rehabilitation.

Application against juveniles of a special criminal regime, reveals the following features:

- Possibility of exemption from criminal liability - for a juvenile who has committed a crime due to impetuosity or thoughtlessness that is not a great public danger. In that case, the prosecutor may decide not to initiate or terminate the pre-trial proceedings and the court – to decide that the juvenile person cannot be sued or may not be sentenced if disciplinary measures can be successfully applied to him/her under the Measures against Delinquency of Minors and Juveniles Act. In this context, it needs to be pointed out that the concept delinquency includes: crimes committed by minors; crimes committed by minors who are exempt from criminal liability; other acts which are not offenses, (non- attendance, failure to comply with school discipline). Within the meaning of Rule 3.1. of the Beijing Rules for the Administration of Juvenile Justice, the juveniles are subject to intervention by the state in order the reintegration of the person. The measures to be taken are fully extrajudicial, educational, social and resocialization, almost identical to the measures referred to in Rule 18 of the Beijing Rules of the United Nations.

- Restrictions on the types of penalties that can be imposed on juveniles - imprisonment (in reformatory), probation, public censure, deprivation of the right to exercise a certain profession or activity;

- Mitigation provided for in the special part of the Penal Code, through a substitution;

- Replacement of imprisonment by another educational measure.

In cases where the determined punishment is imprisonment for less than one year and its implementation has not been suspended (i.e. there is no trial period), the

juvenile is released from serving it and the court sends him to a boarding school or imposes other correctional measure under the Delinquency of Minors and Juveniles Act. This rule does not apply to a juvenile person who has committed a crime while serving a custodial sentence; if convicted after coming of age; and in case of repeated condemnation, if the court finds that for the correction and rehabilitation of the perpetrator it is necessary that the person endures imprisonment and when the term is not less than six months or if the offender has already served a sentence of imprisonment.

- **Minors (under the age of 14 years)** are not criminally liable. Criminal irresponsibility for them is unconditional. No matter of the other qualities of the person, if he/she is under 14 years old, one cannot be liable. Special measures of educational and correctional function to minors who have committed a breach of the legal order, are specifically regulated in Art. 13 of the Measures against Delinquency of Minors and Juveniles Act. The committees to combat Juvenile Delinquency and Child pedagogic rooms have major role in the implementation of these measures. The most severe disciplinary measure that may be applied is the placement in correctional boarding schools.

In respect to the parents or persons who replace them, according to whom it is found out in the course of the educational case that they do not care enough for the education of their children and they have committed socially dangerous acts, one of the following measures applies:

- warning;
- obligation to attend specially organized lectures and consultations on education;
- a fine of 50 to 1 000 BGN, and by the request of individuals the chairman of the local commission can replace fine with free labor for the benefit of society (the duration of his employment complies with the fine and cannot be more than 160 hours).

For petty hooliganism committed by a person below sixteen years old, according to Decree № 904 of 1963 on Minor Hooliganism (Issued by the Chairman of the Presidium of the National Assembly, State Gazette No 102/ 31.12.1963, No 36/ 08.05.1979, amended and supplemented by No 38/ 03.04.1998, No 96/ 29.10.2004, entered into force on 30.11.2004, amended by No 27/10.04.2009; Decision No 3 of the Constitutional Court of the Republic of Bulgaria, State Gazette No 38/17.05.2011, amended and supplemented by No 93/ 25.11.2011, amended by No 53/27.06.2014) administrative penalties are imposed at a detention unit of the Ministry of Interior for 15 days or fine of BGN 100 to 500.

For the purposes of this decree, petty crime is obscene display or use of inappropriate language in public, in front of many people in abusive attitude and behaviour towards citizens, to the authorities or the public or a quarrel, fray or similar, with which violate public order and peace, but because of its lower level of danger do not constitute crimes under Art. 325 of the Penal Code.

Administrative penalty shall not be imposed where the offender is a juvenile and taking into account the nature of the offense and his personality measures of social influence imposed by the Commissions for Combating Juvenile Delinquency can be used as remedies.

In case of a manifestation of petty hooliganism, the Ministry of Interior, mayors, deputy mayors respectively, draft an act, detailing the case and also indicate the name, the address of the offender and the witnesses present when the infringement is being conducted. Based upon the act and the collected information about the personality of the

offender from the relevant structural unit of the Ministry of Interior the following is being carried out:

- the file is submitted for judgement by the regional court;
- the case is referred to a Commission for Combating Juvenile Delinquency;
- the file is terminated when there are no conditions for the imposition of an administrative penalty or a measure of social influence

The implementation of the Decree on Petty Hooliganism is regulated by Rules, (promulgated State Gazette No 106/03.12.2004, entered into force on 03.12.2004 amended and supplemented, State Gazette No 70/29.08.2006), issued by the Minister of Interior and the Minister of Justice.

The employees at the Bureau for Protection under the Prosecutor General, which was established under the Law on the Protection of Witnesses in Criminal Proceedings (promulgated State Gazette No 103/23.11.2004, effective since 05.24.2005, amended No 82/10.10.2006, supplemented State Gazette No 33/28.03.2008, amended and supplemented State Gazette No 66/25.07.2008, effective since 26.09.2008, amended No 82/16.10.2009, amended and supplemented State Gazette No 21/08.03.2014, entered into force on 09.04.2014, amended State Gazette No 53/27.06.2014) possess certain rights and obligations under the Decree No 904 while performing their duties.

The measures for protection of public order, as well as measures against antisocial behaviors (sports hooliganism) during sports events, including imposing penalties, are regulated by the Protection of Public Order during Sports Events Act, promulgated in State Gazette, issue 96 of 29.10 2004. This law also regulates measures applied to juveniles who have reached the age of 14.

When providing information to the above-stated question, it also needs to be pointed out that:

1. In the public education system there are correctional boarding schools and social educational boarding schools, where juveniles and minors who have committed antisocial acts are accommodated.

According to Article 2 of the Rules of Organization and Operation of the Correctional Boarding Schools and Social Educational Boarding Schools, both types of schools are public, accommodating:

- Children aged over 8 years old and juvenile delinquents to which educational measures under Article 13 paragraph 1, p. 1-10 and p. 12 of the Measures Against Delinquency of Minors and Juveniles Act have proven insufficient and there is no adequate social environment for their normal upbringing;
- Juveniles against whom the court has imposed such a measure under Article 61 and 64 of the Penal Code.

According to Article 7 and 8 of the above-stated Rules, the placement of minors and juveniles in correctional boarding schools and social educational boarding schools is conducted throughout the whole year. The allocation of students, who are subject to the measure under the Minors and Juvenile Delinquency Act, is carried out by the Ministry of Education and Science on the basis of an effective decision or ruling by a court or a

sentence that has entered into force, stipulating where the student shall be accommodated – at a correctional boarding school or a social educational boarding school.

2. A Multidisciplinary mechanism for interaction in case of a signal for a child victim of violence or a child at risk of violence is developed. The Mechanism is implemented under Article 1 of the Cooperation Agreement of 15.03.2010 between different ministries and organizations. A Mechanism to combat school bullying between children and students is also approved by order No RD 09-611/18.05.2012 of the Minister of Education, Youth and Science.

Pursuant to this order, a plan to combat school bullying was adopted and a record of acts of aggression and harassment is kept in each school.

It is provided that assistance from the "Child Protection" Department in residence shall be sought in cases of child's behavior, which is characterized by expressive aggressive acts and/or the inclination to develop conflict situations, including violence.

At the end of each school year the Ministry of Education and Science summarizes and analyzes the information in order to develop policies for the prevention, reduction and prevention of aggression at school.

Another important point that needs to be emphasized according to the activities undertaken in cases of acts of delinquency, committed by juveniles, is the implementation by the Bulgarian Ministry of Justice of a project, named "Strengthening the Legal and Institutional Capacity of the Judicial System in the Field of Juvenile Justice" under the Thematic Fund "Security" of the Bulgarian-Swiss Cooperation Program. The main goals of the project are: strengthening the legal and institutional capacity of the judicial system in the field of justice for children (juvenile justice) through the provision of legal procedures that protect the interests of the child; all children who come into contact with the judicial system in Bulgaria as perpetrators, victims or witnesses of crime or for any other reason (custody, inheritance, protection), are treated in accordance with the European and international standards (UN, Council of Europe, EU). The deadline of the project's implementation is June 2016.

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

Juveniles under sentence of imprisonment: During the past decade there are 2 convicted juveniles under Article 325 of Penal Code (hooliganism). At present, there are no convicted juveniles on the stated criteria.

Juveniles under sentence of probation: From the initial stage of the execution of sentence of probation in 2005 to the beginning of 2015 through probation structures approximately 22000 juveniles have passed. Only 10 % of them have been sentenced to probation for acts, similar to those, described in the Questionnaire, i.e. about 220 offenders. At present, there are 15 juveniles, sentenced to probation for hooliganism

80% of the total number serving their sentence of probation are convicted for the first time, and for the remained 20% this is second or a serial such conviction. This leads to the interpretation, that the recidivism by juvenile offenders is low, or that the imposed

sentences of probation in a later stage pass into heavier ones.

Amongst the duration of imposed probation measures by a part of the Bulgarian courts towards juveniles, the measures with a duration up to 6 months have again the highest percentage, i.e. the minimum of the sentence. They are followed by measures with a duration from 7 months to 1 year, and very rarely measures with a duration over 1 year are imposed.

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

The program "Police work at schools" has been applied on a national level for 15 years, and special police officers from the Metropolitan Police Directorate and the Regional Police Directorates have been trained to work with it. These officers, with staff also from Traffic Police, Public Order and Security Police and other units from the main territorial structures of the Ministry of Interior, work with children with unlawful behaviour, children –victims of crime and in need of protection.

There are 36 topics included in the Program. Additionally, officers from the unit for countering juvenile delinquency at Chief Directorate National Police have elaborated two new lectures: "Football hooliganism and violation of public order" and "Trafficking in human beings".

Police officers deliver their lectures once a month during the so called Police Class, after coordinating with the local school management. Police access at schools has been coordinated with the Ministry of Education and the regional educational inspectorates.

In the school year 2013-2014, a total of 7425 lectures were delivered and discussions held in 1890 schools throughout the country. A total of 887 police officers organized discussions in 7425 parallel classes, grades 1 to 10, at municipal and state schools throughout the country.

Experience gathered over the years after the start of the program shows that it is most successfully implemented and provides best results, even at a later stage, with school children from third to sixth grade, as older children have already established behavioral patterns.

The program "Police work at schools" fulfils its main objectives related to prevention of unlawful behavior and creation of models for safe behavior.

The two laws – Juvenile Delinquency Act and Law on Protection of Public Order at Sports Events will apply in cases of urban violence and if there are cases of child participation in them.

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.
- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

Please, see the answer to the question, concerning the measures taken in cases of acts of delinquency committed by juveniles.

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

Please, see the answer to the question, concerning the measures taken in cases of acts of delinquency committed by juveniles.

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

Please, see the answer to the question, concerning the measures taken in cases of acts of delinquency committed by juveniles.

- To what extent are families involved in these procedures?

Juveniles under sentence of imprisonment: The maintenance of contacts with the families and close social circle of juveniles is of primary importance for them. In this regard, the overall activity of resocialization of juveniles, deprived of their liberty, is held in conditions of outside extension of the possibilities of contacts with the external environment as a whole, with relatives and people, who influence them positively, with volunteers and representatives of non-governmental organizations. The head of correctional home may permit visits with extended duration with relatives, who have positive influence. In cases when the family is „absent“, are used the resources of different institutions: the Observation Committees, the Ministry of Interior – Children’s Pedagogical Room, State Agency for Child Protection and Local Committees for Prevention of anti-social behavior of minors and juveniles, and etc.

Juveniles under sentence of probation: When working with sentenced juveniles, exceptionally big role has also the work with the family, as well as other state institutions involved in the process of self-affirmation and socialization of respective convicted juvenile, namely, school personnel, as pedagogues and psychologists; bodies of the Ministry of Interior – Children’s Pedagogical Room, State Agency for Child Protection and etc. In cases when the family is „absent“, or refuses to play its role in the life of juvenile, then come to help the other institutions, aimed at reducing the risk of isolation, transforming the juvenile in social outsider or perpetrator of much heavier crimes, corresponding to their type.

- Parents are always informed in cases of delinquent acts, committed by juveniles. One of the measures under the Juvenile Delinquency Act is "giving the child to parents with instructions for application of the enhanced care."

- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

Measures undertaken in reference to sentenced juveniles:

Juveniles under sentence of imprisonment: At Sliven Prison and Boychinovtsi Correctional Home is held a correctional therapeutic program for specialized group work EQUIP on the Bulgarian-Dutch project “Introduction of corrective and therapeutic

programs for work with juveniles deprived of liberty". The target group of the program is juveniles with deviant behaviour, aimed to teach them responsible thinking and behaviour through the method of mutual aid. They are motivated and trained in mutual aid in a group. Ongoing team meetings are aimed at acquiring of social skills, developing of skills to take morally responsible decisions and overcoming of anger. The acquired skills of juveniles are applicable during the mutual aid meetings. The work in the group is conducted by two inspectors pedagogues, or an inspector pedagogue and inspector psychologist, which are only mediators, guiding the process, and the essential discussion and decision-makings on an issue are carried out by juveniles themselves. The program is realized permanently, as at the place of leaving members join new members. The aim is that the juveniles transform their unsocial culture to such, in which there is a complying with the other, and they help each other to take socially responsible decisions and to show respect and self-esteem. The general principle for the implementation of the program is that "helping each other" makes the change possible.

The program runs in 5 modules:

1. Meetings for mutual aid.
2. Meetings for preparation.
3. TEAM meetings – Overcoming of anger/Correction of errors in thinking.
4. TEAM meetings – Development of social skills.
5. TEAM meetings – Taking socially responsible solutions.

Each meeting of mutual aid is alternated with one of the TEAM meetings from modules 3, 4 and 5, as the purpose of the latter is to develop the necessary skills and habits for changing the thinking and behaviour, and to take morally responsible decisions among the young people.

The ultimate goal of the program is: 1. To teach young people to work in a team. 2. To achieve sufficiently positive and appropriate response of juveniles in a real situation, and thus to support their normal resocialization in society.

The number of participants in a program vary from 6 to 9 and they are selected on a voluntary basis. The group members implement the aims of the program through creating favourable social atmosphere, in which they tell their life story, share their problems and mistakes in the thinking, discuss how to influence on so called „difficult members“ of the group, helping them to take adequate social solutions.

Juveniles under sentence of probation: The measures, taken when working with such particular type of offenders, convicted of urban violence, are individual and group work with them. The programs which are developed and applied in probation structures in individual and group order are, as follows:

I. The program "Thinking skills" provides offenders with some basic skills to solve problems. However, it is not intended to provide a solution to stop the offenses, but merely provides a basis of which the offender can acquire other new skills.

The aims of the program are associated with:

- Decision of interpersonal problems;
- Self-control;

- Self-knowledge;
- Creative thinking.

The task of the program is to train these skills by using the steps for solving problems. It provides the steps one by one and ends with studies, aimed at combining them in a detailed analysis of the offense. ABC model, internal dialogue and the replacing internal dialogue are ideas that are used for the entire program. The nature of studies is aimed at developing of skills and exercising them.

Group work is better way of training in specific skills, as the offenders can learn each other.

Viewed from the information, sent by different probation services to sector „Probation“ to General Directorate „Execution of Sentences“, is specified that the majority of our juvenile offenders pass through individual and group form of the program.

The main problem is stated here – the low level of the literacy of sentenced persons, which hampers their participation in the process of group work. These persons shall be implemented individual and group work, aimed at helping them in the work or being included in other types of programs, in which is not required higher level of literacy.

II. Program for individual correctional work with sentenced of probation for committing hooliganism (Article 325 of the Penal Code) - crimes against order and public peace.

The offenders of hooliganism have high emotional and social immaturity. Their behavior is characterized by reactivity, first signalization and impulsiveness. They are limited, have low self-control and inhibitions. For them is inherent also high anxiety, suggesting inadequate compensations. A part of juvenile offenders, sentenced of probation for urban violence or hooliganism, have fast exhaustion of neuro-psychological processes. They tend to agitation. They have lower operative and physical working capacity.

The aims of this program, which is applied in individual order are:

- to be defined the situations that provoke experiences of the excitement of convicted, irritability and anger, stimulating the commitment of offenses;
- the convicted person to understand the easiest ways to avoid situations, causing fast appearance of angry experiences and reactions;
- to teach the offender to express and overcome the negative emotions and affects, which determine the development of angry reactions;
- to increase the willingness of refraining in situations of provoking his/her experiences. Teach to overcome his/her angry impulses in situations of contradiction, conflicts, provocations and manipulations;
- to expand the tolerance of convicted to the critical feedback that others provide.

The majority of offences of juveniles sentenced of probation for urban violence is carried out in partnership or group. In more cases their offences against the personality are directed to their coevals. Very often the juveniles commit crimes in highly emotional tension or in a state of alcoholic intoxication. The idea, itself, regarding the act, is developed fast, where the dangerous consequences, which may occur, aren't almost

assessed.

III. Practical exercises on topic: „The aggression and its overcoming“

Age group: 14-18 years

Duration: 40 minutes

Audience: Underage students, trained in the school network and convicted serving sentence probation.

The aggressive acts of juveniles are strongly influenced by the situation, i.e. they have again underlined situational nature. In their motivation essential role play both, the emotional states, themselves, and different adjustments formed before. Children acquire many acts of atrocity as a manner of behavior of the parents, and especially the fathers. Moreover, even they don't approve their aggressiveness, they imitate them.

CZECH REPUBLIC

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

No instances of urban violence as it is defined above have occurred in the Czech Republic in the past ten years.

- *What was the background for these instances of urban violence ?*
- How many judgments have there been in your country relating to instances of urban violence within this time?

No judgements have been granted within this time.

- Are there any particular legal classifications that will be used in cases concerning urban violence?

Czech Penal Code does not contain any particular offence covering urban violence. However, cases of urban violence could be classified as criminal offences of Damage to a Stranger's Item (Section 228 of Penal Code), General Threats (Section 272), Violence against a Group of People or an Individual (Section 352), Dangerous Threats (Section 353) and/or Disorderly Conduct (Section 358). In case of racially motivated urban violence criminal offences of Defamation of Nation, Race, Ethnic or other Groups of People (Section 355) and Encouragement to Hatred against a Group of People or to Restrict their Rights and Freedoms (Section 356) could be taken into consideration.

Please could you provide any available statistics on urban violence in your country.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

No data available.

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

Generally speaking, the Ministry of Education, Youth and Sports issued The Strategy of Prevention of Sociopathic Phenomena in Children and Youth which covers, inter alia, violence and hooliganism. Schools and educational establishments also implement the Minimum Preventive Programme which includes activities preventing risky behaviour.

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

No data available.

- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

As urban violence is not classified as a particular criminal offence, no specific measures are applied. Nevertheless, in general terms, penalties that could be imposed on juveniles between 15 to 18 years old are included in the Act on Juvenile Courts. This act establishes three different types of penalties, which are educational measures, protective measures and criminal measures that could be imposed only if other measures would not be effective. Concerning criminal measures the Act on Juvenile Courts sets the penalty limit applied to juveniles as a half of the penalty limit set by Penal Code. When imposing penalty to the offender who has committed a criminal offence at an age close to that of legal minor, the court shall consider his age as a mitigating circumstance according to Section 41(f) of Penal Code.

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

See answer above.

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

In general, the Act on Juvenile Courts describes some differences in criminal procedural measures concerning for example the right of juvenile to access to a lawyer or the remand in custody. However, the act includes no special criminal procedural measures which apply to juveniles involved in urban violence.

- To what extent are families involved in these procedures?

No data available.

- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

No data available.

Practical examples of how the national criminal justice system deals with urban violence are welcome.

ESTONIA

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

During last ten years, there have been one urban violence incidence in Estonia that corresponds to above mentioned "urban violence" definition. In April 2007, several days of rioting broke out in Tallinn, the capital of Estonia. We'll bring out that it was not a juvenile specific riot.

- *What was the background for these instances of urban violence?*

Rioting broke out in response to the government's decision to relocate a monument downtown commemorating the entry of the Soviet Red Army into Tallinn during the Second World War. The relocation of the bronze soldier met with a severe negative reaction mainly from the Russian population of Estonia, for whom the monument was considered to be a symbol of the Soviet victory in World War II.

- How many judgments have there been in your country relating to instances of urban violence within this time?

Approximately 90 people were convicted of committing crimes in Tallinn related to the Tallinn 2007 Riot. Six people were handed real jail time.

- Are there any particular legal classification that will be used in cases concerning urban violence?

Several provisions of Penal Code are applicable in urban violence cases.

For example provisions 238 and 239, which are offences against state power:

§ 238. Organising and preparing mass disorders and incitement to participation therein

(1) Organising or preparing a disorder involving a large number of persons or incitement to participation in such disorder, if such disorder results in desecration, destruction, arson or other similar acts, is punishable by three to eight years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 239. Commission of offence during mass disorder

(1) Participation in a mass disorder by a person who commits desecration, destruction, arson or other similar act or disregards a lawful order or offers resistance to a police officer, special constable or any other person combating such activities on a legal basis, or incitement of such person to non-performance of his or her duties is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by hiding of the face with a cover or mask or in any other manner which prevents identification, is punishable by two to eight years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

Besides provisions of 262 and 263, which are offences against public order:

§ 262. Breach of public order

- (1) Violation of the general requirements for behaviour in public places is punishable by a fine of up to one hundred fine units or by detention.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

§ 263. Aggravated breach of public order

- (1) Violation of the general requirements for behaviour in public places if such act was committed:
 - 1) by using violence; or
 - 2) by using threat with a weapon or any other object used as a weapon, an explosive device or explosive substance is punishable by a pecuniary punishment or up to five years' imprisonment.
- (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

Please could you provide any available statistics on urban violence in your country. How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

Less than 10% of people committing crimes during Tallinn 2007 Riot were juveniles. No detailed data available.

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

As urban violence is rarely committed in Estonia, there are no special measures planned to prevent specifically juvenile urban violence. Nevertheless, there are several initiatives planned to prevent youth violence in general term. For example in the topics as school violence, sexual violence, domestic violence etc.

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

So far no urban violence prevention initiatives for juveniles have been applied. In general, evidence-based prevention programs directed at prevention of violent behavior will be preferred. For example in prevention of bullying the KiVA prevention program is used, in prevention of severe juvenile crimes, the MDFT is used.

- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

There are no urban violence specific measures used in Estonia. Thus, regular measures will be applied to juvenile.

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

There are no youth urban violence specific measures/sanctions in Estonia. Nevertheless, there are special sanction system to juveniles in general – juvenile committees system.

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

There are no special criminal procedural measures to apply to juvenile involved in urban violence; regular criminal procedural measures applicable to juvenile will be used. The age of criminal liability in Estonia is 14 years.

- To what extent are families involved in these procedures?

Families are involved in the same extent as in other criminal cases related to juveniles.

- Are any special social rehabilitation measures taken for the juveniles concerned?
Are the juveniles concerned subject to specific monitoring?

There are special social rehabilitation measures for juveniles, but these are not urban violence specific. For example the juvenile rehabilitation service, multi-dimensional family therapy and several project-based social programs are used in Estonia.

FINLAND

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

- *What was the background for these instances of urban violence?*
- How many judgments have there been in your country relating to instances of urban violence within this time?

Answer: During the past 10 years, there has been in average at least one demonstration annually that has involved some public disturbance/violence. SMASH ASEM that took place in 2006 was by far the largest. During the SMASH ASEM 136 individuals were apprehended by the police.

Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

Answer: Most commonly used legal classifications are: Violent resistance to a public official, Contumacy to the police, Obstruction of a public official.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

Answer: According to the Police, it is extremely rare that juveniles take part in the acts that could be described as urban violence. Not a single individual under the age of 18 have been apprehended by the police in relation to urban violence.

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?
- Have you found that some preventive measures work better than others? In that case give a brief explanation of these

Answer:

Youth Guarantee (nuorisotakuu): The objective of the youth guarantee is to help young people gain access to education and employment. Successful execution of the youth guarantee requires cooperation among national and municipal authorities, the business sector and organisations. Methods of implementing the guarantee include measures related to the educational guarantee, the skills programme for young adults, employment and economic development services for youth (PES) and rehabilitation services, including municipal social and health care services and other individual services for young people, such as youth outreach work and youth workshop activities. One of the principles of the youth guarantee is that young people are heard and allowed

to influence the course of their life. The youth guarantee supports growth, emancipation and life management of young people. The objective of the youth guarantee is to support young people in gain in a place in education and employment, to prevent prolonged youth unemployment, to identify factors contributing to the risk of social exclusion and to offer support at an early stage, in order to prevent social exclusion and marginalization of young people.

The guarantee sets out to provide all young people with realistic opportunities to pursue and complete a post-basic qualification and find employment, while ensuring that young people are not left to get stuck in a period of non-activity for too long. As a spearhead project of the Government Programme, the youth guarantee falls within the scope of special government investments and monitoring.

(www.nuorisotakuu.fi/en/youth_guarantee)

Outreach Youth work (etsivä nuorisotyö): (1) Provides an opportunity for a safe, confidential contact with adults by being present in the everyday lives of young people; (2) Helps young people to find solutions to their questions and problems and access the services they need; (3) Offers support to young people if they are willing to accept it.

Youth outreach work is intended to help young people, who are not in education or the labor market or who need support, and guide them to services that meet their needs in their current situation. In 2013, government aid was granted to 283 municipalities, which is over 90 % of municipalities. In year 2013 youth outreach work contacted over 20 000 young people. Among them, over 14 000 people needed help in the longer term. The young people that were reached were mostly aged between 16 and 20. Outreach youth workers reaches young people after their parents, friends or the young people themselves contacted outreach youth work.

(www.nuorisotakuu.fi/en/youth_guarantee/other_services/outreach_youth_work)

KiVa (KiVa-koulu): KiVa is a research-based antibullying program that has been developed in the University of Turku, Finland, with funding from the Ministry of Education and Culture. The effectiveness of KiVa has been shown in a large randomized controlled trial. In Finland, KiVa is a sought-after program: 90 % of all comprehensive schools in the country are registered KiVa schools implementing the program. KiVa has been evaluated in a large randomized controlled trial including 117 intervention schools and 117 control schools. The program has been shown to reduce both self- and peer-reported bullying and victimization significantly. It influences multiple form of victimization, including verbal, relational, physical, and cyberbullying. In addition, positive effects on school liking, academic motivation and achievement have been reported. KiVa also reduces anxiety and depression and has a positive impact on students' perception of their peer climate. A remarkable 98% of victims involved in discussions with the schools' KiVa teams felt that their situation improved. Finally, Finnish data from more than 1000 schools that started the implementation of KiVa in fall 2009 showed that after the first year of implementation, both victimization and bullying had reduced significantly. KiVa is now being evaluated in several countries: the first international studies from the Netherlands, Estonia, Italy, and Wales are emerging, showing that KiVa is effective outside of Finland as well. KiVa program won the European Crime Prevention Award in 2009, Social Policy Award for Best Article in 2012 and four National Awards in 2008, 2010, 2011 and 2012. (<http://www.kivaprogram.net/>)

The Anchor Project (Ankkuri): The primary objective of the Ankkuri Project is early intervention in the activities of young people who are experiencing problems with life management and to remedy the situation as soon as possible. Ankkuri teams comprise a police officer, a social worker, a psychiatric nurse and a youth worker. These professionals engage in close cooperation, bringing their professional expertise and the support and expertise of their respective organisations to the team. This makes it possible to combat juvenile delinquency more effectively and to carry out a comprehensive assessment of the victims' and the perpetrators' circumstances.

FRANCE

Quelles sont les caractéristiques particulières de la violence urbaine, telle qu'elle a été définie par la Conférence sur la violence urbaine, mentionnée ci-dessus : la fréquence, la mesure et la classification juridique?

Combien de cas de violence urbaine, s'il y en a eu, se sont produits dans votre pays pendant les dix dernières années (si de tels cas ne se sont pas produits, vous devez simplement l'indiquer et seulement si nécessaire vous devez répondre au questionnaire) ?

Nous ne tenons pas de statistiques comptabilisant les épisodes de violences urbaines, lesquels peuvent être, pour certains, circonscrits à une ville, voire à un quartier spécifique.

Quel était l'arrière-plan de ces cas de violence urbaine ?

En l'absence de recensement des cas de violence urbaine, nous n'avons pas connaissance des motivations de ces épisodes de violences, qui peuvent être liés parfois à une interpellation policière ou une décision de justice, à une manifestation sportive ou à la contestation de projets sociaux, économiques ou environnementaux.

- Combien de jugements relatifs à la violence urbaine y a-t-il eu dans votre pays pendant les dix dernières années ?

En l'absence de recensement des cas de violence urbaine, nous ne sommes pas en mesure de répondre à cette question, étant précisé que la notion de violence urbaine ne recouvre pas une infraction spécifique en droit pénal français.

Merci de nous fournir toutes statistiques disponibles sur la violence urbaine dans votre pays.

Comment est-ce que les actes de délinquance sont traités lorsqu'ils sont commis par des jeunes et quelles réponses spécifiques et les mesures préventives sont prises ?

- Pourriez-vous indiquer combien de jeunes (des personnes âgées de moins de 18 ans) environ ont été impliqués (tant de façon générale que ceux ayant été poursuivis) dans ces actes de violence urbaine ?

En l'absence de recensement des cas de violence urbaine, nous ne sommes pas en mesure de répondre à cette question, étant précisé que la notion de violence urbaine ne recouvre pas une infraction spécifique en droit pénal français.

- Des mesures spéciales ont-elles été prises dans votre pays pour prévenir l'implication des jeunes dans des actes de violence urbaine? Si oui, de quel type : sociales, éducatives, etc. ?

Aucune mesure spécifique n'a été prise pour prévenir l'implication des jeunes dans des actes de violence urbaine, cette prévention étant incluse dans la prévention plus large de la délinquance des mineurs.

- Avez-vous découvert que certaines mesures préventives fonctionnent mieux que d'autres ? Si tel est le cas, donnez une brève description de celles-ci.
- Lorsqu'un jeune est impliqué dans des actes de violence urbaine, quelles mesures lui sont appliquées ?

Il n'existe pas de mesures appliquées spécifiquement aux mineurs impliqués dans des infractions commises dans un contexte de violences urbaines. Comme pour les autres infractions, les mesures prononcées dépendent de la gravité des faits reprochés, et de la personnalité du mineur mis en cause (antécédents judiciaires et environnement éducatif notamment).

Les mesures susceptibles d'être prononcées à l'égard des mineurs sont détaillées ci-dessous.

- Existe-t-il des mesures/sanctions différentes pour un jeune impliqué dans la violence urbaine en fonction de son âge spécifique (par exemple : des jeunes d'un certain âge ne peuvent pas entreprendre un travail non rémunéré faisant partie d'une décision judiciaire de travail social). Si oui, merci de nous fournir un aperçu de ces différentes mesures/sanctions.

➤ Les différentes mesures, sanctions et peines susceptibles d'être prononcées à l'égard des mineurs

Sur le fondement de l'article 8 de l'ordonnance du 2 février 1945 relative à l'enfance délinquante, le juge des enfants peut prononcer à l'encontre d'un mineur :

- une dispense de mesure
- une admonestation
- une remise à parents, tuteur ou à une personne digne de confiance
- une mise sous protection judiciaire
- un placement
- une mesure d'activité de jour

Conformément à l'article 15-1 de l'ordonnance du 2 février 1945 relative à l'enfance délinquante, les sanctions éducatives suivantes peuvent être prononcées à l'encontre des mineurs âgés de 10 à 18 ans :

- 1° Confiscation d'un objet détenu ou appartenant au mineur et ayant servi à la commission de l'infraction ou qui en est le produit ;
- 2° Interdiction de paraître, pour une durée qui ne saurait excéder un an, dans le ou les lieux dans lesquels l'infraction a été commise et qui sont désignés par la juridiction, à l'exception des lieux dans lesquels le mineur réside habituellement ;
- 3° Interdiction, pour une durée qui ne saurait excéder un an, de rencontrer ou de recevoir la ou les victimes de l'infraction désignées par la juridiction ou d'entrer en relation avec elles ;
- 4° Interdiction, pour une durée qui ne saurait excéder un an, de rencontrer ou de recevoir le ou les coauteurs ou complices éventuels désignés par la juridiction ou d'entrer en relation avec eux ;
- 5° Mesure d'aide ou de réparation mentionnée à l'article 12-1 ;
- 6° Obligation de suivre un stage de formation civique, d'une durée qui ne peut excéder un mois, ayant pour objet de rappeler au mineur les obligations résultant de la loi et dont les modalités d'application sont fixées par décret en Conseil d'Etat ;
- 7° Mesure de placement pour une durée de trois mois maximum, renouvelable une fois, sans excéder un mois pour les mineurs de dix à treize ans, dans une institution ou un établissement public ou privé d'éducation habilité permettant la mise en œuvre d'un travail psychologique, éducatif et social portant sur les faits commis et situé en dehors du lieu de résidence habituel ;
- 8° Exécution de travaux scolaires ;
- 9° Avertissement solennel ;
- 10° Placement dans un établissement scolaire doté d'un internat pour une durée correspondant à une année scolaire avec autorisation pour le mineur de rentrer dans sa famille lors des fins de semaine et des vacances scolaires ;
- 11° Interdiction pour le mineur d'aller et venir sur la voie publique entre vingt-trois heures et six heures sans être accompagné de l'un de ses parents ou du titulaire de l'autorité parentale, pour une durée de trois mois maximum, renouvelable une fois.

Si la prévention est établie à l'égard d'un mineur âgé de plus de treize ans (13 à 18 ans), le tribunal pour enfants ou le juge des enfants peut prononcer par décision motivée l'une des mesures suivantes (article 16 de l'ordonnance du 2 février 1945 relative à l'enfance délinquante) :

- 1° Remise à ses parents, à son tuteur, à la personne qui en avait la garde ou à une personne digne de confiance ;
- 2° Placement dans une institution ou un établissement, public ou privé, d'éducation ou de formation professionnelle, habilité ;
- 3° Placement dans un établissement médical ou médico-pédagogique habilité ;
- 4° Placement dans une institution publique d'éducation surveillée ou d'éducation corrective ;
- 5° Avertissement solennel ;
- 6° Mesure d'activité de jour, dans les conditions définies à l'article 16 ter.

Les mineurs âgés de 13 à 18 ans peuvent enfin être condamnés à des peines, en tenant compte de l'atténuation de leur responsabilité pénale.

➤ **Focus sur les différentes formes de travail non rémunéré et activités d'insertion susceptible d'être prononcées à l'égard des mineurs**

La peine de travail d'intérêt général, applicable aux mineurs de 16 à 18 ans dans les conditions suivantes (article 20-5 de l'ordonnance du 2 février 1945 relative à l'enfance délinquante, article 131-8 du code pénal) :

Lorsqu'un délit est puni d'une peine d'emprisonnement, la juridiction peut prescrire, à la place de l'emprisonnement, que le condamné accomplira, pour une durée de vingt à deux cent quatre-vingts heures, un travail d'intérêt général non rémunéré au profit soit d'une personne morale de droit public, soit d'une personne morale de droit privé chargée d'une mission de service public ou d'une association habilitées à mettre en œuvre des travaux d'intérêt général.

La peine de travail d'intérêt général ne peut être prononcée contre le prévenu qui la refuse ou qui n'est pas présent à l'audience. Le président du tribunal, avant le prononcé du jugement, informe le prévenu de son droit de refuser l'accomplissement d'un travail d'intérêt général et reçoit sa réponse.

La mesure d'activité de jour (article 16 ter de l'ordonnance du 2 février 1945 relative à l'enfance délinquante) :

Cette mesure consiste dans la participation du mineur à des activités d'insertion professionnelle ou scolaire soit auprès d'une personne morale de droit public, soit auprès d'une personne morale de droit privé exerçant une mission de service public ou d'une association habilitées à organiser de telles activités, soit au sein du service de la protection judiciaire de la jeunesse auquel il est confié.

Cette mesure peut être ordonnée par le juge des enfants ou par le tribunal pour enfants.

Lorsqu'il prononce une mesure d'activité de jour, le juge des enfants ou le tribunal pour enfants en fixe la durée, qui ne peut excéder douze mois, et ses modalités d'exercice. Il désigne la personne morale de droit public ou de droit privé, l'association ou le service auquel le mineur est confié.

Les mesures ou activités d'aide ou de réparation à l'égard de la victime ou dans l'intérêt de la collectivité (article 12-1 de l'ordonnance du 2 février 1945 relative à l'enfance délinquante) :

Le procureur de la République, la juridiction d'instruction ou la juridiction de jugement ont la faculté de proposer au mineur une mesure ou une activité d'aide ou de réparation à l'égard de la victime ou dans l'intérêt de la collectivité. Toute mesure ou activité d'aide ou de réparation à l'égard de la victime ne peut être ordonnée qu'avec l'accord de celle-ci.

La mise en œuvre de la mesure ou de l'activité peut être confiée au secteur public de la protection judiciaire de la jeunesse ou à une personne physique, à un établissement ou service dépendant d'une personne morale habilités à cet effet dans les conditions fixées par décret.

- Existe-t-il des mesures de procédure pénale particulières qui s'appliquent aux jeunes impliqués dans la violence urbaine ?

Le régime procédural applicable aux mineurs impliqués dans les violences urbaines est le même que pour les autres infractions.

En pratique cependant, eu égard au trouble à l'ordre public généré par les infractions commises dans un contexte de violences urbaines, les procédures de jugement rapide accompagnées d'un défèrement sont souvent privilégiées.

Au-delà du défèrement du mineur en vue de sa mise en examen le jour-même par le juge d'instruction ou le juge des enfants et du prononcé, le cas échéant, de mesures éducatives ou de sûreté à son encontre, il existe deux procédures rapides spécifiques, strictement encadrées par la loi.

La procédure de jugement à délai rapproché :

L'article 8-2 de l'ordonnance du 2 février 1945 prévoit ainsi qu'en matière correctionnelle, le procureur de la République peut, à tout moment de la procédure, s'il estime que des investigations suffisantes sur la personnalité du mineur ont été effectuées, le cas échéant à l'occasion d'une précédente procédure, et que des investigations sur les faits ne sont pas ou ne sont plus nécessaires, requérir du juge des enfants qu'il ordonne la comparution de mineurs soit devant le tribunal pour enfants, soit devant le tribunal correctionnel pour mineurs, soit devant la chambre du conseil, dans un délai compris entre un et trois mois.

La procédure de présentation immédiate :

L'article 14-2 de l'ordonnance du 2 février 1945 prévoit que les mineurs de seize à dix-huit ans qui ont été déférés devant le procureur de la République peuvent être poursuivis devant le tribunal pour enfants selon la procédure de présentation immédiate. Cette procédure est applicable aux mineurs qui encourent une peine d'emprisonnement supérieure ou égale à un an en cas de flagrance, ou supérieure ou égale à trois ans dans les autres cas. Elle ne peut être engagée que si le mineur fait l'objet ou a déjà fait l'objet d'une ou plusieurs procédures pénales, que si des investigations sur les faits ne sont pas nécessaires et que si des investigations sur la personnalité ont été accomplies au cours des douze mois précédents.

Après lui avoir notifié les charges retenues contre lui et la date et l'heure de l'audience devant le tribunal pour enfants, le procureur de la République peut faire comparaître le mineur devant le juge des enfants afin qu'il soit statué sur ses réquisitions tendant soit

au placement sous contrôle judiciaire, soit au placement sous assignation à résidence avec surveillance électronique, soit au placement en détention provisoire du mineur jusqu'à l'audience de jugement.

- Dans quelle mesure les familles sont-elles impliquées dans ces procédures ?

Les règles procédurales applicables aux infractions commises par les mineurs prévoient que les civilement responsables sont associés à chaque étape de la procédure. Lors de chaque audience, ils sont convoqués et entendus par le magistrat, et sont tenus de se présenter.

En outre, les services de la protection judiciaire de la jeunesse chargés de la mise en œuvre des mesures éducatives et du suivi des mineurs délinquants associent les familles, et restituent aux magistrats qui les ont mandatés un rapport détaillé comprenant notamment des éléments sur le contexte familial, et le positionnement parental.

- Y a-t-il des mesures de réinsertion sociale spéciales prises pour les jeunes concernés ? Les jeunes concernés font-ils l'objet d'une surveillance particulière ?

Les mesures pour favoriser l'insertion sociale et assurer la surveillance des mineurs délinquants, détaillées plus haut au titre des différentes mesures et peines applicables, ne sont pas spécifiques aux infractions commises dans le contexte des violences urbaines. Elles sont applicables à toutes les infractions. Les mineurs concernés ne font pas l'objet d'une surveillance spécifique par l'autorité judiciaire.

Des exemples pratiques de la façon dont le système national de justice pénale traite les violences urbaines sont les bienvenus.

HUNGARY

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*if no such instances have occurred you should just indicate this*)?

What was the background for these instances of urban violence?

We would like to highlight that in our opinion **no instances of urban violence have occurred in Hungary in the past ten years** that have a direct connection with the social and economic issues of urban areas and as a result lead to mass violent offences. The issues which stand behind the European examples of urban violence mentioned by CDPC (e.g. riots in London, in Athens or in Husby, Sweden) are often unemployment or problems of immigrants. There have not been any similar mass ‘riots’ in Hungary in recent years for such reasons.

The only classical-like urban demonstration was located in Miskolc (city in the Northern-Eastern part of Hungary currently with 168.651 inhabitants), on the 25th of June in 2014. The protest was organized by people living in extreme poverty, and was based on social and economic grounds. The certain aim of the demonstration was to protect the local Romas’ houses from the liquidation. But this demonstration falls out of the scope of the definition of urban violence because it lacked the violent aspect.

It is a typical feature of Hungarian demonstrations and riots that they are mainly related to political or ideological issues, and are usually not initiated by disadvantaged social groups. The schedule might be described in the urban-violence-like situations as the following: the organized and officially reported demonstrations or public celebrations may turn into violent situations; and usually only a certain group of people behave violent: either the demonstrators or the anti-demonstrators. It also happens that protesters demonstrating against the preliminary reported event commit violent acts.

The right to freedom of assembly is granted by the Fundamental Law of Hungary.¹ Peaceful assembly is a relevant form of the expression of the freedom, and such events should not be reported to the police for preliminary permission. Though assemblies held in public places should be notified in advance (except for spontaneous assemblies), in order to provide the police with sufficient information, as authorities must be able to decide about the potential obstacles of the demonstration. If there is no reason for the prohibition, police acknowledges the notification.

The event cannot be held: if it endangers the smooth operation of the Parliament, the local government or the courts; or if it hinders the ordinary operation of public transport

¹ „Everyone shall have the right to freedom of peaceful assembly.” Subsection (1) of Article VIII of Chapter of Freedoms and Responsibilities of Fundamental Law of Hungary.

and an alternative route cannot be insured. In these cases police may prohibit the event, in 48 hours after the notification was done. If there is no reaction from the police in 72 hours, the event can be held. It is also regulated by law, that more than one protests, or even counter-protests may be held in the same time and close to each other. In these cases it is the duty of the police to ensure the peaceful assembly for all participants.

If the demonstration is held despite the prohibition or it is held in a different location or time than it was registered in the notification, the organizers' illegal act fulfills an offence.² In such cases the events can be dismissed by the police. Demonstrations may be also dismissed by the police, if participants commit violent acts or behave violent. In case of a direct aggressive movement or from the moment of the violent act the situation is not any more regulated under the terms of the right of assembly. Protests or demonstrations ending up in violent behavior may fulfill the criteria of the following crimes (felonies, misdemeanors) and offence:

Felonies:³ Public Nuisance (Section 339), Disorderly Conduct (Section 340), Vandalism (Section 371), Battery (Section 164), Assault on a public official or on a Person Entrusted with Public Functions (Sections 310-311), Violation of the Freedom of Association and Assembly, and Participation in Electoral Rallies (Section 217).

Misdemeanors:⁴ Breach of the Peace (Section 169), Public Nuisance (Section 170), a kind of Misdemeanors Against Property related to intentional Vandalism (Point b. of subsection (1) of section 177), Assembly Abuse (section 189), Violation of the Freedom of Association and Assembly, and Participation in Electoral Rallies (Section 190).

Most of the crimes and offences, which are committed on demonstrations, are not specially related to such an events. Only one of them can be titled as a special 'demonstrational act':

The criminal form of this act: "Any person who unlawfully prevents another person in the exercise of his right to association or assembly, or to participate in electoral rallies by force or by threat is guilty of a felony punishable by imprisonment [...]" The misdemeanor form is the same but there is only one difference: prevention is not violent but only unlawful.

Crimes and offences committed on demonstrations are sanctioned by the general punishments; there are no any special rules of punishments or measures.

Significant demonstrations in Hungary which turned to violent behavior in the past ten years:

²

³ Act C. of 2012 on the Criminal Code of Hungary

⁴ Act II. of 2012 on the Misdemeanors, Misdemeanor Procedure and the Database of Misdemeanors

1.)

The most significant event:

From the 17th of September in 2006 a series of demonstrations started, which demonstration- wave was 'active' for approximately 6-7 months. The focal point of the protests was Ferenc Gyurcsány's (Hungarian Prime Minister, from 2004 to 2009) public speech held on the 26th of May in 2006, in which the Prime Minister interpreted and 'confessed' the errors, weaknesses and "lies" of his own government. Though the speech was held at a 'relatively private' event of the governing political party, Gyurcsány's talk was recorded and leaked out by a person whose identity remained unknown. This communication fault caused a storm of indignation in the group of supporters of the counter-party, and the vast majority of the public opinion demanded the resignation of the Prime Minister.

Upon the indignation caused by the speech, a crowd gathered in front of the building of the public television on the 18th of September in 2006 with the intention to hand a petition to the director of the Hungarian Public Service Television. As the demonstrators were not let into the public building, a group of aggressive demonstrators seriously hurt members of the police. Afterwards they entered the building in a violent manner, damaged computers and some pieces of the archive. In 1-2 hours according to the police call they left the building.

There were further violent demonstrations and disturbances on the 23rd of October (Hungarian national holiday) in 2006, and from October on in the following months. On the one hand abuses were committed by the police against the protestors; on the other hand, the participants' behavior was also extremely violent.

During the autumn in 2006, 71 criminal proceedings were initiated against the members of the police based on their violent involvement in battering the demonstrators' acts. 13 policemen were sentenced, most of them to suspended imprisonment. 484 participants were also arrested, and against 227 persons criminal proceedings were initiated.

These demonstrations can be classified as the most serious violent acts in the past ten years. Upon these events greater emphasis was put on the organized presence of the police and law enforcement on public events.

2.)

The year of 2008 can be characterized with the growing number of radical movements of far-right radical organizations. Most of these events were held despite the fact that the police raised objections to the demonstrations. In other cases the preliminary reported demonstrations turned into the participants' violent behavior.

The most significant events of this category were the following:

The 15th of March (Hungarian national holiday) in 2008: On the public celebration radical groups threw Molotov-cocktails, stones and glasses on the members of the police. 21 persons were arrested.

The 7th of April in 2008: Radical organizations organized a racist, Anti-Semitic flash mob. The alleged cause of the flash mob was an incident in a ticket agency, where a Hungarian girl's request for a concert of Neo-Nazi's band was denied by the shopkeeper. Upon the Anti-Semitic flash mob an antifascist demonstration was organized. Due to the serious police presence, demonstrations lacked the violent outcome.

The 5th of July in 2008: The participants of the gay-parade were thrown with eggs and maroons by radical groups containing more than a hundred people. 8 persons were arrested. It can be mentioned that gay-parades in Hungary are usually accompanied by radical groups each year, but due to the police presence no atrocity has happened yet.

3.)

From 2010 on, there were actions taken by the currently ruling government that lead to the street demonstrations. These events were mostly peaceful. Two demonstrations could be mentioned in which the percentage of participating students were relatively high.

a.) The 19th of December in 2012. Hundreds of students – both high school and university students - blocked a bridge over the Danube in Budapest and several thousand marched to parliament on Wednesday to protest against cutbacks in scholarships and the introduction of tuition fees for 80% of Hungarian students from 2013. Though the demonstrations moved thousands of people the efforts were not successful.

The other idea of the government related to higher education was, that students ought to have sign a contract with the government under the student loan scheme, Diakhitel 2.0, pledging to stay and work in Hungary for at least twice as long as their studies lasted. In case students had left Hungary, they would have had to pay back outstanding tuition fees. The indignation of students and the demonstration-wave could influence the original plan of the government, and these crucially important measures did not come to effort. At the biggest demonstration 3 persons were arrested, one of them was a juvenile (17 year old). But the criminal procedures were terminated against all the three of them.

b.) The 26th of October in 2014: 'Thousands of protesters marched against a plan by the Hungarian government to tax internet use from 2015. The rally is also seen as a sign of growing discontent among mostly younger Hungarians over the prime minister; Viktor

Orbán's policies that critics say are centralizing power and increasing the role of the state, to the detriment of private enterprise. Protesters vowed to continue the rallies which have also been held in several other cities in Hungary and at some Hungarian embassies in EU countries."⁵ The peaceful demonstration turned into vandalism when demonstrators held their mobile phones aloft outside the economy ministry and hurled old computer parts at the gates of the ruling Fidesz party. There was no personal injury but certain parts of the building were damaged. Six persons were arrested the youngest of them was a 19-year-old boy. Police broke up the crowd without any violence.

It is worth to note that on the same day, there was another rally organized by the so called 'ultras' which is an extremist football-supporter group. They objected the legislation of the access-control system applied on football matches, and similar insurance measures. After their demonstration, some of them mingled with the crowd of 'internet-tax-people' and it is presumable that they also participated in damaging the governing party's (FIDESZ) center. The internet-tax plan was cancelled after mass protests.

Are there any particular legal classifications that will be used in cases concerning urban violence?

In cases concerning 'urban violence' the following criminal offences of the Special Part of Act C of 2012 on the Criminal Code of Hungary (hereinafter referred to as Criminal Code) might be relevant in our opinion:

Violations of the Freedom of Association, the Freedom of Assembly and the Freedom of Participation in Election Rallies

Section 217

Any person who prevents another person from exercising his or her right to association, assembly or participation in an election rally by force or threat is guilty of a felony punishable by up to three years of imprisonment.

Overturning the Constitutional Order by Force

Section 254

(1) Any person who commits an act directly aimed at overturning the constitutional order of Hungary by force or by threat of force is guilty of a felony punishable by five to twenty years of imprisonment or life imprisonment.

(2) Any person who engages in preparations for overturning the constitutional order by force shall be punishable by one to five years of imprisonment.

(3) Any person who voluntarily withdraws from the criminal activity before it is completed, thus preventing the crime, or voluntarily prevents the crime, shall not be punishable for overturning the constitutional order by force.

Conspiracy against the Constitutional Order

⁵ <http://www.theguardian.com/world/2014/oct/29/hungarians-protest-internet-tax-plan-orban>

Section 255

(1) Any person who sets up or leads an organization that aims to overturn the constitutional order of Hungary by force or by the threat of force is guilty of a felony punishable by five to ten years of imprisonment.

(2) Any person who participates in an organization as defined in (1) shall be punishable by two to eight years of imprisonment.

(3) Any person who voluntarily withdraws from the criminal activity before it is completed, thus preventing the crime, or voluntarily prevents the crime, shall not be punishable for conspiracy against the constitutional order.

Rebellion

Section 256

(1) Any person who participates in a mass rebellion aimed directly at limiting

- a) Parliament;
- b) the President of the Republic;
- c) the Supreme Court or
- d) the Government

in exercising their powers laid down in the Fundamental Law by force or by threat of force, or by forcing them to take action is guilty of a felony punishable by two to eight years of imprisonment.

(2) Any person who organizes or leads a mass rebellion as defined in (1) shall be punishable by five to fifteen years of imprisonment.

(3) Any person who engages in preparations for rebellion shall be punishable by one to five years of imprisonment.

(4) Participants in mass rebellions who abandon the rebellion at the request of the authorities or before the start of violent actions shall not be punishable for rebellion.

Sabotage

Section 257

(1) Any person who destroys, renders unusable or damages public utility fixtures, production, traffic or telecommunication operations or their equipment, public buildings or structures, stocks of products or military supplies or other assets of similar importance due to their designated purpose with the aim of disturbing the constitutional order of Hungary is guilty of a felony punishable by two to eight years of imprisonment.

(2) The punishment shall be five to twenty years of imprisonment or life imprisonment if the sabotage results in particularly great damage.

(3) Any person who engages in preparations for sabotage shall be punishable by up to three years of imprisonment.

Assault against a Public Official

Section 310

(1) Any person who

a) inhibits a public official or a foreign public official in his or her lawful course of action by violence or threats;

b) forces a public official or a foreign public official in his or her lawful course of action to act by violence or threats; or

c) assaults a public official or a foreign public official during or due to his or her course of action

is guilty of a felony punishable by one to five years of imprisonment.

(2) The punishment shall be two to eight years of imprisonment if the assault against a public official is committed as a group, by force of arms or armed with a weapon.

(3) The organizer or head of the group referred to in (2) shall be punishable by five to ten years of imprisonment.

(4) Any person who participates in a group arranged to commit assault against a public official is guilty of a misdemeanor punishable by up to two years of imprisonment, while the organizer and the head of the group shall be punishable for a felony with up to three years of imprisonment.

(5) Any person who assaults a public official or a foreign public official because of his or her course of action shall be punished according to Subsections (1)-(4), even if the assaulted person is no longer a public official or foreign public official at the time the assault is committed.

(6) Any person who engages in preparations for assault against a public official is guilty of a misdemeanor punishable by up to one year of imprisonment.

(7) A person participating in the group shall not be punishable under (4) if he or she leaves the group voluntarily or when called upon by the authorities.

Assault against a Person Performing Public Duties

Section 311

The punishment set forth in Section 310 shall be applied in respect to any person who commits the act defined therein against a person performing public duties.

Assault against a Person Assisting a Public Official or a Person Performing Public Duties

Section 312

Any person who commits the crime defined in Section 310 against a person aiding or defending a public official or a person performing public duties shall be punishable as set forth therein.

Public Endangerment

Section 322

(1) Any person who endangers public safety by releasing the destructive force of a material or energy, obstructs the prevention of public danger or the ensuing efforts to clean up damages is guilty of a felony punishable by two to eight years of imprisonment.

(2) The punishment shall be five to ten years of imprisonment if the criminal act

a) is committed as a group;

b) causes particularly considerable or greater pecuniary damage; or

c) is committed as part of a criminal conspiracy.

(3) The punishment shall be five to twenty years of imprisonment or life imprisonment if the criminal act results in death.

(4) Any person who engages in preparations for public endangerment shall be punishable by up to three years of imprisonment.

(5) Any person who causes public endangerment out of negligence is guilty of a misdemeanour punishable by up to three years of imprisonment, or, if the offence causes particularly considerable or greater pecuniary damage, one to five years, or, if the offence results in the death of one or more persons, two to eight years.

(6) The punishment of a person who voluntarily terminates the public danger before it results in any damage may be reduced without limitation.

Interference with Works of Public Concern

Section 323

(1) Any person who interferes with works of public concern to a significant extent is guilty of a felony punishable by one to five years of imprisonment.

(2) The punishment shall be two to eight years of imprisonment if the crime:

- a) is committed as a group;
- b) is committed as part of a criminal conspiracy; or
- c) causes particularly considerable damage.

(3) The punishment shall be five to ten years of imprisonment if the criminal act

- a) is committed by force of arms;
- b) is committed armed with a weapon; or
- c) causes particularly considerable damage.

(4) Any person who engages in preparations for interference with works of public concern is guilty of a misdemeanour punishable by up to two years of imprisonment.

(5) Any person who commits this crime by negligence is guilty of a misdemeanour punishable by up to three years of imprisonment, or, if it causes particularly considerable or greater pecuniary damage, by one to five years of imprisonment.

Public Nuisance

Section 339

(1) Any person who displays conspicuously anti-social and violent conduct capable of inciting shock or alarm in other people is guilty of a misdemeanour punishable by up to two years of imprisonment, if no other, more serious crime is committed.

(2) The punishment shall be up to three years of imprisonment for a felony if the crime of public nuisance is committed:

- a) as a group;
- b) in a manner gravely disturbing public peace;
- c) by force of arms;
- d) armed with a weapon; or
- e) at a public event.

Disorderly Conduct

Section 340

(1) Any conduct of violent or intimidating resistance against the actions of the organiser of a public event aimed at maintaining order at the public event, if it does not result in a more serious criminal act, shall be construed as a misdemeanour punishable by up to two years of imprisonment.

(2) Any person who enters without proper authorization an area closed to spectators or a specific group of spectators during a sport event, stays there or throws an object that endangers the sport event or the bodily integrity of others into the area shall be punished as set forth in (1) if no other, more serious crime is committed.

(3) The punishment shall be up to three years of imprisonment for a felony if the disorderly conduct is committed:

- a) as a group;
- b) by force of arms;
- c) armed with a weapon; or
- d) by a habitual recidivist.

(4) For the purpose of determining habitual recidivism, the following shall be deemed crimes of a similar nature:

- a) battery [Section 164 (3)-(6) and (8)];
- b) assault against a public official [Section 310 (1)-(5)], assault against a person performing public duties (Section 311), assault against a person assisting a public official or a person performing public duties (Section 312);
- c) public nuisance (Section 339);
- d) vandalism [Section 371 (1)-(6)].

Vandalism

Section 371

(1) 'Vandalism' shall mean causing damage by injury to or destruction of another person's property.

(2) The punishment shall be imprisonment of up to one year if:

- a) the vandalism results in minor damage; or
- b) the vandalism results in damage under the petty offence limit and is committed
 - ba) by making graffiti; or
 - bb) as a criminal conspiracy.

(3) The punishment shall be up to three years of imprisonment for a felony if:

- a) the vandalism results in considerable damage;
- b) the offender vandalises
 - ba) an object classified as a protected cultural good, a monument, an archaeological site or an archaeological find;
 - bb) a religious object or a building used for religious rituals; or
 - bc) a grave, a burial site or an object placed in memory of or with the dead, in cemeteries and other burial sites.

(4) The punishment shall be one to five years of imprisonment if:

- a) the vandalism results in substantial damage;
- b) the offender destroys an object, building or place listed in (3) ba)-bc);
- c) the vandalism is committed using explosives or destructive devices.

(5) The punishment shall be two to eight years of imprisonment if the vandalism results in particularly considerable damage.

(6) The punishment shall be five to ten years of imprisonment if the vandalism results in particularly substantial damage.

(7) For the purposes of this Section, 'graffiti' shall mean any image or text covering a surface that is not necessary for the proper use of the object it is on, made with a spray paint can, a felt-tip pen or any other device that marks surfaces.

Furthermore the following sections from the General Part of the Criminal Code might be relevant:

Section 16

An offender who was under the age of fourteen when the criminal act took place shall not be punishable, except for cases of homicide [Section 160 (1)-(2)], homicide in the heat of passion (Section 161), battery [Section 164 (8)], robbery [Section 365 (1)-(4)] and swindling [Section 366 (2)-(3)], if they have reached the age of twelve when the crime was committed, and were capable of recognizing the consequences of the crime at the time.

Section 79

The aim of a punishment is to prevent – in the interest of the protection of society – the offender or any other person from committing a crime.

Section 105

(1) 'Juvenile offender' shall mean any person between the age of twelve and eighteen at the time of committing a crime.

(2) The provisions of this Act of Law shall apply to juveniles with the distinctions set out in this Chapter.

Section 106

(1) The most important objective of any punishment or measure imposed upon a juvenile is to positively influence the juvenile's development so that he or she becomes a useful member of society; therefore, the education and protection of the juvenile shall be the prime consideration when choosing a punishment or measure.

(2) A punishment shall be imposed on a juvenile when the application of a measure appears to be impractical. Only measures may be applied against offenders who were below fourteen years of age when committing the crime.

(3) A punishment or measure involving any deprivation of liberty may only be applied against juveniles if the aim of the punishment or measure cannot otherwise be achieved.

Section 112

Community service work may only be imposed on juvenile offenders who are above the age of sixteen at the time of sentencing.

Section 117

Restitutionary work may only be imposed on juvenile offenders who are above the age of sixteen at the time of sentencing.

**Act XIX of 1998
on the Criminal Procedure Code**

Section 448

(2) In court proceedings against juvenile offenders, in the first instance, the presiding judge (single judge), while in the second instance and – with the exception of the Curia – the third instance, a member of the panel shall be the judge designated by the National Office for the Judiciary.

(3) At the court of first instance, one of the associate judges on the panel shall be a teacher.

Section 449

(1) The powers of the prosecutor shall be exercised by the prosecutor (prosecutor for juvenile offenders) designated by a superior prosecutor.

Section 450

The participation of a defence counsel is statutory in the proceedings against a juvenile offender.

Section 451

The legal representative may inspect the documents of the case after the conclusion of the investigation. In the course of the investigation he may also inspect the documents prepared on procedural actions he had the right to attend. In other respects, the rights of the legal representative to be present, make comments, request information, submit motions and request legal remedy shall be governed by the rights of the defence counsel.

Section 452

(1) Before the filing of the indictment at the request of the prosecutor, thereafter at the request of the court, the court of guardians shall appoint an ad hoc guardian if

a) the legal representative committed the criminal offence together with the juvenile offender, or the interests of the legal representative are otherwise in conflict with the interests of the juvenile offender,

b) the legal representative is prevented from exercising his rights,

c) the juvenile offender has no legal representative, or the legal representative cannot be identified.

(2) In the case specified in subsection (1) *a)* before the filing of the indictment the prosecutor, thereafter the court may exclude the legal representative from the proceedings until the appointment of the ad hoc guardian.

(3) During the proceedings, the ad hoc guardian shall act as a legal representative.

Please could you provide any available statistics on urban violence in your country

We would like to emphasize that – as we have already indicated this at question 1 – in our opinion **no instances of urban violence have occurred in Hungary in the past**

ten years that have a direct connection with the social and economic issues of urban areas and as a result lead to mass violent offences.

However, we attach a statistical table containing data of criminal offences and infractions determined in point 2 (which is the answer to the question on particular legal classifications). The source of the data is the Unified Criminal Statistics of Investigation Authorities and Public Prosecution (called 'ENYÜBS'). ENYÜBS is a criminal justice database in Hungary which is maintained by the Ministry of Interior, within the common responsibility of the Ministry of Interior and the General Prosecutor's Office. This system contains data on criminal procedures in the period of investigating and prosecuting registered by the police and prosecution. (However it does not contain data about the court proceedings and the number of convictions.)

In the ENYÜBS system there is no data collection about the problems and background of different committed criminal offences. As a result, we cannot state that these data refer to instances of urban violence in Hungary. These are only the data of criminal offences and infractions (determined in point 2) which might be relevant when talking about the category of urban violence.

In connection with the statistics, please note that until 1st July, 2013 the previous Criminal Code of Hungary (Act IV of 1978 on the Criminal Code) was in effect, so the data for years 2005 until 2013 refer to the relevant criminal offences stipulated in the previous Criminal Code.

Please also note that before the entry into force of Act II of 2012 on infractions, we did not have a unified registration system of infractions, so the data concerning infractions show only the number of infractions committed between 2012 and 2014.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventive measures are taken?

- **Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?**
- **Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school etc.?**

The amendment of Act XXXIV of 1994 on the Police (hereinafter referred to as Act on the Police) in 2012 introduced two new provisions which serve the purpose of the protection of juveniles:

- Upon the initiative of the body maintaining the school, the Police participates in the maintenance of the order at primary and secondary schools. (In 2014 no schools asked for such participation by the Police.)
- students under the age of 14 who are absent from school on schooldays unaccompanied by adults and without being able to demonstrate proper reason for that may be escorted back to the school by the Police (if the school contacts the Police for this reason). In 2014 there were 307 cases of escorting students back to

schools.

The Police play an important role in **crime prevention education at schools** in order to support children and juveniles with the formation of law-abiding attitude and help them to avoid becoming perpetrators or victims of crime. There are programs for children in kindergartens (called 'OVI-ZSARU' which stands for 'Kindergarten Cop'), for pupils at primary schools (the program is called 'DADA') and for students at secondary schools (called 'ELLEN-SZER' aiming at the prevention of using drugs and alcohol) in order to help them with solving their problems and crisis situations specific to their age.

In 2013 a **network of school crime prevention counselors** was established at some assigned secondary schools. 125 police officers received special training thereon and acting as crime prevention counselors they carry out counseling, crime prevention and youth protection activities for juveniles at schools, with special attention to the dangers of internet, domestic violence, crimes in connection with drugs and the security of transportation. The newest police program launched in school year 2014/2015 is based on providing support to parents and families with a special focus on the prevention of drug-related crimes.

Among the four priority areas determined in Government resolution no. 1744/2013. (X.17.) on **the National Crime Prevention Strategy (2013-2023)**, **one priority is child and youth protection**. In the prevention of child and juvenile delinquency the next generation constitutes an important pillar whose education is one of the most important and fundamental tasks and values of the whole society and of the state according to the Strategy. In line with this, the aim of the Strategy is bringing up juveniles who have stable and strong moral worldview and values and who are able to avoid becoming perpetrators or victims of crime. In order to reach this aim, crime prevention and education practices and methods (e.g. experiential education, personality development or peer learning/helping practices) should be applied (and these are envisaged in the Strategy) which build upon the active participation and involvement of children and juveniles and help them with forming their stable ethical values. It is also important however that crime prevention is not exclusively the task of the police and we can only have results if the whole society work together and cooperate in that. Besides the police, the Strategy also lays down the involvement and cooperation of local governments, schools, civil society and other organs in the implementation of crime prevention activities in connection with youth and juveniles.

- **Have you found that some preventive measures work better than others? In that case give a brief explanation of these.**

A good example of the preventive measures due to the immediate effectiveness and efficiency is the escorting back of students to the school by the Police which may prevent them from becoming perpetrators or victims of crime during the absence from school.

According to the Hungarian experiences the most effective preventive measures are those crime prevention and education practices and methods **which build upon the active participation and involvement of children and juveniles** and help them with forming

their stable ethical values. Such practices and methods are **e.g. experiential education, activities aiming at the development of personality and social competences, community-building practices or peer learning, namely the involvement of peers in crime prevention education**. These practices enable juveniles to make their own decisions on what is allowed and what is not, what is against the law and what is not. As a result of this, their social sensitivity and values evolve through their own activities and empathy, they become responsible members of the community and they can feel they belong to somewhere so that there will not be any (or at least fewer) things against which they would rise up and riot.

- **When a juvenile is involved in acts of urban violence what measures are applied to him or her?**
- **Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)?**

The police measures which might be applied in cases of 'urban violence' are regulated in the Act on the Police: these measures are the same regarding adults and juveniles (e.g. identity check; making enquiries; capturing and bringing to the competent authority). According to Subsection 1 of Section 18 of the Act on the Police, if the person in custody is a minor, his/her legal representative or guardian shall be promptly informed thereof.

The Criminal Code determines special rules on juveniles in a separate chapter (Chapter XI). Out of these special rules, we refer to the following:

- The principle objective of any penalty or measure imposed upon a juvenile is to **positively influence the juvenile's development to become a useful member of society**, and such penalty or measure should therefore have as a primary consideration **the juvenile's guidance, education and protection**.
- A penalty shall be imposed upon a juvenile when the application of a measure appears to be impractical. A measure or penalty involving the deprivation of liberty may only be imposed against a juvenile offender if the aim of the measure or penalty cannot otherwise be achieved.
- A sentence of imprisonment imposed on a juvenile offender shall be carried out in a juvenile detention facility or in a juvenile jail. The measures to be imposed against juveniles also include placement in a reformatory institution whose primary function is the education of juveniles.
- **Community service work** (penalty) and **work to be performed in amends** (measure) may only be imposed against juvenile offenders over the age of 16 years at the time of sentencing.

In connection with juvenile offenders two other important legal institutions should be mentioned:

- In case of probation with supervision the ruling of the court or in case of postponement of the indictment the ruling of the prosecutor may include **unique, specific rules of conduct for the juvenile**. Namely the court or the prosecutor may prescribe obligations and prohibitions for the juvenile, with particular regard to the

nature of the criminal offense, the extent of damage caused and to enhance the social integration of the perpetrator. This is an opportunity for the court or the prosecutor to determine behaviour rules specified for the concrete juvenile in order to facilitate his/her education and change his/her approach. As a good example, we refer to a court decision at the beginning of 2015 in which the judge prescribed for the three juvenile offenders who had damaged menorahs to read books about Jewish and Roma communities and to make a reading diary on them.

- Similarly to adult offenders, the Criminal Code and Act XIX of 1998 on Criminal Proceedings (hereinafter referred to as Act on Criminal Proceedings) enable the application of **mediation, i.e. mediatory procedure** in cases of juvenile offenders as well (under particular circumstances determined by these two Acts). The mediatory procedure is targeted at promoting the reparations of the consequences of the crime and the future lawful behavior of the perpetrator. The mediatory procedure is aimed at reaching an agreement between the suspect and the victim that can underlie the active repentance of the perpetrator. As for juveniles, this procedure can promote the education of the offender.

The Act on infractions also contains special regulations regarding juvenile offenders. Among others we highlight the following:

- **A fine or on-the-spot fine** may only be imposed if the juvenile committing the offence has agreed to the payment of such fine. No on-the-spot fine may be imposed in the absence of the legal representative of a juvenile offender.
- In relation to a juvenile offender **community service** may be imposed only if the juvenile committing a particular offence has reached 16 years of age when the relevant decision is made.
- **Mediation, i.e. mediatory procedure** is also possible if the juvenile commits an infraction.
- Infraction proceedings against a juvenile offender shall be conducted considering his age, and in a manner facilitating his future observance of the law. The primary aim of any sanction or measure applied against a juvenile offender shall be to assist that person to take a right course of development and to become a useful member of the society.
- If based on the available information a punishment of confinement, community service or fine is likely to be imposed on a juvenile offender, a hearing will have to take place.
- A juvenile person shall be heard in the presence of his legal representative or a guardian ad litem appointed by the guardian authority.
- A person under the age of fourteen (child), or any juvenile person (aged 14-18) may only be subjected to confrontation in the presence of his legal representative if such confrontation is not considered fearful to him/her.

- **To what extent are families involved in these procedures?**

- **Are there any special criminal procedural measures which apply to juveniles involved in urban violence?**

Chapter XXI of the Act on Criminal Proceedings regulates the special criminal procedural rules concerning juvenile offenders. Out of these rules, we refer to the following:

- The proceedings against a juvenile offender shall be conducted by taking into account the characteristics of his age and in a way that promotes the respect of the juvenile offender for the laws.
- The participation of a defense counsel is statutory in the proceedings against a juvenile offender.
- For the protection of the juvenile the participation of his/her legal representative (parent or guardian) in the proceedings is also possible. (The legal representative partly has the same rights as the defense counsel – e.g. he/she may be present at investigatory actions).
- Even in the case of the reasons specified for adult offenders, the pre-trial detention of a juvenile offender may only be applied if this is necessary due to the special gravity of the criminal offence.
- After questioning of the juvenile suspect, a study of living conditions shall be obtained, containing the data of the juvenile offender registered and handled by the school or the information supplied by the workplace, and the risk assessment of the juvenile from a crime prevention view. The study of living conditions is prepared by the relevant probation officer.
- The testimony of the juvenile defendant may not be tested by a polygraph.

We would like to highlight however that the special regulations on juveniles in the Hungarian criminal law, criminal procedural law and in the law on infractions are not based on the type of the committed offence, but on the age of the perpetrator. As a result, the rules mentioned above are to be applied regarding juveniles in general, irrespective of the type of criminal offence or infraction committed by the juvenile.

Summary

It can be bravely stated that the biggest demonstrations in Hungary are motivated by such political or economic measures which threaten the scope of classical liberties. The inhabitants of post-socialist/communist countries tend to be highly sensitive for any limitation/restriction of liberties, even in symbolic terms as well.

Though there are one and half million people living in extreme poverty in Hungary according to the official statistics, the classical form of urban violence is not at all popular in our country. Demonstrations are hardly ever organized on purely economic grounds, and the protesters' social background can be classified closer to the average, than to the poor.

The typical participants of violent demonstrations are the members of Neo-Nazi groups, mostly acting out at sport events, as these groups are closely linked to football supporters.

These Neo-Nazi groups' fights are mostly ideology-based, so it is doubtful that this group of aggressive people would participate in classical urban violence acts, though their aggressive behavior (both verbal and physical) shows similar features with this type of attitude. We can distinguish these fights from the classical urban act-outs on that as well that the social background of these groups cannot be titled as homogenously poor. Though it should be admitted there is no exact data available about the exact social background of these Neo-Nazi groups, but it is not certain that they should belong to the poorest part of the Hungarian society.

It is important to mention that the violent acts are usually successfully prevented by the police, and the vast majority of the cases where police intervention is needed are related to football matches, where the violent acts may turn into vandalisms or even more serious crimes. There is not any official data available on juveniles' participation at demonstrations or other street fights.

| Act II of 2012 on infractions, infraction proceedings and the registration system of infractions | 2012 | | | 2013 | | | 2014 | | |
|---|--------------------------------------|---|---------------------------------------|--------------------------------------|---|---------------------------------------|--------------------------------------|--|---------------------------------------|
| | Number of proceedings launched | Number of offences adjudged/finished by a legally binding decision | Number of juvenile perpetrators | Number of proceedings launched | Number of offences adjudged/finished by a legally binding decision | Number of juvenile perpetrators | Number of proceedings launched | Number of offences adjudged/finished by a legally binding decision | Number of juvenile perpetrators |
| Point a) in Subsection 2 of Section 169 Rioting | 24 | 24 | 4 | 15 | 14 | 4 | 6 | 5 | 2 |
| Section 171 Unlawful performance of public security activities | 76 | 55 | | 54 | 44 | 2 | 41 | 20 | 3 |

IRELAND

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?

There were 2 widely reported instances of urban violence since 2005 –

- **2013 – small scale urban violence on the fringe of minor protests against the visit of Queen Elizabeth of UK to Ireland.**
- **2010 – small scale urban violence (involving less than 200 protestors) on the fringe of large protest march against university fees by over 40,000 students**

What was the background for these instances of urban violence? **n/a**

- How many judgments have there been in your country relating to instances of urban violence within this time? **Not available**
-

Are there any particular legal classifications that will be used in cases concerning urban violence? **IRISH CRIME CLASSIFICATION SYSTEM (ICCS) 1311 Affray/Riot/Violent disorder (classification not limited to urban violence). The definition of riot, violent disorder and affray is set out in the CRIMINAL JUSTICE (PUBLIC ORDER) ACT, 1994. The offence of riot must involve 12 or more persons, violent disorder three or more persons. However in official published crime statistics there is no breakdown of the 3 offences, therefore it is not possible to state how many persons were charged with riot.**

Please could you provide any available statistics on urban violence in your country. **n/a**

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken? **Information on the system to deal with youth crime more generally is given below.**

Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence? **n/a**

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.? **See response in relation to general measures to prevent all youth offending below.**
- Have you found that some preventive measures work better than others? In that case give a brief explanation of these. **See response re general approach to youth offending below.**
- When a juvenile is involved in acts of urban violence what measures are applied to him or her? **See response re general approach to youth offending below.**

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions. ***See response re general approach to youth offending below.***
- Are there any special criminal procedural measures which apply to juveniles involved in urban violence? ***See response re general approach to youth offending below.***
- To what extent are families involved in these procedures? ***See response re general approach to youth offending below.***
- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring? ***See response re general approach to youth offending below.***

Response:

The Irish Youth Justice Service (IYJS) has responsibility for leading and driving reform in the area of youth justice. There are no specific measures set out in relation to 'urban violence' as defined by the Conference on Urban Violence as this has not been a phenomenon of any significance to date in Ireland.

Should a young person come to the attention of An Garda Síochána (Police force) in relation to urban violence, then they would be subject to the legislation and standard procedures for dealing with juvenile offenders as set out below.

The main legislation covering children and the criminal justice system is the Children Act 2001, as amended. This Act focuses on preventing criminal behaviour, diversion from the criminal justice system and rehabilitation. The use of detention for a child is to be a last resort; the Act requires that all avenues be explored before it is used.

The main principles of the Children Act are:

- Any child who accepts responsibility for his/her offending behaviour should be diverted from criminal proceedings, where appropriate.
- Children have equal rights and freedoms before the law equal to those enjoyed by adults and a right to be heard and to participate in any proceedings affecting them.
- It is desirable to allow the child's education to proceed without interruption.
- It is desirable to preserve and strengthen the relationship between children and their parents and family members.
- It is desirable to foster the ability of families to develop their own means of dealing with offending by their children.
- It is desirable to allow children to live in their own homes.
- Any penalty imposed on a child should cause as little interference as possible with the child's legitimate activities, should promote the development of the child and should take the least restrictive form, as appropriate.

- Detention should be imposed as a last resort and may only be imposed if it is the only suitable way of dealing with the child.
- Due regard to the interests of the victim.
- A child's age and level of maturity may be taken into consideration as mitigating factors in determining a penalty.
- A child's privacy should be protected in any proceedings against him/her.
- The operation of the youth justice is not a question of *choice* between the various stages of diversion, community sanctions and detention but it requires that these be considered in each case and applied incrementally.

The remit of IYJS is to improve the delivery of youth justice services and reduce youth offending. This challenge is met by focusing on diversion and rehabilitation involving greater use of community-based interventions and the promotion of initiatives to deal with young people who offend.

The first contact a young person who has committed an offence will have with the youth justice system will be with the police, An Garda Síochána (AGS). A network of Juvenile Liaison Officers operate the Garda Diversion Programme. The aim of this Programme is to deal with young people who offend, by way of administering a formal (supervised) or informal (unsupervised) caution, thus diverting the young offender away from the Courts and minimising the likelihood of further offending. The programme embraces, whenever possible, the principles of restorative justice and, at all times, pays the highest regard to the needs of the victims. In order to be admitted onto the Programme the young person concerned must first accept responsibility for their criminal behaviour,

Young people can also be referred by the Juvenile Liaison Officer to a 'Garda Youth Diversion Project (GYDP)'. When taking a decision about the best course for any young person, as well as considering the needs of any victim involved and of society in general, what is known about the family and environmental circumstances of the young person will be considered. If there is a fear that the young person's family or circumstances do not include the capacity to help the young person to develop in a more positive direction, and/or a higher likelihood that the young person will reoffend, then a referral to a GYDP is recommended.

There are 100 Garda Youth Diversion Projects (GYDPs) nationwide. These projects are community-based, multi-agency crime prevention initiatives run by community based organisations, often national or locally-based youth or community-development oriented NGOs. They are run in partnership with An Garda Síochána and are funded and overseen by the Irish Youth Justice Service.

GYDPs work with young people who have been involved in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, and promote civic responsibility and improve long-term employability prospects. The projects undertake a series of programmes and activities which are aimed at changing behaviours, attitudes and lifestyles of project participants to bring about positive change and learning outcomes. Most projects are located within areas of high social deprivation. Many projects have programmes that work with the young person's family members, especially parents.

While there is very little published research on the effectiveness of the Garda Diversion Programme and alternatives to custody, it is accepted widely that they provide essential opportunities in diverting young people from involvement with the formal criminal justice system or in giving children who offend more opportunities to escape from becoming more deeply engaged in a life of crime. There has been a 25% decrease in the number of prisoners in custody under the age of 25 between 2012 and 2015. This reduction is due to several factors, including the successful implementation of the Children Act 2001 and the Garda diversion programmes.

Community Sanctions

Should a young person not accept responsibility for their criminal behaviour or if the Director of the Garda Diversion Programme decides that it is not in the interests of society or any victim if the young person is admitted to the Garda Diversion Programme, then they will be referred to the Courts. Non-custodial sanctions are available to the Courts, including dismissal under the Probation Act and unsupervised sanctions (fines, disqualification, peace bond, curfew etc.). The next stage involves Young Persons Probation service' supervised sanctions (community service and other community sanctions).

Should it be decided that a young person is to be prosecuted for an offence, the majority of children under 18 years are tried in the Children Court which forms part of the District Court jurisdiction. The Children Court was established under the Children Act 2001 in order to separate criminal court proceedings involving children from those which involved adults. Judges who sit in the Children Court are required to undergo special training or education as deemed necessary by the President of the District Court. Cases involving child offenders are heard in camera i.e. in private and there is a general prohibition on the dissemination of information which is collected during court proceedings. The Children Court can try a child or a young person for any offence except homicide.

Finally, as a last resort, detention may be used.

Detention

There are 3 children detention schools, all located at Oberstown, Lusk, Co. Dublin, which currently provide a total of 54 detention places for children ordered to be remanded or committed by the courts, with 48 places for boys and 6 places for girls. The detention schools cater for boys up to the age of 17 years who are serving a sentence, boys up to the age of 18 years who are remanded in custody and all girls up to the age of 18 years. Boys aged 17 who are newly remanded in custody are being accommodated in the children detention schools since 30 March 2015, where places are available. Boys aged 17 ordered to serve a sentence of detention are currently accommodated in the adult prison system. This practice will cease later in 2015 on completion of a capital project at the campus in Oberstown and the enactment of a Bill to amend the Children Act 2001.

CRIMINAL JUSTICE (PUBLIC ORDER) ACT, 1994

Riot. **14.**—(1)

Where—

(a) 12 or more persons who are present together at any place (whether that place is a public place or a private place or both) use or threaten to use unlawful violence for a common purpose, and

(b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each of the persons using unlawful violence for the common purpose shall be guilty of the offence of riot.

(2) For the purposes of this section—

(a) it shall be immaterial whether or not the 12 or more persons use or threaten to use unlawful violence simultaneously at any place;

(b) the common purpose may be inferred from conduct;

(c) no person of reasonable firmness need actually be, or be likely to be, present at that place.

(3) A person guilty of an offence of riot shall be liable on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both.

(4) The common law offence of riot is hereby abolished.

Violent
disorder.

15.—(1) Where—

(a) three or more persons who are present together at any place (whether that place is a public place or a private place or both) use or threaten to use unlawful violence, and

(b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each of the persons using or threatening to use unlawful violence shall be guilty of the offence of violent disorder.

(2) For the purposes of this section—

(a) it shall be immaterial whether or not the three or more persons use or threaten to use unlawful violence simultaneously;

(b) no person of reasonable firmness need actually be, or be likely to be, present at that place.

(3) A person shall not be convicted of the offence of violent disorder unless the person intends to use or threaten to use violence or is aware that his conduct may be violent or threaten violence.

(4) A person guilty of an offence of violent disorder shall be liable on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both.

(5) A reference, however expressed, in any enactment passed before the commencement of this Act—

(a) to the common law offence of riot, or

(b) to the common law offence of riot and to tumult,

shall be construed as a reference to the offence of violent disorder.

(6) The common law offence of rout and the common law offence of unlawful assembly are hereby abolished.

Affray.

16.—(1) Where—

(a) two or more persons at any place (whether that place is a public place or a private place or both) use or threaten to use violence towards each other, and

(b) the violence so used or threatened by one of those persons is unlawful, and

(c) the conduct of those persons taken together is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each such person who uses or threatens to use unlawful violence shall be guilty of the offence of affray.

(2) For the purposes of this section—

(a) a threat cannot be made by words alone;

(b) no person of reasonable firmness need actually be, or be likely to be, present at the place where the use or threat of violence occurred.

(3) A person shall not be convicted of the offence of affray unless the person intends to use or threaten to use violence or is aware that his

conduct may be violent or threaten violence.

(4) A person guilty of an offence of affray shall be liable—

(a) on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or to both.

(5) The common law offence of affray is hereby abolished.

GERMANY

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years *(If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?*

What was the background for these instances of urban violence ?

- How many judgments have there been in your country relating to instances of urban violence within this time?

DE: Based on the definition referred to above, there have been no relevant instances of such urban violence in Germany and thus no related judgments.

Are there any particular legal classifications that will be used in cases concerning urban violence?

DE: Acts of urban violence could, where applicable, be prosecuted on the basis of Section 125 or 125a of the German Criminal Code ("Rioting").

Section 125 - Rioting

(1) Whosoever as a principal or secondary participant participates in

1. acts of violence against persons or objects; or

2. threats to persons to commit acts of violence,

which are committed by a crowd of people who have joined forces in a manner which endangers public safety, or whosoever encourages a crowd of people to commit such acts, shall be liable to imprisonment not exceeding three years or a fine unless the act is subject to a more severe penalty under other provisions.

(2) To the extent that the offences indicated in subsection (1) Nos 1 and 2 above are punishable under section 113, section 113(3) and (4) shall apply mutatis mutandis.

Section 125a - Aggravated cases of rioting

(1) In especially serious cases of section 125(1) the penalty shall be imprisonment from six months to ten years. An especially serious case typically occurs if the offender

1. carries a firearm;

2. carries another weapon for the purpose of using it during the commission of the offence;

3. through violence places another in danger of death or serious injury or

4. commits plunder or causes significant damage to the property of another.

Please could you provide any available statistics on urban violence in your country.

DE: n.a.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

DE: c.f. above

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

DE: *The German Code on Social Law promotes the development of children and juveniles to become a self-dependent and socially integrated personality. The Code implies various different measures to prevent juvenile delinquency.*

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.
- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

DE:

Where criminal offences have been committed, juvenile criminal law is applicable. In Germany, there is no generalised special treatment for juvenile offenders that specifically takes into account the fact that the offences were committed in the context of urban violence. In contrast to adult offenders (to whom general criminal law applies), juvenile offenders are always treated in a special way. The rules of special juvenile criminal law are contained in the Juvenile Courts Act (Jugendgerichtsgesetz, JGG), which can be found at http://www.gesetze-im-internet.de/englisch_jgg/index.html. This Act not only determines the jurisdiction of special juvenile courts, it also contains special procedural and sanctioning provisions, the latter containing a much broader and more differentiated catalogue of possible legal consequences than general criminal law (see the attached overview for further details). This is because the primary aim of juvenile criminal law is not to punish offenders for the wrong they have committed, but to prevent recidivism by influencing them in the most appropriate way possible. To this end, it is necessary to devote particular care to considering their personal and social situation and their development as well as the individual circumstances of the offence – which

might theoretically include an involvement in incidents of urban violence – so that the juvenile court can respond to the specific problems at issue with a “tailored” decision in terms of the appropriate and adequate legal consequences.

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

DE: c.f. above

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

DE: c.f. subsequent question

- To what extent are families involved in these procedures?

DE: In general terms, in case of juvenile delinquency, Section 67 of the German Courts Law applies:

Section 67

Position of the parent or guardian and of the legal representative

(1) Insofar as the accused has a right to be heard, to ask questions and make applications or to be present during acts of investigation, the same rights shall also accrue to the parent or guardian and to the legal representative.

(2) Where provision is made for notices to the accused, the corresponding notice should also be addressed to the parent or guardian and to the legal representative.

(3) The legal representative’s right to select defence counsel and to file for legal remedies shall also accrue to the parent or guardian.

(4) The judge may remove such rights from the parent or guardian and the legal representative insofar as they are suspected of participating in the accused’s misconduct or insofar as they have been convicted of participation. Where the parent or guardian or the legal representative fulfils the conditions set out in the first sentence, the judge may remove those rights from both parties if abuse of those rights is to be feared. If the parent or guardian and the legal representative no longer hold those rights, the judge with jurisdiction for family or guardianship matters shall appoint a carer to preserve the accused’s interests in the proceedings which are pending. The main hearing shall be suspended until the carer has been appointed.

(5) Where there are several parents or guardians, each of them may exercise the rights of parents and guardians set out in this Law. At the main hearing or in any other hearing before the judge, the absentee parent or guardian shall be deemed to be represented by the parent or guardian who is present. Where provision is made for notices or summonses to be issued, it shall be sufficient for these to be addressed to one of the parents or guardians.

- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

DE: n.a.

LATVIA

Question

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

What was the background for these instances of urban violence ?

- How many judgments have there been in your country relating to instances of urban violence within this time?
- Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

Answer

1. Instances of urban violence in past 10 years

In Latvia in the past 10 years only one instance of urban violence have occurred called *13th January Riot in Old Town of Riga City*. The background for that instance of urban violence was deteriorating of economic situation in the world in late 2008, while also deteriorated economic situation in Latvia. Consequently, the Parliament adopted a number of ambiguously rated decisions, including amendments to the tax laws. At the same time the Cabinet of Ministers adopted decisions, which included spending cuts in public administration and personnel reduction and was also initiated discussions with the International Monetary Fund of a loan of 7,5 billion euros to the Republic of Latvia. In the Country deepened unemployment and social – economic tension. In early 2009 a political organization called *Society for Other Politics* together with several non-governmental organizations and trade unions issued a statement “Call to the Latvian Nation”, in which the President of the Republic of Latvia Valdis Zatlers was required the dismissal of the 9th Parliament and also the election of a new Parliament. At the end of the statement was a call to all people to attend the meeting of 13th January at 17:30 at the *Dome Square (Central Square in Old Town)*. Shortly thereafter appeared another call to take advantage of this meeting “to violently subvert the existing state power” and gather at the building of Parliament (located ~100 meters from *Dome Square*). For this call the Security Police initiated Criminal Proceedings.

1.1. Legal classification

Legal definition of such actions is provided in The Criminal Law Section 225 called *Mass Riot*. Mass Riot is only legal definition, that will be used in cases concerning urban violence. It explains, that for a person who commits organising of such mass riot,

which entails demolition, destruction, burning, destruction of property, or violence against individuals, or resistance to representatives of public authority, or who takes active participation therein, the applicable punishment is deprivation of liberty for a term of three and up to twelve years, with police supervision for a term up to three years.

1.2. Judgements relating to instances of urban violence

In the 2012 one person was convicted by Section 225. Mass Riot and person's age was ranged in age from 18 to 24, while in the 2013 44 persons was convicted by the same Section, 20 of them were ranged in age from 18 to 24, 14 in age from 25 to 29, 10 in age from 30 to 49.

Age breakdown

Regarding legal classifications in cases concerning urban violence and juvenile involvement there is one – age breakdown. The Youth Law Section 1 states, that **juveniles are persons aged 13 to 25**, but Protection of the Rights of a Child Law Section 3 states, that **child is a person, who hasn't reached the age of 18**.

The Criminal Law Chapter 1 Section 11 states the age at which Criminal Liability applies and it is 14 years. Thereby juveniles are divided into two age groups – minors and underage persons. Minors are natural persons, which may be held criminally liable and who, on the day of the commission of a criminal offence, has attained 14 years of age. Underage (underage of criminal liability) persons are persons, which have not attained fourteen years of age, may not be held criminally liable.

Therefore special measures/sanctions in acts of urban violence from the point of view of Criminal Law and Criminal Procedure Law can be taken, if person is minor (in age from 14 to 17).

Question

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?
- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?
- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.
- When a juvenile is involved in acts of urban violence what measures are applied to him or her?
- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.
- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?
- To what extent are families involved in these procedures?

- Are any special social rehabilitation measures taken for the juveniles concerned?
Are the juveniles concerned subject to specific monitoring?

Answer

2. Acts of delinquency committed by minor

In Latvia in the past 10 years haven't occurred any instances of urban violence with minor involvement and there have not been any judgments in Latvia relating to instances of urban violence within this time.

2.1. Measures, when minors are involved in acts of urban violence

The Law On Police Section 13 provides rights for Police Officers to Use Physical Force, Special Means, Special Vehicles, Use Service Dogs and Horses and Place Detained Persons at Places of Temporary Detention explains, that it is prohibited to use special means (except handcuffs and means of tying), special fighting techniques and special vehicles, as well as use service dogs and horses, against women, against persons with obvious signs of disability and underage persons, except during mass disorders or violations of public order in group, as well as in cases when the lives or health of other persons are endangered or when armed resistance is made or armed attack is committed, so this prohibition doesn't apply to minors.

But to minors apply prohibition of Section 14 of The Law On Police. The Right of Police Officers to Use Firearms of the same law and explains, that it is prohibited to use and make use of firearms at locations where as a result of such use other persons may be injured; also, it is prohibited to use firearms against women and minors except in cases when they are executing an armed attack, show armed resistance, or by means of a group attack endanger the lives of other persons or police officers.

2.2. Special criminal procedural measures, which apply to minors

The Criminal Procedure Law Section 20 provides rights to Assistance of Counsel Paragraph (1) explains, that each person regarding whom an assumption or allegation has been expressed that such person has committed a criminal offence has the right to assistance of a defence counsel, that is, the right to know what offence such person is suspected of committing or is being accused of committing, and to choose his or her position of defence, but Section 83. Mandatory Participation of a Defence Counsel Paragraph (1) Sub-point 1 explains, that he participation of a defence counsel is mandatory in criminal proceedings if a minor or person with diminished mental capacity has the right to assistance of a defence counsel.

The Criminal Procedure Law Section 243, that sets out security measures during criminal procedure in Paragraph (2) allow to apply to a minor as a security measures - placement under the supervision of parents or guardians (Sub-point 1) or placement in a social correctional educational institution (Sub-point 2).

The Criminal Procedure Law Section 273, that sets out grounds for the application of arrest to minors, pregnant women, and women in the post-natal period in Paragraph (1) explain the exceptions of arrest to minors, pregnant women, and women in

the post-natal period up to one year, and, if a woman is breastfeeding a child, during the entire term of feeding. But in Paragraph (2) it is stated, that if a person referred to in Paragraph one of this Section is held suspect or accused of committing a criminal offence, arrest shall not be applied. And in the Paragraph (3) it is stated, that if a person referred to in Paragraph one of this Section is held suspect or accused of committing a crime through negligence, arrest shall not be applied, except the case when such person has performed actions under the influence of intoxicating substances as a result of which the death of another person has occurred. And in Paragraph (4) – if a person referred to in Paragraph one of this Section is held suspect or accused of committing of a less serious intentional crime, arrest shall be applied only if one of the following circumstances exists - the relevant person has violated the provisions of another compulsory measure or a security measure of correctional nature – placement in a social correctional educational institution (Sub-point 1), or the person has committed a crime as a suspect or an accused in the committing of an especially serious crime (Sub-point 2).

The Criminal Procedure Law Section 278, called *Terms of Arrest for Minors*, explains, the term of arrest for a minor who has been applied arrest in conformity with Section 273, Paragraph four of this Law shall not exceed 30 days, of which the minor shall be permitted to be held under arrest during pre-trial proceedings not longer than 20 days. But Paragraph (2) determine the term of arrest for a minor who has been applied arrest in conformity with Section 273, Paragraph three of this Law shall not exceed three months, of which the minor shall be permitted to be held under arrest during pre-trial proceedings not longer than two months. While Paragraph (3) determine the term of arrest for a minor who is suspected of, or accused of, the committing of a serious crime shall not exceed six months, of which the minor shall be permitted to be held under arrest during pre-trial proceedings not longer than three months. An investigating judge during pre-trial proceedings and a judge of a higher level court may each extend the term for one month during adjudication, if the person directing the proceedings has not allowed for a delay, or the faster completion of the proceedings has not been possible due to the particular complexity of such proceedings. But Paragraph (4) determine the term of arrest for a minor who is suspected of, or accused of, the committing of an especially serious crime shall not exceed 12 months, of which the minor shall be permitted to be held under arrest during pre-trial proceedings not longer than eight months. An investigating judge during pre-trial proceedings and a judge of a higher level court may each extend the term for three months during adjudication, if the person directing the proceedings has not allowed for an unjustified delay, or the person who performs defence has not intentionally delayed the course of proceedings, or the faster completion of the proceedings has not been possible due to the particular complexity of such proceedings.

The Criminal Procedure Law Section 285, called *Placement of a Minor in a Social Correctional Educational Institution*, in Paragraph (1) explains the grounds of the placement of a minor in a social correctional educational institution – it is the deprivation of liberty of a person that may be applied with a decision of an investigating judge, or a court decision, before the entering into effect of a final adjudication in concrete criminal proceedings, if the holding under arrest of a suspect, or an accused, who is a minor is not necessary, yet there is insufficient conviction that the minor will fulfil his or her procedural duties, and will not commit new criminal offences, while at liberty. While Paragraph (2) explains the application procedure - placement in a social correctional educational institution shall take place in accordance with the same procedures, with the same conditions, up until the same terms, and with the same procedures for appeal and

control as in the case of arrest. The term spent in the social correctional educational institution shall be included as time spent under arrest, counting one day spent in the institution as one day spent under arrest.

The Criminal Procedure Law Section 379, called *Termination of Criminal Proceedings and Releasing a Person from Criminal Liability*, in Paragraph (1) provides procedure of termination of criminal proceedings, when release a person from criminal liability, also regarding to minors – an investigator with a consent of a supervising public prosecutor, public prosecutor or a court may terminate criminal proceedings if a criminal offence has been committed by a minor and special circumstances of the committing of the criminal offence have been determined, and information has been acquired regarding the minor that mitigates his or her liability (Sub-point 3). While in Paragraph (2) it is set out, that an investigator, with the consent of a supervising public prosecutor, or a public prosecutor, may terminate criminal proceedings, and send materials regarding a minor for the application of a compulsory measure of a correctional nature.

The Criminal Procedure Law Section 488, called *Time of the Trial of a Criminal Case*, in Paragraph (4) explains, that if a security measure related to a deprivation of liberty has been applied to an accused who is a minor, the adjudication of a criminal case shall be commenced not later than within four weeks after receipt thereof.

Family involvement

The Criminal Procedure Law of the Republic of Latvia Section 89, called *Representative of a Minor*, in Paragraph (2) determine, that representative may be one of the lawful representatives (mother, father, guardian, trustee) or one of the grandparents, or a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant relative takes care of the minor.

The Criminal Procedure Law Section 146, called *Summons to an Interrogation*, in Paragraph (3) explains, that a minor shall usually be summoned to an interrogation through the intermediation of his or her lawful representative, educational institution, or Orphan's Court (parish court). If conditions exist that justifiably prohibit or hinder the use of such summoning procedure, the minor shall be summoned without using the referred to intermediation.

The Criminal Procedure Law Section 152, called *Special Features of an Interrogation of a Minor*, in Paragraph (1) determine, that the length of an interrogation of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor, while Paragraph (2) of this Section explains, that minor questioned inquiry performer, who has expertise in contact with the minor during criminal proceedings. If the investigation performer hasn't acquired expertise in contact with the minor during criminal proceedings or the investigation performer considers it necessary a minor interrogate in presence of a teacher or psychologist. One of the minor's lawful representatives, close relative of legal age or trustee has the right to participate in the interrogation, unless he isn't the person against whom criminal proceedings initiated, detainee, suspect, the accused or if the minor doesn't raise objections. This person may ask questions to minor with investigation performer permission.

The Criminal Procedure Law Section 247, called *Informing of Other Persons Regarding the Application of a Procedural Compulsory Measure*, in Paragraph (1) explains, that if a procedural compulsory measure is related to the deprivation of the

liberty of a person, a person directing the proceedings shall, in conformity with the will and instructions of such person, immediately but not later than within 24 hours inform the family or other kinsperson of such person, and his or her workplace or place of study, regarding the application of such measure and the location of the relevant person. While Paragraph (2) determine, that if the compulsory measure referred to in Paragraph one of this Section has been applied to a minor, a person directing the proceedings shall inform the parents or other close relatives of legal age of such minor, or the guardian of such minor if the relevant minor is under guardianship, regarding the application of such security measure.

2.3. Special social rehabilitations measures for juveniles and specific monitoring of juveniles.

According to the section 50.⁷ of the Sentence Execution Code of Latvia, convicted male minors shall commence serving deprivation of liberty sentences in juvenile correctional institutions. Female minors shall commence serving sentence in separate sections of women's prisons which have been equipped in conformity with the requirements presented for juvenile correctional institutions.

Resocialisation of convicted persons shall be implemented by applying the measures of correcting the social behaviour of convicted persons or social rehabilitation.

According to the section 61.³ of the Sentence Execution Code of Latvia, social rehabilitation means of convicted persons are:

1) education – involving of a convicted person in general, vocational and interest educational programmes;

2) involving of convicted persons, as determined by this Code, in the performance of socially useful work (work of convicted persons in the facility management of deprivation of liberty institutions, work places created by a merchant at the deprivation of liberty institution or outside it depending on the sentence serving regime imposed on the convicted person, employment without remuneration laid down in the law);

3) solving of the social problems of the convicted person taking into the consequences of imprisonment (improvement, renewal and ensuring of acquisition of social skills by a convicted person, provision of information regarding the possibilities of receiving social services and social assistance after release from the deprivation of liberty institution, taking care of personal identification documents);

4) psychological care – psychological study of the convicted person, psychological consultation, as well as provision of psychological assistance in a crisis situation at the deprivation of liberty institution;

5) organisation of leisure time events – involvement of the convicted person in cultural, informative, art, amateur and sports events.

The social resocialization programmes in 2014 in Latvia prisons was implemented by the prison officials/employees, State Probation Service and S.Žoltoka secondary school staff.

| Category | Involved in resocialization programs in 2014 | | Finished resocialization programs in 2014 | |
|------------------------------------|---|------------------|--|------------------|
| Minors (age 14-17) | Total - 48 | | Total - 35 | |
| | arrested 0 | Convicted 48 | arrested 0 | Convicted 35 |
| Juveniles (age 18 – 25) | Total – 156 | | Total – 103 | |
| | arrested 2 | Convicted 154 | arrested 1 | Convicted 102 |

On 1st January, 2015 there are 492 juvenile (age 18-25) and 23 minors (age 14-17) located in Latvia prisons.
There is no specific rehabilitation program or specific monitoring for juveniles concerned.

MALTA

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

2

What was the background for these instances of urban violence ?

In this case one can mention the reaction of the bus drivers during the bus strike in July of 2008 and the hunters' adverse behavior to the suspension of the hunting season in September of 2014.

- How many judgments have there been in your country relating to instances of urban violence within this time?

A group of public transport /hearse operators committed contraventions in terms of blocking streets and creating mayhem. A very small minority resorted to violence which resulted in their being arraigned in court charged with tumultuous assembly. These were eventually handed down fines and a suspended sentence.

- ***The case against the nine hunters who were arraigned in court and charged with organized crime for their riotous behavior is still pending.***

Are there any particular legal classifications that will be used in cases concerning urban violence?

The two cases listed above have been classified with offences such as organised crime and tumultuous assembly. No statistics are available.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?
- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

No. Juveniles involved in acts of urban violence are subject to the same measures as other juvenile offenders.

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

N/A

- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

N/A

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

Some measures related to juvenile offenders, but not specifically targeting urban violence include:

- 1) For juvenile offenders under the age of 16 a juvenile court has been set up.
 - 2) If the juvenile offender is under 14 years, he is 'doli incapax' but his parents or guardians may be found responsible for failing to take good care of their dependent.
- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

Nil

- To what extent are families involved in these procedures?

N/A

- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

No. Juveniles involved in acts of urban violence are subject to the same measures as other juvenile offenders.

MOLDOVA

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years *(If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?*

In the Republic of Moldova were not took place actions that correspond to the definition of “urban violence” stated in the Conference on Urban violence in Lisbon in October 2014 and mentioned in the CDPC (2014) 23 “Questionnaire on urban violence and juvenile involvement” .

MONACO

Quelles sont les caractéristiques particulières de la violence urbaine, telle qu'elle a été définie par la Conférence sur la violence urbaine, mentionnée ci-dessus : la fréquence, la mesure et la classification juridique?

Combien de cas de violence urbaine, s'il y en a eu, se sont produits dans votre pays pendant les dix dernières années (si de tels cas ne se sont pas produits, vous devez simplement l'indiquer et seulement si nécessaire vous devez répondre au questionnaire) ?

La Principauté de Monaco n' a pas eu à connaître de tels faits de violence impliquant des mineurs et correspondant strictement à la notion de « violences urbaines » telles que définies lors de la Conférence de Lisbonne d'octobre 2014.

Quel était l'arrière-plan de ces cas de violence urbaine ?

Les seuls agissements connus par les autorités monégasques qui pourraient être assimilés à des violences urbaines sont ceux imputables aux supporters de club de football.

En revanche, plusieurs dossiers d'instruction ont concerné des faits de violence commis par des mineurs.

- Combien de jugements relatifs à la violence urbaine y a-t-il eu dans votre pays pendant les dix dernières années ?

Les agissements violents de supporters de club de football donnent lieu chaque année à une ou deux poursuites pénales et à des condamnations pour des faits de violences, de rébellion envers les forces de l'ordre ou encore d'usage d'engins incendiaires.

Merci de nous fournir toutes statistiques disponibles sur la violence urbaine dans votre pays.

Comment est-ce que les actes de délinquance sont traités lorsqu'ils sont commis par des jeunes et quelles réponses spécifiques et les mesures préventives sont prises ?

- Pourriez-vous indiquer combien de jeunes (des personnes âgées de moins de 18 ans) environ ont été impliqués (tant de façon générale que ceux ayant été poursuivis) dans ces actes de violence urbaine ?

Selon les statistiques fournis par le juge tutélaire, depuis 2007, 17 dossiers d'instruction ont concerné des faits de violence commis par des mineurs. Ces 17 dossiers concernaient 36 individus.

8 informations judiciaires étaient relatives à des violences dites « en réunion » comportant au maximum 5 protagonistes.

En revanche, ces dossiers n'ont jamais impliqué plus de 2 victimes.

- Des mesures spéciales ont-elles été prises dans votre pays pour prévenir l'implication des jeunes dans des actes de violence urbaine? Si oui, de quel type : sociales, éducatives, etc. ?

La plupart des mineurs impliqués dans ces faits de violence ont bénéficié, si tel n'était pas déjà le cas, d'une mesure d'assistance éducative, voir de placement au Foyer de l'Enfance Princesse Charlène, afin de leur apporter un étayage socio-éducatif. Néanmoins, ces mesures éducatives ne font pas partie d'un cadre législatif relatif à des faits de violence mais s'intègrent dans la législation relative à la protection des mineurs.

- Avez-vous découvert que certaines mesures préventives fonctionnent mieux que d'autres ? Si tel est le cas, donnez une brève description de celles-ci.
- Lorsqu'un jeune est impliqué dans des actes de violence urbaine, quelles mesures lui sont appliquées ?

Deux procédures ont nécessité une mesure de détention provisoire au cours de l'instruction.

Plusieurs autres procédures ont abouti à une ordonnance prononçant un non-lieu assorti d'une remise à parent en guise d'alternative à un renvoi devant le Tribunal correctionnel.

- Existe-t-il des mesures/sanctions différentes pour un jeune impliqué dans la violence urbaine en fonction de son âge spécifique (par exemple : des jeunes d'un certain âge ne peuvent pas entreprendre un travail non rémunéré faisant partie d'une décision judiciaire de travail social). Si oui, merci de nous fournir un aperçu de ces différentes mesures/sanctions.

Aucune sanction strictement pénale est propre au fait de violence et encore moins aux faits de violences urbaines, étant rappelé que quelque soit le délit commis, le mineur peut bénéficier de sanctions éducatives et alternatives à l'emprisonnement telles que le prévoit l'article 9 de la loi n° 740 du 25 mars 1963 relative aux mineurs délinquants.

Ces sanctions sont l'admonestation, la remise à parent ou au gardien, avec le cas échéant le placement sous le régime de la liberté d'épreuve et le placement dans un établissement habilité à recevoir des délinquants mineurs.

- Existe-t-il des mesures de procédure pénale particulières qui s'appliquent aux jeunes impliqués dans la violence urbaine ?
- Dans quelle mesure les familles sont-elles impliquées dans ces procédures ?
- Y a-t-il des mesures de réinsertion sociale spéciales prises pour les jeunes concernés ? Les jeunes concernés font-ils l'objet d'une surveillance particulière ?

Des exemples pratiques de la façon dont le système national de justice pénale traite les violences urbaines sont les bienvenus.

MONTENEGRO

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

What was the background for these instances of urban violence ?

No such instances have occurred in Montenegro.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?
- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?
- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.
- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

A juvenile criminal offender may be subject to:

1. Diversion measures:

1.1. Warning

1.2. Attendance order

1.2.1. settle with the victim,

1.2.2. attend school or go to work regularly,

1.2.3. engage in sports activities,

1.2.4. do community or humanitarian work,

1.2.5. give a donation to a humanitarian organisation, fund or a public institution,

1.2.6. undergo examination and a drug or alcohol addiction rehabilitation programme,

1.2.7. join an individual or group therapy in a health institution, counselling service, or other appropriate organisation,

1.2.8. attend vocational training courses or prepare and take an examination, and

1.2.9. observe restraining orders (with respect to a place or person).

2. Criminal Sanctions:

2.1. Correctional measures

2.1.1. warning and guidance measures: court's reprimand and special obligations,

2.1.2. *direct supervision measures: direct supervision by parents, adoptive parent or guardian; direct supervision in other family; direct supervision by guardianship authority and direct supervision combined with day treatment programme in an institution or organisation for personal and educational development of juveniles,*

2.1.3. *correctional facility care: referral to a community-based correctional facility; referral to a correctional home, and referral to a special education facility.*

2.2. *Juvenile detention term,*

2.3. *Security measures*

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

Please note our definition on term "juvenile":

- **A juvenile** is a person who at the time of commission of a crime is at least fourteen but under eighteen years of age ('juvenile').

- **A younger juvenile** is a person who at the time of commission of a crime is at least fourteen, but under sixteen years of age ("younger juvenile")

- **An older juvenile** is a person who at the time of commission of a crime is at least sixteen but under eighteen years of age ('older juvenile').

- **A young adult** is a person who at the time of commission of a crime is at least eighteen, but under twenty-one years of age.

A person who at the time of commission of an unlawful act which is qualified by law as a criminal offense is younger than fourteen (child) may not be tried in criminal proceedings nor may be subject of sanctions and measures.

As to criminal sanctions (see our response on previous question):

- *A younger juvenile may only be sanctioned by correctional measures.*

- *An older juvenile may be sanctioned by correctional measures and, by exception and under conditions set by the Law, may also be sanctioned by a juvenile detention term.*

- *A juvenile may also be sanctioned by the security measures set by the Criminal Code, save for the ban on engagement in a profession, business or duty and publication of the judgment, under conditions set the Law.*

- *A juvenile may not be sanctioned by suspended sentence and court admonition.*

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

The Law on Treatment of Juveniles in Criminal Procedure⁶ governs treatment of juveniles as criminal offenders and treatment of children and juveniles (minors) as parties to proceedings shall be based on respect for human rights and fundamental freedoms and guided by the best interest of the child or juvenile whilst taking into account their maturity, developmental level, abilities and

⁶ OG MNE, 64/2011

personal characteristics, as well as the seriousness of the crime committed, for the purpose of their rehabilitation and social reintegration.

- To what extent are families involved in these procedures?

Family members are usually legal representatives to the juvenile, but taking into account the specific nature of the procedures they are involved in great extent. Their involvement is very important when it comes to imposing measures and sanctions.

- Are any special social rehabilitation measures taken for the juveniles concerned?
Are the juveniles concerned subject to specific monitoring?

Please see our response to your question: "When a juvenile is involved in acts of urban violence what measures are applied to him or her?"

NETHERLANDS

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

In the past ten years no such instances, which fall within the definition as mentioned, have occurred in the Netherlands.

What was the background for these instances of urban violence ?

Not applicable

- How many judgments have there been in your country relating to instances of urban violence within this time?

Not applicable

Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

In case urban violence will occur article 141 of the Dutch Penal Code may apply. This article penalizes overt violence or joint public violence against persons or property.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

Not applicable

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

In the Netherlands, no measures have been taken to prevent urban violence specifically. General preventive measures have been taken to prevent juvenile delinquency.

- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

Not applicable

- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

Overt violence or joint public violence is in article 141 of our Penal Code penalized with a maximum sentence of 4 years and 6 months or a fine of maximum € 20.250.

For children in the age-range of 12 to 18 years the maximum penalty is a fine of € 3.900. The maximum prison sentence is for children from 12 to 16, 1 year and for children of 16 or 17 years the maximum prison sentence is 2 years.

In the actual sentencing the nature and circumstances of the offense and the person of the child will be examined. Where necessary care is also provided (in addition to a penalty).

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

Not applicable

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

Not applicable

- To what extent are families involved in these procedures?

Not applicable

- Are any special social rehabilitation measures taken for the juveniles concerned?
Are the juveniles concerned subject to specific monitoring?

Not applicable

POLAND

Poland would like to note that the 10-year period foreseen for analysis (as set out in question 1) seems too long. As indicated by our Ministry of the Interior, most Police records pertaining to such events are kept in paper form and regularly archived. As a result, a proper analysis of such a long period may be rather difficult. We would suggest that the period subject to analysis be reduced to 3 years.

PORTUGAL

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years *(If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?*

No cases of urban violence, according to the definition of the concept, have been registered in the last 10 years.

What was the background for these instances of urban violence ?

- How many judgments have there been in your country relating to instances of urban violence within this time?
-

Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?
- **Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?**

Yes, in Portugal several measures against violence in urban context have been taken in the last years. Among these are educational measures and preventive policy measures, namely the safe school program promoted and executed by the Public Security Police.

- **Have you found that some preventive measures work better than others? In that case give a brief explanation of these.**

The safe school program has a particularly positive impact once it brings policy to school and promotes a safety environment involving the school community. The programme main goals are:

- To promote a safety culture in schools;
- Encourage civism and citizenship, thereby contributing to the affirmation of the school community as a privileged space of integration and socialization;
- Diagnose, prevent and intervene in security issues of schools;

- Determine, prevent and eradicate the occurrence of risk behaviors and / or illicit activities in schools and surrounding areas;
- Promote awareness and training on the issue of crime prevention and safety in schools;
- Collect information and statistics and conduct studies on violence, feelings of insecurity and victimization in the educational community

More information on this program and on its results can be consulted at: <http://www.psp.pt/Pages/programasespeciais/escolasegura.aspx?menu=4>

- **When a juvenile is involved in acts of urban violence what measures are applied to him or her?**

When a minor between 12 and 16 years old commits a criminal offence, framed in urban violence or not, Law nr. 166/99, of 14 September on Educational Guardianship foresees a set of measures applicable to the young perpetrator. This Law foresees the application of measures aimed at the education for the law and their integration in the life of the community in a dignified and responsible way. These measures comprise:

- Admonition;
- Deprivation of the right to drive moped vehicles;
- Repairs to the victim;
- Community work or payment to the community;
- Imposition of conduct rules;
- Imposition of obligations;
- Frequency of training programs;
- Educational support;
- Internment

Youngsters between 16 and 21 are criminally liable but may benefit from the special legal regime foreseen by Decree-Law nr. 401/82, of 23 September. It mainly foresees:

- Special reduction of penalty (by the application of the rules set forth in the Criminal Code);
- Imprisonment in facilities conceived for youngster or in special wings of regular imprisonment facilities;
- For minors between 16 and 18, whenever an imprisonment penalty under 2 years is applicable, the judge may decide to impose in alternative the educational measures foreseen by Law nr. 166/99, of 14 September, and described above;
- For minors between 18 and 21, whenever an imprisonment penalty under 2 years is applicable and the judge considers that imprisonment is neither necessary nor convenient for the youngster future social reintegration, may impose the following corrective measures: Admonition; Imposition of obligations, fine; or Internment in a detention center.

- **Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.**

Only to the extent refereed in the previous answer.

- **Are there any special criminal procedural measures which apply to juveniles involved in urban violence?**

Law nr.166/99, of 14 September, on Educational Guardianship is not only a repressive instrument but most of all it is a protective mechanism as it aims to integration the young perpetrator in the life of the community in a dignified and responsible way. Therefore it comprises a special procedure. It is important to underline that these procedures take place in Family Courts.

As for young offender over 16, the criminal procedure takes place in Criminal Courts and the only mitigation foreseen is the one in Decree-Law nr. 401/82 of September 23rd, already explored above.

- To what extent are families involved in these procedures?

Law nr. 166/99, of 14 September, on Educational Guardianship involves families as a part of the procedure. As mentioned this procedures run in Family Courts.

- Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

These juveniles are subject to monitoring (minors under 16 are monitored by the Social Security Services and minors over 16 may be monitored both by Social Security Services and the probation services). All the measures foreseen by Law nr. 166/99, of 14 September aim the reintegration of the minor as well as the special legal regime foreseen by Decree-Law nr. 401/82, of 23 September.

Practical examples of how the national criminal justice system deals with urban violence are welcome.

For examples and specific cases, please consult:

<http://www.psp.pt/Pages/programasespeciais/escolasegura.aspx?menu=4>
<http://www.portalbullying.com.pt/>

RUSSIAN FEDERATION

Replies of the Russian Federation to the Questionnaire on Urban Violence and Juvenile Involvement

1. What are the specific characteristics of urban violence, as defined by the Conference on Urban violence: frequency, extent and legal classification?

According to the outcomes of the Conference on Urban violence held in Lisbon in October 2014 the term “urban violence” is defined as “collective disorder” which leads to violent behavior by a large number of people and is born out of a number of different social and economic issues which affect the urban area in which the violence breaks out.

The definitions of the terms “urban violence” and “collective disorder” are absent from the Russian legislation. The closest criminal conduct envisaged by the Russian legislation is contained in article 212 of the Criminal Code of the Russian Federation “Mass riots”, which are defined as conduct “attended by violence, pogroms, arson, the destruction of property, the use of firearms, explosive devices, and also armed resistance to government representatives”. In accordance with the same article of the Criminal Code organization of and participation in mass riots, incitement of mass riots and to violence against citizens, as well as receiving training in organizing of mass riots are criminally punishable offences.

A legal definition of the term “Urban violence” containing formal elements of this crime must be elaborated. “Collective disorder” could be considered as one of the forms of collective protest, which may vary in relatively to historical and cultural circumstances.

Information on the number crimes falling under article 212 of the Criminal Code in 2005-2014, as well as persons committing those crimes, is provided in the annex.

2. How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventive measures are taken?

In the Russian Federation criminal proceedings against juvenile delinquents fall under special procedure set out in Chapter 5 of the Criminal-Procedure Code of the Russian Federation (hereinafter – CPC). On the one hand this special is regulated by general principles of criminal process. Thus, the pretrial and the trial stages of the proceedings fall under the competence of courts of general jurisdiction. On the other hand, it significantly differs from

criminal proceedings in respect of adults (persons over the age of 18) by containing a range of procedural guarantees aimed at ensuring the necessary protection of rights and legal interests of the juvenile.

In particular, the investigator with the agreement of the head of the investigating authority and an inquirer with the agreement of the prosecutor has the right to terminate criminal proceedings if a juvenile's alleged misconduct falls under the category of little or average gravity and if it is found that his reformation can be attained without administration of criminal punishment. In such circumstances compulsory measures of educational influence provided by article 90 of the Criminal Code are applied in respect of a juvenile offender.

It is noteworthy that in articles 150 and 151 of the Criminal Code provide for criminal liability for involving of minors in commission of crimes and antisocial actions.

Chapter 14 of the Criminal Code regulates the specifics of criminal liability and punishment of juveniles. According to Article 87 of the Criminal code "juveniles" are "recognized to mean persons who have reached the age of between 14 and 18 years by the time of commission of a crime". Liability or compulsory measures of educational influence may be applied in respect of juveniles. Upon decision of a Court they may also be placed in a specialized closed educational institution.

In accordance with article 88 of the Criminal code the following punishments may be imposed on juvenile delinquents: fine, deprivation of the right to engage in specific activities, compulsory works, corrective labour, restriction of liberty, deprivation of liberty for a fixed term. In imposing punishment on a juvenile a Court must take into consideration such factors as living conditions, education, level of mental development, other distinctive features of a person as well as the influence of adults on the juvenile. The juvenile's age may be taken into account as a mitigating circumstance in conjunction with other mitigating or aggravating circumstances.

Considering the fact that criminal conduct constituting "Mass riots" in accordance with article 212 of the Criminal Code falls under the category of little gravity crimes, punishment on the form of deprivation of liberty may not be imposed on juveniles for its commission.

Furthermore, the following compulsory measures of educational influence may be imposed on a juvenile: warning; transfer under the supervision of parents or guardians;

obligation to redress the damage caused; restrictions on leisure activity and designation of special requirements of behavior.

3. Have special measures been taken to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school etc.?

Social protection of youth is a priority task of a State. In the Russian Federation this activity has an appropriate legal basis. The Decree of the President of the Russian Federation "On the national strategy of action in the interest of children in 2012-2017" № 761 of 1 June 2012 provides for professional highly qualified assistance to children and their families utilizing the latest advancements in science and technology, including in the social sphere.

In accordance with the Federal Law "On the main guarantees of the rights of child in the Russian Federation" № 124-FZ of 24 June 1998 the state policy regarding children is aimed at ensuring their physical, intellectual, psychological, spiritual and moral development, their patriotic upbringing. Federal, regional and local authorities within their appropriate competence are tasked with ensuring the operation of sporting, cultural, social infrastructure organisations for children.

In addition to individual preventive work, law enforcement authorities may undertake the following measures in respect of juveniles, who may potentially be involved in "Mass riots":

- detection of juveniles belonging to groups involved in "Mass riots", leaders and active participants of such groups;
- analysis of behavior of such groups during large-scale sporting, cultural, political etc. events;
- registration of such groups by law enforcement authorities, undertaking of measures aimed at dissolution or possible realignment of such groups.

Furthermore, police officers undertake prophylactic activities (round tables, discussions, competitions, "law lessons") in schools and other educational institutions, aimed at teaching legal awareness, positive moral values, foundations of healthy lifestyle, patriotism, tolerance in respect of social, cultural racial, national and religious differences.

In accordance with the Federal Law "On the system of prevention of child neglect and juvenile delinquency" №120-FZ of 24 June 1999 (hereinafter – the Law № 120-FZ) a juvenile

may be placed in a specialized institutions – Centers for temporary detention for juvenile delinquents (hereinafter – the CTDs), where individual prophylactic measures aimed at protecting life, health and prevention of subsequent offences are carried out in respect of a juvenile. Based on the result of such measures the competent authorities may decide to take further steps in regard of a juvenile, which may include addressing the root causes of delinquent behavior, organization of their education and free time, as well as offering assistance in improving their living condition and employment.

4. When a juvenile is involved in acts of urban violence what measures are applied to him or her?

When a juvenile commits an act urban violence, he is held responsible for committing violent crimes. The responsibility may vary depending on the gravity of crime and other circumstances of the case.

5. Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age [...]?

According to Russian legislation the degree of responsibility of juveniles is not directly linked to urban violence. Article 20 of the Criminal Code of the Russian Federation and Article 2.3 of the Code of Administrative Offences of the Russian Federation establish an age of criminal or administrative liability, which is determined by the gravity of the committed crime.

6. Are there special criminal procedural measures which apply to juveniles involved in urban violence?

The Russian criminal procedural legislation does not envisage special measures of criminal procedure in regards of juveniles committing specifically the acts of urban violence. As mentioned above, all criminal cases in respect of juveniles are carried out under a special procedure set out in Article 50 of the CPC.

7. To what extent are families involved in these procedures?

Individual measures in respect of juvenile are undertaken out by all competent authorities within the system of prevention of child neglect and juvenile delinquency. Parents (other legal custodians) are involved in this work through *inter alia* by being in constant coordination with the competent authorities and by insuring that the juvenile abides by all obligations imposed on him/her.

If the whole family is socially deprived, measures aimed at its social rehabilitation are undertaken in its respect. In the event of a threat to life, health or development of a child he/she may be removed from the family and placed in a specialized establishment for juveniles.

**8. Are any special social rehabilitation measures taken for juveniles concerned?
Are the juveniles concerned subject to specific monitoring?**

The Law № 120-FZ lists the following specialized institutions for juveniles requiring social rehabilitation:

- centers of social rehabilitation of juveniles which undertake measures aimed at preventing child neglect and social rehabilitation of juveniles in harsh circumstances;
- social refuges for children which offer temporary place of residence for children who require emergency assistance from the state;
- aid centers for children without parental custody, where juveniles are provided temporary residence and assistance with their subsequent settlement.

The aforementioned specialized institutions on 24-hour basis admit the following categories of juveniles:

- juveniles without parental custody;
- juveniles living in socially deprived families;
- lost or abandoned juveniles and children;
- juveniles who willfully left their families or specialized institutions for orphans;
- juveniles without place of residence and/or means to sustain themselves;
- juveniles in other severe circumstances requiring social assistance and/or rehabilitation.

Additionally, specialized open- and closed-type educational institutions are in place in the Russian Federation, which provide education for juveniles who are either unable or incapable of receiving education in “traditional” educational institutions (including in view of committing illegal acts).

SERBIA

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

What was the background for these instances of urban violence ?

- How many judgments have there been in your country relating to instances of urban violence within this time?
-

Are there any particular legal classifications that will be used in cases concerning urban violence?

Actions falling under the term “urban violence” as defined by the Conference on Urban Violence in Lisbon are in most cases criminalized by the provisions of the Criminal Code of the Republic of Serbia, by criminal offences of Violent Behavior at Sports Events or Public Gatherings referred to in Article 344a thereof and Assault on an Officer in Execution of His Duty referred to in Article 323 thereof.

Please could you provide any available statistics on urban violence in your country.

One example of urban violence are the incidents occurred on the occasion of “Pride Parade” held in Belgrade on 10 October 2010. Around 6,500 rioters caused disorders by committing violence and damaging property of a greater value as, in order to express their intolerance towards the participants of the said group based upon discriminatory grounds, they insulted and assaulted authorized officials securing the participants under official duty, by throwing stones, metal bars, parts of broken flower pots and traffic signs and other available objects at them. During the disorders, more than 150 persons were injured, while around 250 were arrested.

According to the data of the Higher Public Prosecutor’s Office in Belgrade, as for adult perpetrators of criminal offences in relation to the said event, a motion to indict was filed against 131 persons. Out of that number, the first instance judgment of conviction was pronounced against 44 persons, judgments of acquittal were pronounced in relation to 34 persons, while in relation to 53 persons the final court decision has not been rendered yet.

As for the juvenile perpetrators of criminal offences, the Higher Public Prosecutor’s Office in Belgrade filed a proposal for pronouncing criminal sanctions against 16 persons resulting in the first instance decision on suspension of proceedings on the grounds of inexpediency of criminal proceedings in relation to 8 persons; in relation to 3 persons, the case was transferred to the competent prosecutor’s office, while in relation to 5 persons the investigation was suspended.

The activity of the Special Prosecutor's Office for Cybercrime is also significant with respect to this event, due to the threatening messages sent to the members of the LGBT population, hate speech and incitement to violence against participants of "Pride Parade" through social networks. Regarding the aforementioned actions, this public prosecutor's office filed motions to indict against 21 persons on account of commission of the criminal offence of Endangerment of Safety referred to in Article 138 of the Criminal Code. Out of that number, the sentence of imprisonment was pronounced against 1 person, suspended sentences against 4 persons, judgments of acquittal in relation to 3 persons, dismissals with respect to 10 persons, while the agreement on the admission to the criminal offence was concluded with 1 person.

Furthermore, we point out that the Higher Public Prosecutor's Office in Belgrade raised indictment on 18 January 2010 before the Higher Court in Belgrade against 15 persons on account of commission of the criminal offence of Aggravated Murder referred to in Article 114 item 2 in relation to Article 33 of the Criminal Code for having on 17 September 2009 as leaders and members of the sports fan groups of the football club "Partisan" together with other unidentified persons, by previous agreement and prior to the holding of the football match FC "Partisan"- FC "Toulouse", attacked the supporters of the French football club whom they had found sitting in a hospitality establishment in the city center, and then committed the act of wanton violence against one of them by hitting him with hands, feet, wooden sticks, lit flares and other blunt objects, after which, by using physical force, they threw him from a great height, causing to the victim multiple severe injuries that resulted in his death on 29 September 2009. The leaders of sports fans were convicted and sentenced to a term of imprisonment of 15 years each, while other defendants were sentenced to terms of imprisonment ranging from 4 to 9 years.

Also, one more example of urban violence is the case of attack on the member of Gendarmerie during the match Red Star (Crvena zvezda) – Hajduk Kula in December 2007 in Belgrade. On that occasion one of the supporters of Red Star repeatedly struck the member of Gendarmerie, trying to shove into his mouth a lit flare. Upon the indictment of the Higher Public Prosecutor's Office in Belgrade, the defendant was found guilty for the commission of criminal offence of Assault on an Officer in Execution of Duty referred to in Article 323 of the Criminal Code and sentenced to a term of imprisonment of 5 years.

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?
- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?
- Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

- When a juvenile is involved in acts of urban violence what measures are applied to him or her?

The Law on Juvenile Offenders and Criminal Protection of Juveniles contains provisions applicable to juvenile perpetrators of criminal offences, which provisions refer to substantive criminal law, relevant implementing bodies, criminal proceedings and enforcement of criminal sanctions against these offenders.

Pursuant to the provisions of the said Act, one or more diversion orders may be applied to a juvenile offender for criminal offences punishable by a fine or imprisonment of up to five years.

Diversion orders include: 1) Settlement with the injured party so that by compensating the damages, apology, work or otherwise, the detrimental consequences would be alleviated either in full or partly; 2) Regular attendance of classes or work; 3) Engagement, without remuneration, in the work of humanitarian organisations or community work (welfare, local or environmental); 4) Undergoing relevant check-ups and drug and alcohol treatment programs; 5) Participation in individual or group therapy at suitable health institution or counselling centre.

In addition, educational measures, juvenile detention and security measures stipulated by the Criminal Code may be pronounced to juvenile offenders.

Educational measures include: 1) Warning and guidance: Court admonition and alternative sanctioning; 2) Measures of increased supervision: increased supervision by parents, adoptive parent or guardian, increased supervision in foster family, increased supervision by guardianship authority, increased supervision with daily attendance in relevant rehabilitation and educational institution for juveniles; 3) Institutional measures: remand to rehabilitation institution, remand to correctional institution, committal to special institution for treatment and acquiring of social skills.

Security measures include: 1) Compulsory psychiatric treatment and confinement in a medical institution; 2) Compulsory psychiatric treatment at liberty; 3) Compulsory drug addiction treatment; 4) Compulsory alcohol addiction treatment; 5) Prohibition to drive a motor vehicle; 6) Confiscation of objects; 7) Expulsion of a foreigner from the country; 8) Publishing of judgement; 9) Restraint order to approach and communicate with injured party, 10) Ban to attend certain sporting events.

An elder juvenile who committed a criminal offence punishable by imprisonment of over five years may be sentenced to juvenile prison if due to high degree of guilt, nature and gravity of the offence an educational measure would not be appropriate.

- Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

The provision of Article 3 of the Law on Juvenile Offenders and Criminal Protection of Juveniles stipulates that a juvenile is a person who at the time of commission of the criminal offence has attained fourteen years of age and has not attained eighteen years of age. There are two categories of juveniles – a younger and an elder juvenile. A younger juvenile is a person who at the time of commission of the criminal offence has attained fourteen and is under sixteen years of age, while an elder juvenile is a person who at the time of commission of the criminal offence has attained sixteen and is under eighteen years of age.

Types of criminal sanctions that may be pronounced to juvenile offenders have been set forth by Article 9 of the Act, and these stipulate that only educational measures may be pronounced to younger juveniles, while against elder juveniles the court may pronounce educational measures and exceptionally juvenile prison.

- Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

The provisions of the Law on Juvenile Offenders and Criminal Protection of Juveniles are applicable to all perpetrators of criminal offences falling under this age, regardless of the criminal offence they are charged with.

- To what extent are families involved in these procedures?

The procedural actions involving a juvenile are attended by his/her parent, adoptive parent or guardian in capacity of a legal representative. Legal representative is authorized to retain a defense counsel – attorney who has acquired special qualifications in the field of the rights of the child and juvenile delinquency. Also, in preparatory proceedings against the juvenile, in addition to the facts relating to the criminal offence, the court particularly takes into consideration the age of the juvenile, facts necessary for evaluation of his/her level of maturity, his/her living circumstances and environment as well as other circumstances relating to his/her character and behavior. In order to determine such circumstances, parents of the juvenile, his/her adoptive parent or guardian will be questioned. The said persons must attend the questioning of the juvenile in the preparatory proceedings, and their presence may be denied by the juvenile judge only if such decision is in the interest of the juvenile. After the Juvenile Public Prosecutor files a motion for pronouncing criminal sanctions, the legal representative attends the sitting of the bench or the main hearing before the juvenile court. Also, the legal representative is authorized to file legal remedies and other motions on behalf of the juvenile.

Furthermore, the family is particularly included in cases of enforcement of the measure of increased supervision by parents, adoptive parent or guardian. This measure is pronounced if parents, adoptive parent, i.e. guardian have failed to take necessary care and supervision over the juvenile, while they had the opportunity to exercise such care and supervision and could have been reasonably expected to do so. A juvenile's

parent, adoptive parent or guardian are obliged to execute orders and instructions of the court and to enable the competent guardianship authority to verify enforcement of the educational measure and accept the offered assistance aimed at its enforcement.

- Are any special social rehabilitation measures taken for the juveniles concerned?
Are the juveniles concerned subject to specific monitoring?

SLOVAK REPUBLIC

1. What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

The legal order of the Slovak Republic does not recognize the term “urban violence” as such.

In the context of "violence in the cities", as defined by the Conference on Urban Violence in Lisbon in October 2014, the Slovak legal order recognizes offences e.g.: “Disorderly Conduct” pursuant Section 364 of the The Act No 300/2005 (hereinafter „the Criminal Code“), “Harm Done to a Thing of Another” pursuant to Section 245 and other Sections of the Criminal Code, as well as “Bodily Harm” pursuant to Section 155 and other Sections of the Criminal Code, “Violence against a Group of Citizens and against an Individual” pursuant to Section 359 of the Criminal Code, “Criminal offence of extremism” pursuant to Section 140a of the Criminal Code, etc.

As a response to an increase of number crimes committed in connection to the so called "Spectator violence" an aggravating circumstance pursuant to Section 37 n); o) of the Act No 301/2005, the “Penal Code“, was adopted.

Given that there isn't a crime defined by the legislation of the Slovak Republic as "urban violence" or “spectator violence”, no statistical information can be provided.

2. How many instances of urban violence, if any, have occurred in your country in the past ten years (if no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?

Given that there isn't a crime defined by the legislation of the Slovak Republic as "urban violence" or “spectator violence”, no statistical information can be provided. According to the Slovak legal order, cases of urban violence are mostly classified as “Disorderly Conduct” pursuant to Section 364 of the Criminal Code. The official statistics are compiled and preserved by the Information System Services Department of the Presidium of the Police Force. The methodology of processing of the statistics does not establish a link between a registered offense and a specific event (e.g. football match, demonstration or other public event).

3. What was the background for these instances of urban violence?

N/A

4. How many judgments have there been in your country relating to instances of urban violence within this time?

N/A

5. Are there any particular legal classifications that will be used in cases concerning urban violence?

Slovak national criminal law does not classify the concept “urban violence”. Cases of “urban violence are” are mostly classified as e.g.: Disorderly Conduct pursuant to Section 364 of the Criminal Code, which is often connected with “Bodily Harm” pursuant to Section 155 and other sections of the Criminal Code or “Harm Done to a Thing of Another” pursuant to Section 245 and others of Criminal Code.

6. Please could you provide any available statistics on urban violence in your country.

N/A

7. How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

The Police Force proceeds in accordance with the legislation of the Slovak Republic, thus Act No 171/1993 on the Police Force, Criminal Code, Act No 301/2005, the Code of Criminal Procedure and Act No 372/1990 on offences.

Chapter Four of the Criminal Code deals with special provisions on juvenile prosecution.

8. Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

N/A

9. Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

As mentioned at the beginning of the questionnaire “urban violence” is not recognized by the Slovak legislation.

In the field of crime prevention and other antisocial activities, the Police Force of the Slovak Republic carries out preventive activities aimed at eliminating crime committed by juveniles. The police officers engaged in prevention explain at lectures and discussions held at schools concepts like: the unlawful acts, offenses, criminal acts and criminal liability. We also provide children with specific advice on how not become a victim or a perpetrator of an unlawful act, how to deal with some difficult situations, where to ask for help.

10. Have you found that some preventive measures work better than others? In that case give a brief explanation of these.

Prevention activities carried out by members of the Police Force positively contribute to the elimination of crime committed by juveniles. Results of such activities show in a slight decrease of violent crime committed by juveniles.

11. When a juvenile is involved in acts of urban violence what measures are applied to him or her?

The Police Force proceeds in accordance with the legislation of the Slovak Republic, thus Act No 171/1993 on the Police Force, Criminal Code, Act No 301/2005 the Code of Criminal Procedure and Act No 372/1990 on offences.

Chapter Four of Criminal Code deals with special provisions on juvenile prosecution, which cover mentioned cases. This part of Criminal Code regulates also sanctions and educational measures as forms of juvenile's punishments.

12. Are there different measures/sanctions available to a juvenile involved in urban violence depending on his/her specific age (e.g. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.

N/A

13. Are there any special criminal procedural measures which apply to juveniles involved in urban violence?

N/A

14. To what extent are families involved in these procedures?

N/A

15. Are any special social rehabilitation measures taken for the juveniles concerned? Are the juveniles concerned subject to specific monitoring?

One of the aims of the Conception of the Fight against Extremism in years 2015-2019 is the multidisciplinary access, in scope of which teachers and police will cooperate with social workers from offices of labour, social affairs and family in prevention of radicalisation.

SWITZERLAND

Quelles sont les caractéristiques particulières de la violence urbaine, telle qu'elle a été définie par la Conférence sur la violence urbaine, mentionnée ci-dessus : la fréquence, la mesure et la classification juridique?

Combien de cas de violence urbaine, s'il y en a eu, se sont produits dans votre pays pendant les dix dernières années (si de tels cas ne se sont pas produits, vous devez simplement l'indiquer et seulement si nécessaire vous devez répondre au questionnaire) ?

Quel était l'arrière-plan de ces cas de violence urbaine ?

L'Office fédéral de la statistique (OFS) ne dispose pas de données statistique concernant la "violence urbaine". Ils existent cependant l'infraction « émeutes » décrite dans l'article 260 du code pénal (CP)⁷ et l'infraction « dommage à la propriété à l'occasion d'un attroupement formé en public » décrite dans l'article 144 al. 2 du CP. Mais ces articles ne contiennent qu'une partie des éléments de la définition donnée par la Conférence sur la violence urbaine à Lisbonne en Octobre 2014. Par exemple, nous n'avons pas d'informations sur l'origine de l'émeute qui naîtrait des différents problèmes sociaux-économiques qui affectent la zone urbaine dans laquelle la violence se déclenche.

Veillez trouver néanmoins ci-joint les infractions dénoncées et les personnes suspectes entre 2009 et 2014 ainsi que les condamnations et les personnes condamnées en raison de l'infraction d'émeutes et/ou de l'infraction de dommage à la propriété à l'occasion d'un attroupement formé en public entre 2008 et 2013 (à noter que les données 2014 pour la statistique de condamnation seront disponible à partir du 9 juin).

- Combien de jugements relatifs à la violence urbaine y a-t-il eu dans votre pays pendant les dix dernières années ?

⁷ <http://www.admin.ch/opc/fr/classified-compilation/19370083/index.html>

Le nombre d'infractions et d'accusés selon l'art. 144 al. 2 et l'art. 205 CP.

| Jahr | Anzahl Straftaten (Art. 144 Abs. 2 und 260 StGB) | Beschuldigte (Art. 144 Abs. 2 und 260 StGB) | Tatalter | | | | | | | | | | |
|------|--|---|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | | Total | 10-14 | 15-17 | 18,19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-49 | 50-59 | 60-69 |
| 2009 | 674 | 526 | 10 | 92 | 123 | 182 | 81 | 19 | 5 | 9 | 5 | 0 | 0 |
| 2010 | 422 | 362 | 3 | 46 | 93 | 144 | 45 | 13 | 9 | 6 | 3 | 0 | 0 |
| 2011 | 641 | 442 | 0 | 75 | 86 | 167 | 51 | 21 | 14 | 26 | 1 | 1 | 0 |
| 2012 | 756 | 591 | 6 | 66 | 102 | 247 | 87 | 33 | 18 | 21 | 7 | 4 | 0 |
| 2013 | 611 | 295 | 1 | 23 | 53 | 103 | 71 | 26 | 3 | 11 | 3 | 1 | 0 |
| 2014 | 349 | 306 | 1 | 32 | 52 | 109 | 52 | 23 | 22 | 15 | 0 | 0 | 0 |

Adultes et mineurs: condamnations et condamnés selon l'art. 144 al. 2 et l'art. 260 CP

| | Verurteilungen | | | Verurteilte Personen | | | | | | | | | | |
|------|----------------|--------------------|-----------------|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|
| | Total | von Minderjährigen | von Erwachsenen | Total | Alter | | | | | | | | | |
| | | | | | 10-14 Jahre | 15-17 Jahre | 18-19 Jahre | 20-24 Jahre | 25-29 Jahre | 30-34 Jahre | 35-39 Jahre | 40-49 Jahre | 50-59 Jahre | 60 Jahre und älter |
| N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 2008 | 210 | 44 | 166 | 209 | 1 | 43 | 51 | 73 | 20 | 6 | 10 | 4 | 1 | 0 |
| 2009 | 237 | 23 | 214 | 232 | 0 | 22 | 50 | 105 | 35 | 12 | 6 | 1 | 1 | 0 |
| 2010 | 214 | 39 | 175 | 213 | 2 | 37 | 34 | 84 | 29 | 12 | 10 | 5 | 0 | 0 |
| 2011 | 307 | 29 | 278 | 306 | 1 | 28 | 50 | 131 | 57 | 27 | 10 | 1 | 1 | 0 |
| 2012 | 321 | 36 | 285 | 317 | 0 | 36 | 43 | 149 | 53 | 20 | 4 | 10 | 0 | 2 |
| 2013 | 208 | 11 | 197 | 206 | 2 | 9 | 25 | 97 | 46 | 12 | 4 | 5 | 3 | 3 |

Merci de nous fournir toutes statistiques disponibles sur la violence urbaine dans votre pays.

Comment est-ce que les actes de délinquance sont traités lorsqu'ils sont commis par des jeunes et quelles réponses spécifiques et les mesures préventives sont prises ?

- Pourriez-vous indiquer combien de jeunes (des personnes âgées de moins de 18 ans) environ ont été impliqués (tant de façon générale que ceux ayant été poursuivis) dans ces actes de violence urbaine ?
Voir ci-dessus.
- Des mesures spéciales ont-elles été prises dans votre pays pour prévenir l'implication des jeunes dans des actes de violence urbaine? Si oui, de quel type : sociales, éducatives, etc. ?

Dans le cadre du système fédéraliste suisse, ce sont les cantons, les villes et les communes qui sont compétents pour élaborer et mettre en œuvre les mesures de prévention de la violence. Dès la fin des années 2000, la Confédération s'est également engagée sur ce thème en préparant puis en réalisant le programme national Jeunes et violence (2011-2015) en collaboration avec les cantons, les villes et les communes : www.jeunesetviolence.ch. Ce programme tripartite a pour objectif d'améliorer la qualité et l'efficacité de la prévention de la violence en Suisse.

Un état des lieux des cadres politico-stratégiques, des structures, des organisations et mesures existantes aux trois niveaux étatiques a été établi en 2012 puis mis à jour en 2014. Les portraits des 26 cantons et de 33 villes et communes ainsi qu'une banque de données des mesures sont disponibles sous <http://www.jeunesetviolence.ch/fr/etat-des-lieux.html>.

Les grandes villes de Suisse se sont également emparées de la question en 2013 en organisant en collaboration avec l'Union des villes suisses une manifestation sur les problèmes liées à la vie nocturne et en publiant un rapport comportant des exemples de mesures prises dans différentes villes de Suisse:

- restriction de l'accès à l'alcool pour les mineurs
- définition de zones de sorties et mesures de lutte contre le bruit
- mise à disposition d'offres pour les jeunes de plus de 16 ans
- autorisations spéciales pour des manifestations organisées par des jeunes
- définition d'horaires et concepts de sécurité pour les établissements publics
- mesures contre le littering
- aménagement de l'espace public et interventions sociales
- extension de l'offre des transports publics de nuit
- mesures répressives : interventions policières, dénonciations, interdictions
- campagnes de sensibilisation

Le document complet est disponible sous :

http://staedteverband.ch/cmsfiles/130218_Rapport_Vie%20nocturne%20urbaine_UVS_final_1.pdf

- Avez-vous découvert que certaines mesures préventives fonctionnent mieux que d'autres ? Si tel est le cas, donnez une brève description de celles-ci.

La prévention de la violence dans l'espace social passe par l'aménagement et la mise à disposition d'espaces publics et d'offres de loisirs, ainsi que par l'accès des spécialistes aux jeunes en difficulté. Les stratégies qui ont fait leurs preuves combinent des mesures préventives avec des interventions et des mesures disciplinaires. En Suisse, il existe déjà plusieurs mesures couronnées de succès :

- **Promotion de l'engagement citoyen, cohésion dans le quartier et développement du quartier** : dans les quartiers regroupant des difficultés, l'organisation de tables rondes avec des jeunes a donné de bons résultats. Celles-ci favorisent la collaboration entre les jeunes et divers acteurs œuvrant dans le domaine de la prévention. Il existe en outre des approches prometteuses dans le travail social et les projets de développement de quartiers. Enfin, diverses initiatives visent à donner aux citoyens les moyens d'intervenir en cas de conflit sans se mettre en danger.
- **Activités de loisirs organisées et facilement accessibles** : la mise à disposition d'une large palette d'offres de loisirs organisés et faciles d'accès fait également partie des stratégies de prévention de la violence. Les activités associatives, l'animation socio-culturelle et les offres de sociétés constituent pour les jeunes une alternative aux offres de loisirs commerciales et aux clubs, surtout le week-end et le soir.
- **Prévention de la violence dans les associations et lors de manifestations sportives** : les associations connaissent elles aussi des agressions et des actes de violence, qui restent souvent occultés. Des projets élaborés dans ce domaine donnent de premières indications sur les stratégies de prévention et d'intervention adaptées. La prévention de la violence en marge des manifestations sportives (et le coaching des supporters en particulier) est également primordiale.
- **Prévention des conflits et intervention dans l'espace public** : divers projets ont vu le jour ces dernières années afin de parer aux conflits dans l'espace public ou être à même d'intervenir à un stade précoce dans des situations délicates. Il s'agit du travail social hors murs, des projets de prévention avec des civilistes, des équipes mobiles qui interviennent le plus tôt possible de manière à calmer le jeu dans les situations délicates, ainsi que la présence accrue des forces de sécurité dans les foyers de tension (hot-spot).

En 2014, le programme Jeunes et violence a produit deux ouvrages de référence permettant de définir les approches efficaces pour réduire la violence chez les jeunes et de donner des critères pour faciliter le choix et la mise en œuvre des projets. Conçu comme un outil de travail, le guide « **Critères de bonnes pratiques** »⁸ met en évidence les principaux facteurs contribuant à l'efficacité des mesures de prévention. Il recense 26 critères de bonnes pratiques à appliquer dans la prévention auprès des familles, à

⁸ Fabian, Carlo / Käser, Nadine / Klöti, Tanja / Bachmann, Nicole (2014) : guide « Critères de bonnes pratiques – Prévention de la violence juvénile dans la famille, à l'école et dans l'espace social ». Rapport rédigé dans le cadre du programme national Jeunes et violence. Berne : Office fédéral des assurances sociales

l'école ou dans l'espace social. Le rapport « **Prévention efficace de la violence** »⁹ présente de manière concise un aperçu de 26 types d'approches de prévention de la violence, leurs conditions et facteurs d'efficacité ainsi que l'état de la situation en Suisse. Ces deux publications se basent sur l'état actuel de la recherche sur le plan international et sont disponibles en français, en allemand et en italien.

Source : <http://www.jeunesetviolence.ch/fr/themes/prevention-espace-social.html>

- Lorsqu'un jeune est impliqué dans des actes de violence urbaine, quelles mesures lui sont appliquées ?
- Existe-t-il des mesures/sanctions différentes pour un jeune impliqué dans la violence urbaine en fonction de son âge spécifique (par exemple : des jeunes d'un certain âge ne peuvent pas entreprendre un travail non rémunéré faisant partie d'une décision judiciaire de travail social). Si oui, merci de nous fournir un aperçu de ces différentes mesures/sanctions.

Les prévenus mineurs, que l'infraction commise relève de la violence urbaine ou soit d'une autre nature, sont soumis aux dispositions du droit pénal des mineurs (DPMIn¹⁰, en relation avec le code pénal) et de la procédure pénale applicable aux mineurs (PPMin¹¹, en relation avec le code de procédure pénale, CPP¹²). Le droit pénal des mineurs met l'accent sur l'auteur et non sur l'infraction. Autrement dit, il ne vise pas la rétribution, mais la protection et l'éducation des mineurs (art. 2, al. 1, DPMIn et art. 4, al. 1, PPMIn). À ce titre, il contient des dispositions particulières sur les mesures de protections et les peines prononçables à l'endroit des mineurs (art. 10 à 35 DPMIn).

Le juge ordonne des *mesures de protection* lorsqu'un mineur a commis un acte punissable et qu'il nécessite une prise en charge éducative ou thérapeutique particulière. Les mesures possibles sont la surveillance, l'assistance personnelle, le traitement ambulatoire et le placement, si nécessaire en établissement fermé (art. 12 à 19 DPMIn). Elles peuvent être ordonnées lorsque l'âge du mineur est compris entre 10 ans révolus et 18 ans révolus. Toutes les mesures prennent fin lorsque la personne atteint l'âge de 22 ans (art. 19, al. 2, DPMIn).

Les *peines* à disposition du juge sont la réprimande, la prestation personnelle, l'amende et la privation de liberté (art. 22 à 35 DPMIn). Une réprimande peut être prononcée contre un mineur âgé d'entre 10 et 18 ans (art. 22 DPMIn). La prestation personnelle dure en principe dix jours au maximum. Si le mineur a commis un crime ou un délit et qu'il avait 15 ans le jour où il l'a commis, la prestation personnelle peut être ordonnée pour une durée de trois mois au maximum et être assortie d'une obligation de résidence (art. 23, al. 3, DPMIn). Si

⁹ Averdijk, Margit / Eisner, Manuel / C. Luciano, Eva / Valdebenito, Sara / Obsuth Ingrid (2014) : Prévention de la violence. Etat actuel du savoir sur l'efficacité des approches. Rapport rédigé dans le cadre du programme national Jeunes et violence. Berne : Office fédéral des assurances sociales

¹⁰ <http://www.admin.ch/opc/fr/classified-compilation/20031353/index.html>

¹¹ <http://www.admin.ch/opc/fr/classified-compilation/20080702/index.html>

¹² <http://www.admin.ch/opc/fr/classified-compilation/20052319/index.html>

la prestation n'est pas accomplie dans le délai imparti ou si elle est insuffisante, et si, en raison de ce manquement, le mineur a reçu un avertissement et que celui-ci est resté sans effet, le mineur qui n'avait pas 15 ans le jour où il a commis l'acte peut être astreint à accomplir la prestation sous surveillance. Lorsque l'avertissement reste sans effet et que le mineur avait 15 ans au moment des faits, la prestation personnelle est convertie en amende ou en privation de liberté (art. 23, al. 4 à 6, DPMin). Lorsque le mineur avait 15 ans le jour où il a commis l'acte, une amende de 2000 francs au plus peut être prononcée à son encontre. Dans certains cas, elle peut être réduite ou convertie en prestation personnelle ou en privation de liberté (art. 24 DPMin). Enfin, une privation de liberté d'un jour à un an peut être prononcée contre un mineur qui a commis un crime ou un délit s'il avait 15 ans le jour de l'acte. S'il avait 16 ans et qu'il a commis une infraction grave (par ex. assassinat ou meurtre), la privation de liberté peut être de quatre ans au plus (art. 25 DPMin).

- Existe-t-il des mesures de procédure pénale particulières qui s'appliquent aux jeunes impliqués dans la violence urbaine ?

Comme expliqué plus haut, les prévenus mineurs, que l'infraction commise relève de la violence urbaine ou soit d'une autre nature, sont soumis aux dispositions du droit pénal des mineurs (DPMin, en relation avec le code pénal) et de la procédure pénale applicable aux mineurs (PPMin, en relation avec le code de procédure pénale). Si le PPMIn ne prévoit pas de règles particulières, il y a lieu d'appliquer le code de procédure pénale (art. 3, al. 1, PPMIn). Le PPMIn ne règle pas seulement la poursuite et le jugement des infractions, mais également l'exécution des sanctions prononcées. Contrairement à ce qui est prévu dans le droit pénal applicable aux adultes, l'exécution des peines et des mesures prononcées contre les mineurs incombe à l'autorité d'instruction.

- Dans quelle mesure les familles sont-elles impliquées dans ces procédures ?

Comme le mineur est normalement incapable d'agir, ses intérêts doivent être défendus par ses représentants légaux, à savoir, en règle générale, ses parents (art. 19, al. 1, PPMIn). S'il est capable de discernement, il peut exercer ses droits de partie de manière indépendante (art. 19, al. 2, PPMIn). Ses représentants légaux ont quoi qu'il en soit qualité de partie au procès (art. 18, let. b, PPMIn). Le PPMIn leur attribue notamment les droits et les obligations suivants (le code de procédure pénale leur en attribue d'autres encore) :

- Art. 4, al. 4 : Lorsque cela paraît indiqué, les autorités pénales impliquent les représentants légaux dans la procédure.
- Art. 12 : Ils sont tenus de participer à la procédure si l'autorité pénale des mineurs l'ordonne.
- Art. 19, al. 1 : Le prévenu mineur agit au travers d'eux.
- Art. 23 : Ils peuvent désigner un avocat.

- Art. 27, al. 4 : Ils peuvent demander la mise en liberté du mineur.
- Art. 32, al. 4, let. a, et 5, let. a : L'ordonnance pénale leur est notifiée. Ils peuvent y faire opposition.
- Art. 33, al. 3, let. a : L'acte d'accusation leur est notifié.
- Art. 35, al. 1 : Ils sont tenus de comparaître personnellement aux débats, sauf s'ils en ont été dispensés.
- Art. 35, al. 2: Ils peuvent être exclus de tout ou partie des débats lorsque des intérêts publics ou privés prépondérants le justifient
- Art. 37, al. 3, let. a : Le jugement leur est notifié et motivé par écrit.
- Art. 38, al. 1, let. b : Ils ont qualité pour recourir.
- Art. 44, al. 3 : Les parents peuvent être déclarés solidairement responsables des frais de procédure.
- Art. 45, al. 5 : Les parents participent aux frais des mesures de protection et de l'observation au titre de leur obligation d'entretien au sens du droit civil.

L'implication et la participation des parents sont importantes, car le droit pénal des mineurs vise en premier lieu la protection et l'éducation des intéressés (art. 2, al. 1, DPMIn et art. 4, al. 1, PPMIn). Les parents peuvent en effet grandement contribuer à ce que la sanction porte ses fruits. Ils sont en général les personnes les plus à même de fournir des informations sur la situation personnelle du prévenu (art. 9 DPMIn). Dans certains cas, la participation des parents n'est toutefois pas nécessaire, voire pas opportune.

Les établissements d'exécution des mesures institutionnelles disposent de programmes permettant de régler la collaboration avec les parents.

- Y a-t-il des mesures de réinsertion sociale spéciales prises pour les jeunes concernés ? Les jeunes concernés font-ils l'objet d'une surveillance particulière ?

Comme expliqué plus haut, le droit pénal des mineurs vise en premier lieu la protection et l'éducation des intéressés (art. 2, al. 1, DPMIn et art. 4, al. 1, PPMIn). Ces objectifs sont déterminants à chaque étape de la procédure. Les sanctions ne visent pas en premier lieu à punir le mineur, mais à l'empêcher de récidiver. L'autorité compétente doit toujours examiner l'opportunité d'ordonner des mesures de protection (art. 12 ss DPMIn). Celles-ci doivent être appliquées dès que les conditions sont remplies (art. 10, al. 1, DPMIn), sauf si le mineur n'a pas sa résidence habituelle en Suisse (art. 10, al. 2, DPMIn). Les mesures de protection priment donc les peines (art. 22 ss DPMIn).

De ce point de vue, toutes les sanctions du DPMIn, en particulier les mesures de protection, sont à considérer comme des mesures visant la réinsertion des mineurs.

Des exemples pratiques de la façon dont le système national de justice pénale traite les violences urbaines sont les bienvenus.

En Suisse, le droit pénal des mineurs est axé sur l'auteur de l'infraction, c'est-à-dire que la sanction est ordonnée en fonction de la situation de l'auteur et non de l'infraction commise. Par exemple, si l'on constate qu'un mineur appartient à un gang, cet aspect aura une influence sur les mesures prises, lesquelles pourront, dans un tel cas, viser en premier lieu à influencer sur l'environnement social du prévenu.

UNITED KINGDOM (England and Wales)

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

- *How many instances of urban violence, if any, have occurred in your country in the past ten years (If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire)?*
 - o *What was the background for these instances of urban violence?*
- *How many judgments have there been in your country relating to instances of urban violence within this time?*

The only major instance of urban violence in England and Wales in the last ten years was the London Riots in August 2011. This was precipitated by the fatal shooting of Mark Duggan on 4 August 2011, in Tottenham, North London, by police officers who had stopped the car in which he was a passenger. A peaceful protest took place in Tottenham ending at Tottenham Police station on the 6 August 2011. However, later that evening, violence broke out in Tottenham, and the disorder quickly spread outside of the area and by 7 August 2011 had reached 12 areas of London. The disorder eventually spread nationally across England and Wales to 66 areas before finishing on 10 August 2011.

As a result of the public disorder a significant number of individuals (3,103) were brought before the courts. Information on the initial outcome and sentencing of these people was published by the Ministry of Justice in 2012 based on data available by 10 August 2012.

Are there any particular legal classifications that will be used in cases concerning urban violence?

Urban violence is not defined separately in law, but is captured within offences available for acts of violence and those that deal with public disorder. There are no age specific offences of this type so juveniles of the age of criminal responsibility in England and Wales (from the age of 10 years) would be dealt with as appropriate within this range of offending.

The available public order offences include:

| Offence | Legislation | Maximum penalty | Mode of trial |
|--|--|------------------------|----------------------|
| Riot | Public Order Act 1986 section 1 | 10 years | Indictable |
| Violent Disorder | Public Order Act 1986 section 2 | 5 years | Either way |
| Affray | Public Order Act 1986 section 3 | 3 years | Either way |
| Threatening behaviour causing fear of, or provocation of, violence | Public Order Act 1986 section 4 | 6 months | Summary only |
| Racially or religiously aggravated threatening behaviour | Crime and Disorder Act 1998 section 31 | 2 years | Either way |
| Threatening or abusive words | Public Order Act 1986 section | 6 months | Summary only |

| | | | |
|--|--|---------------------------------|--------------|
| or behaviour or disorderly behaviour with intent to cause harassment, alarm or distress | 4A | | |
| Racially or religiously aggravated disorderly behaviour with intent to cause harassment, alarm or distress | Crime and Disorder Act 1998 section 31 | 2 years | Either way |
| Threatening or abusive words or behaviour or disorderly behaviour likely to cause harassment, alarm or distress | Public Order Act 1986 section 5 | Level 3 fine (currently £1,000) | Summary only |
| Racially or religiously aggravated threatening or abusive words or behaviour or disorderly behaviour likely to cause harassment, alarm or distress | Crime and Disorder Act 1998 section 31 | Level 4 fine (currently £2,500) | Summary only |
| Drunk and disorderly in a public place | Criminal Justice Act 1967 section 91 | Level 3 fine (currently £1,000) | Summary only |

In addition to the specific public order offences juveniles involved in urban violence may also be dealt with for offences involving weapons, i.e. knives, guns or other offensive weapons or offences against the person such as assault, causing bodily harm, up to the most serious offences involving homicide.

Please could you provide any available statistics on urban violence in your country.

An Overview of Recorded Crimes and Arrests resulting from Disorder Events in August 2011 was published by the Home Office in October 2011. It reports on 5,175 recorded crimes and 4,105 arrests across 19 police forces that were affected by the disorder. The analysis covers where and when the disorder took place; the types of crimes recorded by the police; and the characteristics of suspects arrested by the police. The statistics are based on police recorded crime and arrestee data and present a snapshot of the picture as at early September 2011.

The report also summarises statistics released separately by the Ministry of Justice on the characteristics of suspects going before the courts.

Further information and details of the report can be found at:

<https://www.gov.uk/government/publications/an-overview-of-recorded-crimes-and-arrests-resulting-from-disorder-events-in-august-2011>

Statistical Bulletins on the public disorder in August 2011 were published by the Ministry of Justice in February, June¹³ and September 2012. These provided information on individuals brought before the courts, their initial outcomes and sentencing based on available by 10 August 2012. No further bulletins were published after September 2012, so the data provided in latest bulletin does not represent the full picture of those who took part in the disorder, those who were brought before the courts and the final outcome in all cases.

Statistical bulletin on the public disorder of 6-9 August 2011 (September 2012)

¹³ <https://www.gov.uk/government/statistics/earlier-editions-statistical-bulletin-on-the-public-disorder-of-6th-9th-august-2011>

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- *Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?*

As set out in the last statistical bulletin on the public disorder of 6-9 August 2011 (September 2012) the statistics show that of 3,103 people brought before the courts for offences related to the public disorder, 27 percent were juveniles (aged 10-17 yrs).

Breakdowns by area show different age profiles for those appearing before the courts:

London – 26 per cent were juveniles
West Midlands – 29 per cent were juveniles
Greater Manchester – 28 per cent were juveniles
Nottingham – 39 per cent were juveniles
Merseyside – 39 per cent were juveniles

- *Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?*
- *Have you found that some preventive measures work better than others? In that case give a brief explanation of these.*

As part of the Ending Gang and Youth Violence Programme in England, we have joined up across government to link with initiatives to help the most disadvantaged in our society. Our aim is to break the damaging intergenerational cycle of crime and violence that still occurs in too many families. Initiatives include:

- Supporting dedicated Jobcentre Plus advisors to develop innovative ways of working with young people affected by gang and youth violence to help them into employment, training or education. For example, co-locating with other agencies such as, the police, probation services and local authorities, making home visits or meeting young people in a 'safe' place away from the Jobcentre office. Advisors in London and the Home Counties have worked with nearly 3,000 young people since February 2012, 63% of whom have moved into work, education or training.
- Raising the expectations of young people through the Department for Work and Pensions' Innovation Fund. The Fund, which supports disadvantaged young people aged 14 years old and over, has helped 15,400 young people since its inception in April 2012, including those involved in or affected by gangs, youth violence or youth crime. 16,600 positive outcomes have been achieved, including re-entering education, gaining educational qualifications, and securing employment.

- Through Cabinet Office initiatives young people have been supported to ensure they have the opportunities and tools they need to fulfil their potential by: funding social action programmes under the Centre for Social Action's £2.9 million Vulnerable and Disengaged Young People Fund. Local areas have been able to access funds to work with groups of young people from disadvantaged backgrounds, including young offenders and young people at risk of joining or in gangs. Over the last year, more than 1,000 volunteers have already been mobilised to give their time and support to almost 2,000 young people through 26 grant programmes across England.
- Supporting young people affected by gangs and youth violence to develop entrepreneurial skills in partnership with the Evening Standard newspaper, as part of its Frontline London campaign. In April 2014, the Cabinet Office put a call out for young Londoners with a social enterprise idea to apply for funding of up to £8,000 per project. The ten successful participants came from across London and ranged in age from 19-30 years. The entrepreneurs received sessions on basics in business and leadership development and were matched with a mentor from Lloyds Banking Group. Since starting the programme in June 2014, five of the entrepreneurs' social enterprises have started trading.
- Over 130,000 young people having taken part to date in the National Citizen's Service (NCS) which allows young people from disadvantaged backgrounds to access the programme through outreach work and bursaries. NCS not only recruits young people from a wide range of backgrounds but consecutive independent evaluations have also demonstrated that it engages them in their communities whilst equipping them with the skills to make a difference.
- In 2012, the Troubled Families Programme¹⁴ was launched and is the first systematic process to be rolled out across England that identifies families with multiple issues (including youth crime and anti-social behavior) and offers intensive support as part of an integrated whole-family approach. The first phase of the programme has supported local authorities and their partners to help 120,000 troubled families in England turn their lives around by May 2015. The expanded Troubled Families Programme, launched in April 2015 aims to help 400,000 more families and ensure the children in these families have the chance of a better life.

When a juvenile is involved in acts of urban violence what measures are applied to him or her?

The youth justice system in England and Wales is based on a statutory aim of preventing offending by young people. When sentencing a young person, the Youth Court is required to take into account a range of factors. These include not only the seriousness of the offence, but also the welfare of the young person as well as the factors contained in the sentencing guideline; *Overarching Principles: Sentencing Youths* such as age and maturity.

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The sentencing framework in England and Wales for 10 to 17 year olds is focused on intervention and rehabilitation in the community and a number of tough community sentences are available to the Courts alongside custodial sentences for the most serious and prolific offenders. Both custody and community sentences seek to punish effectively and rehabilitate young people.

The Youth Rehabilitation Order (YRO), the main community sentence for 10-17 year olds, aims to tackle further the underlying causes of youth crime and help prevent re-offending. The YRO enables courts to sentence in a flexible and tailored way and provides a range of requirements including undertaking tough community work and reparation.

Where a young person aged 10-17 pleads guilty and is convicted for the first time of an imprisonable offence, the court must pass (in most cases) a referral order. A referral order may be between three months and 12 months in length. The exact content of the order is determined by a youth offender panel, which includes two trained community volunteers and a member of the youth offending team. The panel agrees a contract with the young person, which may include reparation and interventions to address any risk of re-offending. By holding the young offender to account for their actions the young person can find the process very challenging. In addition a requirement for the parents to attend the panel means that they are directly engaged in the sentence and take responsibility for their child.

- *Are there different measures/sanctions available to a juvenile involved in violence depending on his/her specific age (eg. juveniles of certain ages cannot undertake unpaid work as part of a social work court order)? If so, please provide an overview of these different measures/sanctions.*
- *Are there any special criminal procedural measures which apply to juveniles involved in urban violence?*

There are a number of youth-specific criminal disposals that might be employed in respect of a 10-17 year old who has allegedly been involved in urban violence. The disposal used will depend on a number of inter-related factors including the seriousness of the alleged offence, whether there was an admission or guilty plea, age, whether it is in the public interest to prosecute and the facts of the case.

For low level offending the police might deal with the alleged offence through a community resolution. More serious offences might lead to a formal out-of-court disposal such as a Youth Caution or Youth Conditional Caution. Where it is in the public interest to prosecute a 10-17 year old they will generally appear before the Youth Court to be dealt with by judiciary trained to deal with children and young people under procedures adapted to their needs and according to a separate youth sentencing framework.

- *To what extent are families involved in these procedures?*

Youth justice legislation and supporting guidance recognise the vital role that parents of offenders have to play in supporting any action taken in respect of the child or young person. For example, a child or young person under 16 years of age must have a

parent/guardian with them in court, unless the court thinks it is unreasonable. Guidance and legislation is aimed at encouraging greater parental engagement and supporting parents to develop better parenting skills.

Youth Offending Teams (YOTs) should also assess the family circumstances of any young person who is referred to them (and those at risk of offending). Where an assessment suggests that parenting is a significant factor in the child or young person's misbehaviour, youth offending teams work with parents to support them to improve their parenting skills. YOTs work with parents using a tiered approach, initially seeking to deliver interventions voluntarily.

An example of a voluntary intervention is a parenting contract under section 25 of the Anti-Social Behaviour Act 2003¹⁵. A parenting contract is a voluntary agreement negotiated between a YOT worker and the parents of the child involved in or likely to become involved in criminal conduct or antisocial behaviour.

A parenting contract can include either a parenting programme or specific requirements for the parent designed to address particular factors associated with offending or anti-social behaviour. A parenting programme is designed to meet the individual needs of parents so as to help them address their child's behaviour.

- *Are any special social rehabilitation measures taken for the juveniles concerned?*
Are the juveniles concerned subject to specific monitoring?

The YRO provides courts with a choice of 18 rigorous requirements from which a sentence can be designed to deal with the individual circumstances of the young offender and their offences. The YRO provides for two high intensity requirements – Intensive Supervision and Surveillance or Intensive Fostering – that are specifically set as alternatives to custody for the most serious offenders. Legislation introduced with the YRO requires courts to consider a YRO with a high intensity order before they can make a custodial sentence, meaning that only after careful consideration will a young person be sent to custody.

Practical examples of how the national criminal justice system deals with urban violence are welcome.

¹⁵ <http://www.legislation.gov.uk/ukpga/2003/38/contents>

UNITED KINGDOM (Northern Ireland)

What are the specific characteristics of urban violence, as defined by the Conference on Urban violence stated above: frequency, extent and legal classification?

How many instances of urban violence, if any, have occurred in your country in the past ten years (*If no such instances have occurred you should just indicate this and only where appropriate respond to the questionnaire*)?

In Northern Ireland, statistics are not kept on incidents fitting the above definition of 'urban violence'; from that definition, the number of instances would be substantially higher than those recorded as rioting.

What was the background for these instances of urban violence ?

The majority of public disorder in Northern Ireland is sectarian in nature. This term is used to describe incidents of dislike or hatred of members of a different religious or political group. (info from PSNI)

- How many judgments have there been in your country relating to instances of urban violence within this time?

The attached statistics (Table 7, category 62a) records reported public order offences in Northern Ireland, 1998/99 to 2014/15. (info from PSNI)

Are there any particular legal classifications that will be used in cases concerning urban violence?

Please could you provide any available statistics on urban violence in your country.

Statistical tables for Northern Ireland are attached which show recorded crime by offence, 1998/99 to 2014/15. (info from PSNI)

How are acts of delinquency dealt with when committed by juveniles and what specific responses and preventative measures are taken?

- Could you give an approximation of the number of juveniles (persons under the age of 18) that have been involved (both generally and those that have been prosecuted) in these acts of urban violence?

The table below gives statistics on the number of prosecutions, convictions at court and out-of-court diversionary disposals for riot/affray offences committed by juveniles (defined in Northern Ireland as under-18 years old) for the years covering 2004 – 2013. Whilst they are statistically accurate in terms of the number of prosecutions/convictions etc, they potentially underestimate the number of offences committed in the wider context of urban violence, using the above definition. Should other offences be committed during any incidents of disorder or riotous behavior, for example criminal damage, assault or injury to persons, then these would be recorded as the principal offence and not picked up by the statistics below. (info from ASG)

| Year | prosecution | conviction | diversion |
|------|-------------|------------|-----------|
| 2004 | 7 | 7 | n.a. |
| 2005 | 11 | 10 | n.a. |
| 2006 | 22 | 16 | n.a. |
| 2007 | n.a. | 20 | n.a. |
| 2008 | n.a. | 14 | n.a. |
| 2009 | n.a. | 14 | n.a. |
| 2010 | 36 | 28 | 39 |
| 2011 | 26 | 21 | 35 |
| 2012 | 23 | 16 | 15 |
| 2013 | 41 | 32 | 43 |

Source: DOJ

Note:

1. Data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.
2. The figures provided relate to convictions for all classifications of the offences specified.

n.a. means not available.

- Have special measures been taken in your country to prevent juveniles' involvement in acts of urban violence? If so, what kind: social, at school, etc.?

As part of the Northern Ireland Executive Child Poverty Strategy 2014-17, intergenerational projects and priority youth interventions are delivered through Policing and Community Safety Partnerships to improve community safety and tackle anti-social behavior. This work contributes to one of four Strategy outcomes that children in poverty live in safe, secure and stable environments. One purpose of these interventions is to target the engagement and participation of disaffected young people who are vulnerable and at risk of involvement in interface violence and criminal activity. (info from CSU)