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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

INTERNATIONAL CONFERENCE ON URBAN VIOLENCE
(PLACE TBC, 2014)
CONCEPT PAPER

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

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

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

The Ministers also underlined “the rapid development and broad availability of Internet-based communication technologies such as social networks and instant messaging, and the fact that persons participating in acts of urban violence often use modern telecommunication technologies in the preparation of and during such acts; but also the potential of new technologies as a tool for anticipating and preventing violence, gathering evidence and ensuring accountability of instigators and perpetrators of violence;”.

In some cases, social networks and other information and communication technologies are used by instigators to incite riots, disorder and other forms of urban violence. The criminal justice system needs to respond to the new challenges that the use of social networks brings, also to protect more vulnerable people and in particular youngsters from being “victims” of those instigators and trouble-makers.

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

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

Aim:

The aim of the conference is to bring together representatives of law enforcement authorities (judges, prosecutors, police forces), telecommunication providers and Internet service providers in order to:

- examine possible ways for developing fruitful dialogue and co-operation with a view to further preventing urban violence;
- gather evidence on the accountability of the instigators of violence;
- seek a balance in order to preserve citizens’ rights without imposing restrictions. (seek a balance between citizens’ rights and repressive measures by the authorities)

Structure of the Conference:

The conference will be divided in three different sessions:

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

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

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

b) Session II- Gather evidence for accountability of instigators of violence

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

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

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

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

c) Session III- Preserve citizens' rights without imposing restrictions

The responses of justice to urban violence must strike the right balance between the need to protect public order without violating fundamental freedoms such as the freedom of expression and assembly and the right of access to information. It is, therefore, crucial that action by public authorities be duly framed as required by Articles 5, 10 and 11 of the European Convention of Human Rights.

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

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

Targeted participants:

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

Senior judges, senior prosecutors, senior journalists, senior police officers, representatives from civil society, representatives from both telecommunication providers and Internet service providers will also be invited to this conference.

Total: 100 approx.

Duration: 1 day

Other participants:

- Council of Europe Commissioner for Human Rights
- Parliamentary Assembly of the Council of Europe
- European Court of Human Rights
- International Federation of Journalists
- European Committee for Crime Problems
- Consultative Council of European Judges
- Consultative Council of European Prosecutors
- Council of Europe Data Protection Commissioner
- Telecommunication Services and Internet service providers
- Social Networks (Facebook, Twitter, BlackBerry Messenger)
- European Union
- European Parliament
- UN relevant bodies
- Other relevant international organisations/bodies