

Strasbourg, 25 November 2015
cdpc/docs 2015/cdpc (2015) 23

CDPC (2015) 23

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

**30th Council of Europe Conference
of Ministers of Justice**
Vienna, 19 – 21 September 2012

Responses of justice to urban violence:
- Juveniles as perpetrators and victims
- Organised groups and their new ways of communicating

FOLLOW-UP TO RESOLUTIONS

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This report contains developments concerning the follow-up to the resolution adopted at previous Council of Europe Conferences of Ministers of Justice, namely:

1. Resolution adopted at the 31st Council of Europe Conference of Ministers of Justice (Vienna, Austria, 19-20 September 2010), as it appear in Appendix I:
 - Resolution on Responses of justice to urban violence

31st Conference - Follow-up to Resolution on responses to urban violence

Juveniles as perpetrators and victims

As a follow-up to point 20 (Juveniles as Perpetrators and victims) of the Resolution adopted at the 31st Council of Europe Conference of Ministers of Justice (Vienna, September 2012), the European Committee on Crime Problems (CDPC) organised a number of activities which examined the issue of juveniles as perpetrators and victims of urban violence.

Firstly, the CDPC organised for a compilation to be made of existing recommendations, reports, and guidelines (from the Council of Europe and other international organisations) dealing with juvenile offenders. This allowed the CDPC to obtain a general overview of how juvenile offenders are treated to-date and also it allowed the CDPC to assess whether there was a need for a new international instrument in this area. This document was used as the basis for an assessment of whether the existing instruments relating to juvenile justice and juvenile delinquency are effectively implemented.

Furthermore, and with greater focus on the objectives of the resolution, the CDPC entrusted a consultant with the task of preparing a working paper aimed at taking stock of these legal instruments insofar as how they deal specifically with juveniles involved in urban violence.

Subsequently, an expert drafted a report on the subject entitled: *'Preliminary Report on Responses of Justice to Urban Violence Involving Juveniles.'* The preliminary report is a brief document detailing examples of different preventive measures aimed at juveniles involved in urban violence and the various criminal justice responses available. In reference to Point 20(c) of the Resolution (concerning the existing restorative justice practices in Europe), the expert recommends that states establish local partnerships to bring together the key stakeholders e.g. police and probation services, youth services etc. She also underlined that for restorative justice to operate effectively, a multidisciplinary approach is required.

The CDPC created a questionnaire on urban violence and juvenile involvement and issued it to CDPC delegations. The questionnaire contained 14 questions assessing instances of urban violence, prosecution of perpetrators, rates of juvenile involvement in urban violence, punitive measures and responses to juveniles involved in urban violence etc. The CDPC received 21 replies, which were then compiled into a document and presented at the 68th Plenary Session of the CDPC.

The above activities successfully brought to light the problem of urban violence which has become somewhat a phenomenon in recent years. However, the particular issue of juveniles as perpetrators and victims in urban violence proved more challenging to investigate. This was due to the fact that a number of CoE member States were of the opinion that it was not such a significant issue in their respective countries.

Organised groups and their new ways of communicating

Thus, in response to point 21 of the Resolution (organised groups and their way of communicating) the CDPC Secretariat carried out a number of activities which explored the different forms of communication used by organised groups and how they are used to organise and incite acts of urban violence.

The CDPC gathered information and made an assessment on the issue of co-operation among law enforcement, internet and telecommunication providers. Following this activity, the CDPC encouraged dialogue and cooperation among these various authorities in order to better prevent outbreaks of urban violence, as well as gathering of evidence and ensuring accountability of the perpetrators.

In order to fulfill its obligations listed in Points 20 and 21 of the Resolution, the Council of Europe, notably the CDPC, organised an International Conference on Urban Violence, which took place on 23 – 24 October 2014 in Lisbon. The Conference gathered representatives from law enforcement agencies, telecommunications, internet service providers in an attempt to increase co-operation between stakeholders involved in prevention of outbreaks of urban violence. Also in attendance were academic experts and representatives from various international organisations in the field. It was intended the Conference would outline avenues for further prevention of urban violence and establish dialogue and efficient co-operation among the relevant authorities. The Conference took place over 2 days and consisted of 4 sessions, each dealing with a separate issue under overall theme of urban violence. The Conference was considered a success insofar as it highlighted the various challenges posed by urban violence and allowed the CDPC to gauge how the member States control juveniles specifically involved in urban crime.

The Conference provided an opportunity for the topic of communication and urban violence to be discussed. Session 2 in particular debated the use of the internet, social networks and other forms of communication methods used by instigators to incite urban violence. This session gave Conference participants the opportunity to share their experience concerning this particular ways in which urban violence groups communicate. The use of social media in the organisation of urban violence was also discussed. This was a positive step insofar as it raised awareness of the use of online communication by organised groups to incite urban violence. The published conclusions of the Conference, 3 in particular indicate that progress was made in terms of understanding this phenomenon and how best to monitor it:

- the police should be equipped and trained for Internet monitoring for prevention and identification of perpetrators of urban violence;
- intelligence and public order units should work jointly to prevent disorders during gatherings and avoid an intelligence gap;
- further research should be done, in collaboration with the police and prosecuting services, on the effects of social media in urban violence

One general aim of the conference was 'to foster closer and more effective co-operation between the relevant public and private stakeholders involved in the prevention of outbursts of urban violence' and it was successful insofar as these various stakeholders shared experiences and knowledge which ultimately will improve co-operation and better dialogue.

The conference attendees were treated to insightful presentations, shared successful examples of domestic responses and examined ways to better understand and prevent urban violence. There was great focus on the involvement of juveniles in acts of urban violence, the issue of juveniles as vulnerable persons and the incitement of urban violence through online communication.

Session 1 entitled 'Dialogue and co-operation to prevent urban violence' focused on the role played by various stakeholders in preventing urban violence. The risks and benefits produced by the internet in this context were also discussed. A presentation was given by Mr Jan Hanrath on 'The role of New Informational and Communication Technologies (NICT) in mass mobilization and urban violence: A tool for investigators?' In terms of preventing urban violence it was agreed that strict rules must be introduced to ensure that internet intelligence is accessible to judicial authorities, while also ensuring the prohibition on mass surveillance. The importance of co-operation between law-enforcement authorities and the internet and telecommunication services was highlighted, which in turn, allowed the CDPC to fulfil its obligations under Point 21 of the Resolution.

Session 2, entitled 'Gather evidence on the accountability of instigators of violence/leaders' allowed for different Council of Europe member States to present their experiences of urban violence. Discussion centred upon the different causes and solutions to urban violence and policing urban violence based on experiences of the member States themselves. This session in particular allowed the CDPC to examine 'the experiences of member states with regard to preventing the involvement of juveniles in urban violence...' as requested in Point 20(a) of the Resolution. The session also discussed the use of the internet, social networks and other forms of communication methods used by instigators to incite urban violence.

Session 3 concentrated on the use and admissibility of electronic evidence in the prosecution of perpetrators involved in urban violence. When determining which criminal justice response should be taken by a given state, participants were reminded of the need to strike the right balance between protecting public order, freedom of expression and assembly, and the right to access information. It is of utmost importance that response measures are in line with the rights and guarantees provided by the European Convention of Human Rights.

Session 4 dealt with responses of the justice system (police and prosecutors) to the urban violence phenomenon. It was stressed that the state has an important role to play in assisting the police to tackle the problem of urban violence. This session, in particular brought to light several points of interest in terms of the Resolution:

The Conference raised substantial international awareness of urban violence and highlighted the various challenges faced by States in controlling and preventing outbreaks of urban violence. Moreover, the following conclusions were made:

- The relevant actors must be sufficiently informed and coordinated in order to prevent and suppress urban violence.

- States can draw from the successful experiences of other States with regard the organisation of their domestic response to urban violence. It was recognized that lessons need to be learnt from past occurrences of urban violence.
- The speakers emphasised that the current situation of gathering of electronic evidence which relies solely on the good will of internet providers is unsatisfactory.
- In terms of preventing and solving the issue of urban violence, the role which the state should play was underlined. It was acknowledged that the police are not the sole actors; the state must also step up.
- It was agreed that electronic evidence should be admissible in cases of urban violence.
- Finally, it was acknowledged that there is a balance which must be struck between the fundamental rights of individuals and the need to protect public order.

Conclusions

The initiatives taken following the Resolution have given a much clearer direction to the Council of Europe's work in both understanding and combating the phenomenon of urban violence.

Appropriate follow-up has been given to the resolution through action and cooperation involving CoE member States and a number of awareness-raising activities which have received positive feedback.

The International Conference on Urban Violence played a particularly significant role in the follow-up to the Resolution. The Conference allowed for almost all of the issues in Points 20 and 21 of the Resolution to be discussed in front of an ideal audience made up of relevant experts and practitioners. The outcomes of this conference have undoubtedly raised awareness of the problem of urban violence, and improved understanding of the triggers, consequences and how best the criminal justice system can prevent and control outbursts of urban violence.

APPENDIX I

Resolution on responses to urban violence

*31st Council of Europe Conference of Ministers of Justice
(Vienna, Austria, 19-21 September 2012)*

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

1. Welcoming the report of the Minister of Justice of Austria “Urban Violence – Juveniles – New Media. Tackling the current challenges in Austria” and the contributions made by the delegations attending the Conference;
2. Recalling the European Convention on Human Rights and its Protocols and the relevant case law of the European Court of Human Rights;
3. Recalling moreover the United Nations Convention on the Rights of the Child, the Committee of Ministers’ Recommendations (2003)²⁰ concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, (2008)¹¹ on the European Rules for juvenile offenders subject to sanctions and measures and (2009)¹⁰ on integrated national strategies for the protection of children from violence, the Committee of Ministers Guidelines on Child-Friendly Justice (2010), as well as the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No 108) and its Additional Protocol (CETS No. 181);
4. Concerned about the rise of intensive and at times unexpected outbreaks of collective violence in some major urban areas in Europe, such as riots, arson, muggings and looting in which juveniles are often involved as perpetrators and/or victims;
5. Noting that these outbreaks seem at least partly prepared by organised groups and that they lead to a general feeling of insecurity and to substantial economic losses and conscious that there is great public interest in having such outbreaks stopped as soon as possible and in having those responsible brought to justice;
6. Recognising that European societies are currently facing a deep economic and social crisis, which exacerbates unemployment and financial hardship and is conducive to the deterioration of living conditions and the social climate in certain urban areas;
7. Aware of the fact that these factors may contribute to increased social tension and to the feeling of social exclusion and neglect, especially among juveniles who are vulnerable when confronted with instigators who incite riots and other forms of urban violence, notably through Internet, social networks and other information and communication technologies;
8. Underlining that acts of urban violence may range from minor offences to very serious crimes and that therefore the response of the criminal justice system should take into consideration the specific circumstances of each individual case and should be based on the principle of proportionality;

9. Resolved to ensure the Human Rights of juvenile perpetrators and victims of urban violence as well as maintain public safety and prevent disorder and crime, as necessary in a democratic society;

10. Considering that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration;

11. Considering that legal responses to criminal behaviour by juveniles should respect their rights and, where appropriate, take due account of their views, educational, development and other specific needs in accordance with their age and level of maturity;

12. Aware that deprivation of liberty often has harmful effects on the personal and social development of juveniles and should therefore be used only as a measure of last resort, for the shortest appropriate period of time;

13. Conscious of the fact that justice systems are designed primarily to deal with adults and therefore convinced that any measures should take a multi-disciplinary and a multi-agency approach in order to address effectively the variety of problems juveniles may face;

14. Mindful of the importance of promoting the involvement of the parents, family, carers and guardians concerned in prevention measures as well as during criminal proceedings and the execution of sanctions in order to help with the social integration of children and thus prevent their involvement in acts of urban violence;

15. Underlining the need to develop child-friendly justice and to divert, where possible, juveniles away from the formal criminal justice system and ordinary criminal proceedings to more adapted forms of response, such as mediation and restorative justice taking into consideration the interests of victims and their protection;

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

17. Determined to take the measures necessary in the context of urban violence to promote a rapid, appropriate and effective response of the justice system with regard to juvenile perpetrators and victims, to protect public order, avoid the feeling of insecurity in society and prevent the deterioration of social peace;

18. With regard to juveniles as perpetrators and victims of urban violence, agree to share best practices and use the lessons learned to consider:

a) adopting or strengthening justice systems appropriate for juveniles in particular for tackling the growing problem of urban violence;

b) developing restorative justice measures adapted to the needs of juveniles and using them, where appropriate, in criminal procedure;

c) developing specialised training programmes appropriate for professionals, such as judges, prosecutors, police officers, social workers, mediators, probation and prison staff;

19. Invite the Committee of Ministers to instruct the relevant Council of Europe bodies to promote consultations with juveniles and their families in their future work related to prevention and education;

20. Invite the Committee of Ministers to instruct the European Committee on Crime Problems (CDPC) to examine:

a) the experiences of member states with regard to preventing the involvement of juveniles in urban violence as perpetrators and/or victims and recommend, as necessary, suitable measures, in particular related to prevention and the criminal justice systems;

b) the existing laws and practices in Europe concerning the sanctioning and treatment of juveniles involved in acts of urban violence as well as practices regarding the involvement of families, to draw up best practices in this regard and recommend, as necessary, suitable measures, in particular related to the criminal justice systems;

c) the existing laws and practices in Europe regarding restorative justice and recommend, as necessary, specific restorative justice measures aimed at dealing with the phenomenon of urban violence and adapted to the needs of juveniles at all stages of the criminal justice procedure;

21. With regard to organised groups and their new ways of communicating, invite the Committee of Ministers to instruct the European Committee on Crime Problems (CDPC) to examine, in cooperation with other relevant Steering Committees ways to promote dialogue and cooperation between law enforcement authorities, telecommunication providers and Internet service providers in order to facilitate prevention of urban violence, as well as gathering of evidence and ensuring accountability of instigators of violence, while guaranteeing full compliance with the European Convention on Human Rights;

22. Ask the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution on the occasion of their next Conference.