INTERNATIONAL CONFERENCE ON

URBAN VIOLENCE

CONCLUSIONS

It is both the fact that urban violence reflects a deep-seated tension within society and the depth of the destruction that it has the potential to cause which has made it such a priority issue.

The aim of the Conference was to bring together representatives of law enforcement authorities, academics, telecommunications providers and Internet service providers to address key areas: possible ways to develop fruitful dialogue and efficient co-operation with a view to further preventing urban violence; how to gather evidence on the accountability of the instigators of violence; the need of ensuring that the imposition of restrictions and the following interference with Human Rights are always done in accordance with the European Convention on Human Rights (ECHR).

The four Sessions of the Conference, each focusing on various aspects of urban violence, have highlighted the different challenges facing States in particular with regard to the coordination of the relevant actors in preventing and suppressing urban violence.

The insightful presentations pointed to examples of successful experiences and modalities for States with regard to organising their domestic response to urban violence.

- **SESSION 1** focused on the role which various stakeholders, both public and private, play in urban violence. It clearly demonstrated that as a result of its multidimensional nature, with strong social and economic influences, co-ordination and a common definition within Council of Europe (CoE) member States is crucial in order to develop broader strategies in preventing urban violence. Speakers highlighted the different roles and potential risks and benefits that the Internet plays in this phenomenon. In this regard they agreed that strict rules must be put into place to ensure accessibility by judicial authorities to Internet intelligence whilst also ensuring a prohibition on mass surveillance.

- **SESSION 2** was dedicated to presenting different scenarios of urban violence in some CoE member States. It discussed a) the numerous participants and social groups involved, b) the different causes and solutions to urban violence experienced by member States themselves and c) policing urban violence. Diverse views on the use of social media in the mobilisation and development of urban violence in different jurisdictions and in different circumstances were highlighted. It was acknowledged that lessons need to be learnt from past occurrences of urban violence in CoE member States.

- **SESSION 3** concentrated on the use and admissibility of electronic evidence in criminal proceedings. The fact that electronic evidence was a new challenge faced by judicial stakeholders in order to bring instigators and participants to justice was underlined. The speakers emphasised the importance not only of obtaining such evidence in order to hold those responsible to account but also of ensuring this evidence was legal and admissible in court. The fact that the urgency of investigation in urban violence cases must not diminish the respect of the fundamental rights of individuals was emphasised. The speakers highlighted the unsatisfactory situation with regard to the gathering of electronic evidence which currently solely relies on the good will of Internet providers.

- **SESSION 4** dealt with both the responses of the justice system to urban violence, including the actions of the police and prosecutors, and the individual's rights and freedoms, particularly the rights to freedom of expression and assembly and the right of access to information. It stressed that although the police have a role in prevention, it is the state and not the police who must solve the problems which cause urban violence. This duty of the state was again highlighted when the participants discussed the relationship between freedom of expression and security. It was agreed that any such limitations on the freedom of expression in relation to urban violence must be centred around the proportionality principle, with only justified interferences being accepted.

Following the discussions, the participants of the Conference agreed that:

a)   a common terminology and description across CoE member States for forms of 'collective disorders' should be adopted in order to facilitate prevention strategies;

b)   the use of electronic evidence is a key element for the law enforcement agencies in the prosecution of crimes relating to urban violence and should therefore be admissible as evidence in court where appropriate;

c)   involvement in preventing urban violence of local authorities and of other relevant local actors should be considered as a key element;

d)   co-operation between public authorities and the Internet and telecommunications industry should be reinforced and Human Rights and the legal framework regulating their relations clarified;

e)   protecting the fundamental rights and freedoms of those involved in demonstrations in particular articles 10 and 11 of the ECHR is of paramount importance. Therefore, balance must always be struck between those rights and the interest of protecting public order when urban violence occurs:

f)   the police should be equipped and trained for Internet monitoring for prevention and identification of perpetrators of urban violence;

g)   intelligence and public order units should work jointly to prevent disorders during gatherings and avoid an intelligence gap;

h)   based on the lessons learned, developing police guidelines and tactics in this area would help in the prevention of urban violence and also prevent any excessive force used by the police;

i)   further research should be done, in collaboration with the police and prosecuting services, on the effects of social media in urban violence.

In conclusion, the CoE and the Conference participants expressed their gratitude to the Portuguese authorities for their generous hospitality and for co-organising and hosting this important Conference in Lisbon.