



INTERPOL

**International Conference on urban violence
“Concept paper” prepared by the CDPC Secretariat
Comments by the INTERPOL - Office of Legal Affairs**

1 INTRODUCTION

1. Following the 31st Council of Europe Conference of Ministers of Justice on “Responses of Justice to urban violence” that was held in September 2012, the Council of Ministers “instructed the [European Committee on Crime Problems] (CDPC) to examine ways to promote dialogue and co-operation 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.”¹

2. During its 63rd plenary session that was held from 4 -7 December 2012, the CDPC discussed the possibility of organizing a follow-up conference while underlining the “importance of involving INTERPOL”.²

3. In response to the desire expressed by this expert committee, INTERPOL wishes to make the following comments:

2 OVERALL CONTEXT

4. Throughout history, inter-state warfare has represented one of the most significant security threats to civilian populations and societies alike. However, times have changed. According to recent studies, more than 500,000 men, women, and children die violently every year, but only around 50,000 of them lose their lives in a situation of armed conflict.³ Nearly all – 9 out of 10 – violent deaths now result from crime, not warfare.⁴ Having increased in frequency and severity, criminal violence has evolved into one of the most distressing and daunting security dilemmas facing societies around the world today.

5. Criminal violence occurs in both developed and developing countries alike. However, urban centers in particular – which attract those seeking economic advancement, healthcare, education and entertainment – are frequently fertile grounds for cultivating the unfavorable conditions which may motivate people, especially young citizens, to engage in acts of violence.

6. Urban violence, which appeared in the second half of the 20th century – during the massive urban development – has steadily increased, assuming an international dimension.

7. Urban violence is a form of delinquency which destabilizes societies since it represents a considerable obstacle to development and poverty reduction: mass urbanization puts resources and services under great pressure and can cause overcrowding, aggravate economic disparities and strain social institutions. Under such conditions, extreme urban environments may generate bitterness, mistrust and defiance among the population.

8. Today, approximately 50 per cent of the world’s population is concentrated in urban centers and it is estimated that cities will absorb nearly all of the expected population growth in the next 25 years. Furthermore, nearly half of the current urban population is less than 24 years old and living in the world’s least developed countries where a vicious cycle, in which crime impedes economic and human development which, in turn, further fuels crime, may already be a well-established reality. If

¹ CM/Del/Dec(2012)1156/10.2.

² CDPC (2012) 20.

³ “Global Burden of Armed Violence 2011”, Report published by the Secretariat of the Geneva Declaration on Armed Violence and Development on 27 October 2011, Executive Summary, p.1.

⁴ “Global Burden of Armed Violence 2011”, Op.cit.

such trends continue, the location of future “battlefields” may well be more and more in urban city centers.

9. The lack of a fully-fledged doctrine to put an end to this crime makes it difficult for law enforcement authorities to adopt a comprehensive approach in order to prevent and suppress the different forms of crime concomitant with urban violence.

10. Indeed, only a coordinated dialogue between justice, law enforcement and the private sector will help move towards greater cooperation between these actors so as to respond to new challenges, including the use of the internet, social networks and others.

3 THE 2012 INTERPOL MINISTERIAL MEETING

11. Urban violence can be defined as a “localized” form of crime to the extent that it is concentrated in urban areas, however its development and manifestations are international. The widespread extent of this phenomenon and its international dimension prompted INTERPOL to convene a Ministerial Meeting on “Challenges for Police Facing Contemporary Criminal Violence” that was held on 5 November 2012, at the occasion of the 81st INTERPOL - General Assembly in Rome.

12. This meeting brought together close to 100 Ministers of Justice, Home Affairs and Security and more than 1,000 delegates from some 170 member states. Delegates looked to shape new and appropriate policies on contemporary forms of violence, including urban violence, by adopting innovative security strategies to these threats, reconsidering existing doctrines on police methods, strengthening global police cooperation, promoting the exchange of information and stressing the need for involving all relevant stakeholders within the security sector and beyond.

13. A joint Outcome Declaration (annexed to this document) recognizing the need to identify viable strategies to effectively address the changing modes of contemporary violence was approved at the close of the conference.

14. [I]n light “of the proliferation of criminal violence in urban centers whether through sustained threats to public safety or in surges such as incident-related unrest, [producing] profoundly deleterious effects on the social, economic, and political stability of communities and cities and [which were] particularly detrimental to the lives and prospects of young people, who are both victims and vulnerable to being drawn into or reproducing the violence to which they are exposed”, Ministers committed “to define new policing strategies and principles” which take into consideration the “evolution, augmentation, and aggravation of criminal violence in recent decades”[...] “with the aim of empowering law enforcement agencies to more effectively prevent, suppress, and counter contemporary forms of criminal violence”.⁵

4 INTERPOL’S OBSERVATIONS ON THE “CONCEPT PAPER” CDPC (2013) 2

15. As indicated in the “Concept paper” (CDPC (2013) 2) prepared by the CDPC Secretariat, the purpose of the International Conference on Urban Violence consists of bringing together “representatives of law enforcement authorities, telecommunication providers and Internet service providers in order to:

⁵ INTERPOL Ministerial Meeting “Challenges for Police Facing Contemporary Criminal Violence”, Outcome Declaration, Rome, 5 November 2012.

- a. *examine possible ways for developing fruitful dialogue and cooperation with a view to further preventing urban violence;*
- b. *Gather evidence on the accountability of the instigators of violence;*
- c. *Seek a balance in order to preserve citizens' rights without imposing restrictions [...]*⁶

4.1 Dialogue and co-operation to prevent urban violence

16. When discussing effective prevention of urban violence, the assessment of criminal threats has a vital role to play, in particular in the context of crowd management and crowd control activities conducted by law enforcement agencies (LEAs). In practice, this means that when events can be anticipated (such as cultural, political and sports events), LEAs collect information and data based on operational criteria for the purpose of identifying serious threats to public order.

17. A method currently used by LEAs is the use of open-source intelligence (OSINT). OSINT is based on the collection of publicly available information, including on the Internet. This method may therefore involve the gathering of personal data made publicly available via social networks, blogs or chats. The overall objective is to raise situational awareness by creating "profiles" of individuals who potentially aim to disrupt an event.

18. In preparation of an event, the aim is to collect data which are accurate and reliable so as to prevent wrongful profiling. Furthermore, it should be stressed that those data must be processed according to the applicable domestic legislation since personal data which are made publicly available remain subject to specific legal provisions.

19. In application of Council of Europe Recommendation CM/Rec(2010)13 regarding the automatic processing of personal data in the context of profiling, the collection of data during the OSINT phase must be lawful (Article 3.1), the data should be relevant to the purpose of their collection (Article 3.2), and the profiling should be provided for and permitted by law (Article 3.4). This recommendation is all the more relevant where sensitive data (revealing racial origin, political or religious opinions etc.) are concerned since their collection and processing is prohibited unless it is provided for by law and necessary.

20. In this context, the cooperation with the private sector has yet to be institutionalized: data aggregators have emerged over the past few years and their business consists of gathering personal data which can then be legally purchased, including by LEAs. From an operational viewpoint, such practice is particularly useful. However from an individuals' rights perspective, a number of issues, such as the "opinion mining" phenomenon, have yet to be addressed. Opinions, whether of a political or religious nature, qualify as sensitive data and their processing as such would be tantamount to a violation of the right to privacy under the European Convention on Human Rights. Incidentally, mining such data can lead, amongst other, to a violation of the freedom of expression.

21. Therefore, operational criteria guiding the OSINT phase should be refined in order to prevent the profiling of individuals exclusively on the basis of political or other opinions.

⁶ "Concept paper" prepared by the CDPC Secretariat, doc. CDPC (2013) 2.

4.2 Gather evidence for accountability of instigators of violence

22. The use of new technologies, including surveillance technologies by LEAs poses new challenges regarding the identification of instigators of urban violence to ensure their accountability.

23. As an example, closed-circuit televisions (CCTV cameras) owned by the private or the public sector have proven to be useful for the prevention of urban violence as they assist LEAs in maintaining situational awareness. In case of violence and where an intervention is required, CCTV cameras are often used by LEAs as a management-support tool to decide which operational team is to be sent on the field and to which strategic location.

24. Under these circumstances, the coordination between relevant stakeholders mentioned above is crucial to ensure that LEAs have an event permanently under control to quickly react and to prevent urban violence or to identify and arrest instigators. The subject matter has yet to be dealt with so as to legally formalize the modalities of coordination and cooperation between relevant stakeholders and potentially through a model convention or model agreement.

25. Beyond instigators' identification, the use of CCTV footage or photographs taken by individuals using smartphones may be used as evidence to identify and prosecute a suspect before a court of justice. Other types of evidence can also be considered in the context of criminal investigations and can be obtained via other smart technologies such as voice recognition devices or technologies used for lawful interception of communications in the framework of criminal investigations.

26. These new characteristics require an adjustment of evidential standards at the national level as well as the development of common policies to be applied in the context of international criminal cooperation. Standards on this matter should therefore be developed to a greater extent.

4.3 Preserve citizens' rights without imposing restrictions

27. In light of the above, maintaining a balance between security needs and citizens' fundamental rights and freedoms is a key element to be taken into consideration. In practice, such balance could be achieved by means of effective legislation reflecting and harmonizing all surveillance stakeholders' working methods, in particular regarding interoperability between law enforcement, public and private sector systems.

28. INTERPOL is currently conducting a EU - funded project ("RESPECT"),⁷ addressing opportunities and challenges posed by surveillance technologies such as CCTV, database mining and interconnection, on-line social network analysis, and RFID & geo-location/sensor devices. Beyond interoperability, effectiveness, and prospective developments, one of the research areas of the RESPECT project is the integration of CCTV into smart surveillance which is the main focus of RESPECT's complementary "sister project", SMART.⁸

29. One of the goals of the RESPECT and SMART projects consist of drafting a model law which can be deployed across Europe and beyond. Feedback from INTERPOL will eventually help establish guidelines and standards which reflect the law enforcement community's needs, as well as identifying appropriate safeguards. The overall objective of the project is to modernize and improve the quality and efficiency of surveillance stakeholders' working methods, including those of law enforcement agencies while providing the right balance with and improving respect for privacy and other rights of the citizens subjected to surveillance.

⁷ "Rules, Expectations & Security through Privacy-Enhanced Convenient Technologies" (RESPECT)

<http://respectproject.eu/>

⁸ <http://www.smartsurveillance.eu/>



INTERPOL MINISTERIAL MEETING CHALLENGES FOR POLICE FACING CONTEMPORARY CRIMINAL VIOLENCE

OUTCOME DECLARATION

ROME, 5 NOVEMBER 2012

INTRODUCTION: *On 5 November 2012, in the context of the 81st INTERPOL General Assembly in Rome, Ministers from participating INTERPOL member States came together to engage in a high-level dialogue focusing on critical challenges for police facing contemporary criminal violence and on the sharing of best practice based on national and international experience, with the aim of identifying viable policies and strategies which might be subsequently adapted to the unique security situations of cities, nations, and regions.*

P1: At the conclusion of the Ministerial Meeting on the “*Challenges for Police Facing Contemporary Criminal Violence*,” the following Declaration was adopted by the Ministers present:

P2: *We, the Ministers,*

P2A: *Condemning* all acts of criminal violence, and for the purposes of this Declaration, meaning all criminal acts which involve the threat, attempt, or intentional use of physical or psychological force by one or more persons and resulting in the injury, death, or harm to one or more other persons,

P2B: *Acknowledging* a decrease in the occurrence of inter-State armed conflict over recent decades, and expressing serious concern that national and transnational criminal violence has evolved and expanded in conjunction with various combinations of political, demographic, economic, technological, social and

cultural developments, and, due to this, has increased in both occurrence and severity and, today, poses new and, at times, exceptional challenges to police and security forces throughout the world,

P2C: *Although upholding the right and responsibility of each State to maintain the security of its borders, denouncing specifically among contemporary forms of criminal violence the appalling crimes of human trafficking, whether for sexual exploitation or forced labour, and people smuggling, which exploit and imprison for profit some of the world's most vulnerable populations,*

P2D: *Emphasizing that the proliferation of criminal violence in urban centres, whether through sustained threats to public safety or in surges such as incident-related unrest, has profoundly deleterious effects on the social, economic, and political stability of communities and cities and is particularly detrimental to the lives and prospects of young people, who are both victims and vulnerable to being drawn into or reproducing the violence to which they are exposed,*

P2E: *Acknowledging further the severe threat to public safety and security as well as to national and regional authorities represented specifically by territorial gangs and organized crime groups who revert to increasingly violent methods when carrying out their illicit activities, and deploring, in particular, acts of violence perpetrated by criminal enterprises involved in the illicit trafficking and distribution of drugs and arms, both of which play a central role in aggravating violent crime,*

P2F: *Condemning in particular acts of terrorist violence, violent extremism, and violence inspired by ideology as well as the deliberate incitement to such acts and observing that, in light of the intrinsic complexity of these crimes, effectively countering them will require pioneering strategies, perseverance, and a truly coordinated approach from both within the security sector and beyond,*

P2G: *Considering that contemporary criminal violence not only menaces the safety and security of individuals but undermines state institutions, inhibits development, and destroys the social fabric of cities, nations, and regions, and*

P2H: *Considering further that law enforcement and other security forces, who face distinctive and substantial challenges in effectively preventing and combating these contemporary crimes, require innovative, integrated, and adapted counter-strategies,*

P3: We, the Ministers, therefore,

P3A: *Endeavour* to define new policing strategies and principles in light of the evolution, augmentation, and aggravation of criminal violence in recent decades and with the aim of empowering law enforcement to more effectively prevent, suppress, and counter contemporary forms of criminal violence, keeping in mind not only the need for new and inventive national planning but also the importance of developing regional and international approaches,

P3B: *Further endeavour* to examine the possibilities for reorganizing and restructuring national police services according to internal priorities and where appropriate with a view toward implementing these new policing strategies, including taking into specific consideration the development of innovative and integrated methods such as the creation of rapid response forces, specialized police units, and law enforcement coordination mechanisms,

P3C: *Strive* to strengthen national and transnational police cooperation, in particular through the efficient sharing of crucial crime-related information, including making optimal use of the infrastructure of technical and operational support, tools, and services available to law enforcement worldwide, such as those which are offered by INTERPOL, and in this regard, consider the elaboration of bilateral and multilateral accords, where necessary and appropriate, in order to facilitate intelligence exchange, extradition, and other matters pertaining to mutual legal assistance,

P3D: *Affirm* that measures undertaken to prevent, suppress, and counter criminal violence as well as to apprehend, prosecute, or extradite criminal perpetrators fully comply with human rights principles and the rule of law,

P3E: *Call upon* all stakeholders to consider the development and delivery of relevant training and technical assistance for law enforcement, including at the micro-level, where police are familiar with local context and conditions and where efforts to detect, prevent, and mitigate burgeoning situations of violence might be most effective and contribute to building sustainably secure, resilient, and crime-resistant communities,

P3F: *Strongly encourage* research and analysis to be conducted by competent experts and institutions with the aim of better comprehending the conditions conducive to the escalation and occurrence of criminal violence, in particular, by identifying, where possible, relevant indicators, trends, and root causes as well as **examining effective policies on the use of police force in their efforts** to prevent, suppress, and counter contemporary forms of criminal violence,

P3G: *Urge* all concerned stakeholders, from both within the security sector and beyond, to join efforts and engage in a collective counter-response to criminal violence including partnerships between law enforcement, media, civil and religious actors, local communities, the business community and educational institutions with the aim of enhancing dialogue and understanding, promoting peaceful coexistence, and cultivating an environment favourable to ending the cycle of violence,

P3H: *Fully support* valued occasions such as the INTERPOL Ministerial Meeting which offer the international law enforcement community a unique opportunity to engage in a global dialogue at the highest level focused on sharing crucial national and regional policing experiences, exchanging best practices, and forging and fortifying partnerships between States for a safer and more secure world. ■

For more information on the Ministerial Meeting held in Rome,
visit www.interpol.int.

