



“Responses of Justice to Urban Violence”

Statement by Nils Muižnieks
Council of Europe Commissioner for Human Rights

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When discussing the problem of urban violence, one key element that comes to mind is the work of the police. I am well aware that this Conference is gathering Ministers of Justice. However, I would still like first to make a few remarks on the role of the police in preventing urban violence and in dealing with riots and other forms of collective violence.

In a number of countries, urban rioting has been triggered by conflicts between young people and the police and, in some instances, by police misconduct or abuse. These upsurges of violence are usually the result of long-lasting tensions between the police and mostly, but not only, young people in disadvantaged areas. These tensions can be connected to police practices, such as ethnic profiling, or instances of disproportionate use of force. They are also due to a lack of means allocated to the police, which often has to carry out its daily tasks in very difficult circumstances and without adequate support for preventive work.

In a number of cases, it has also been alleged that the police has not been able to react adequately and in a timely manner to urban violence, leading to a rapid escalation of such violence.

This all points to the importance, in preventing urban violence, of focusing more on policing as a means of protecting and promoting social cohesion and improving relationships between people, notably in disadvantaged areas. Experiences of community/neighbourhood policing in various member states have yielded positive results, which can be used as examples of good practice.

It is therefore important to ensure that the current economic crisis and austerity measures do not lead to disproportionate cuts in the means allocated to the police for daily community work and for police training.

Indeed, the current crisis is likely to have a negative impact on social cohesion and be a factor triggering further urban violence, notably among young people facing a gloomy future of likely unemployment, precariousness and exclusion. Against this background, I would like to reiterate that, in these times of financial dire straits, it is essential for the member states to keep a human rights-based approach in their policies and to continue providing support for holistic preventive work, including social and educational work, with the most disadvantaged groups of society. Otherwise, one runs the risk of entering a vicious circle of further social exclusion and violence.

In some instances, social networks have played an instrumental role in the practical organisation of urban violence. The criminal justice system must obviously respond to the new challenges that this implies. But in adapting their response, States should be extra cautious not to curtail fundamental freedoms, notably freedom of expression and assembly, which are increasingly exercised through the Internet. At a time when these freedoms are coming increasingly under threat in Europe as a whole, I consider this is to be a particularly important point. Instead, applicable human rights standards should be upheld. Proportionality and judicial oversight appear as two particularly 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. Hopefully, the flexibility inherent to the concept of proportionality can accommodate present-day reality: when it comes to freedom of expression, the Internet is still a somewhat atypical space, whose undefined contours for users should warn against approaches that are too heavy-handed.

Dealing with juvenile delinquency has been high on the political agenda in many member states recently. While juvenile offenders should obviously be made responsible for their acts, preventing recidivism requires a shift from the current focus on “criminalisation” of young offenders, which tends towards the lowering of the age of criminal responsibility and increasing detention periods. Experiences across member states have shown that education, prevention, rehabilitation and diversion from the criminal justice system are the most efficient forms of prevention of recidivism. This implies that sufficient means are allocated to develop such policies that include among others alternative sanctions, mediation, multi-disciplinary work with young offenders, and work with the families, the schools, the media and local communities.

Finally, let me reiterate that juvenile offenders are first and foremost children and should be treated as such by justice systems. Member states can draw inspiration from the [Council of Europe Guidelines on child-friendly justice](#) to develop juvenile justice systems that are respectful of the rights of the child. These guidelines should inspire non-repressive solutions to juvenile delinquency and promote the inclusion of those who have had a bad start in life.