

**Speech by the Federal Minister at the opening of the 31st Council of Europe Conference of
Ministers of Justice**

20 September 2012

Your Excellencies, ladies and gentlemen, dear friends,

I am very pleased and honoured to welcome you all to the 31st Conference of Ministers of Justice on the theme of “Responses of Justice to Urban Violence” here in Vienna today.

It is not very often that we have the opportunity to work in such a magnificent and historic venue, so I should like to say a few words about where we are meeting. Over a period of more than 600 years, the Habsburgs built and expanded the Hofburg as their imperial residence, and it frequently served as the venue for historic events and political meetings at the highest level. At the Congress of Vienna in 1814 and 1815, for instance, key decisions were taken here and Europe’s political map was completely redrawn. Among other things, the Hofburg currently serves as the official residence of the Austrian Federal President and the permanent seat of the OSCE. Every year, the Festival Hall in which we are meeting today and the adjoining rooms are used for major conferences and a whole range of very traditional balls, including the annual legal professionals’ ball. Perhaps some of you already had the opportunity to take part in one of these balls.

This year’s conference is taking place during the Albanian Chairmanship of the Committee of Ministers of the Council of Europe. I should therefore like here also warmly to welcome my Albanian counterpart, Eduard Halimi.

Two years after our last meeting, we are today and tomorrow going to address various aspects of and possible responses to violence in urban areas. The focus will be on the role of young people and the responses of the justice system. We will, for instance, be discussing “Juveniles as perpetrators and victims” and “Organised groups and their new ways of communicating”.

When I think of urban violence, the terrible riots in France in 2005, the spontaneous outbreaks of violence in Madrid in 2007 and the serious disturbances in Athens in 2008 and in Athens and London last year come to mind. That shows that the problem, which previously mainly affected Latin America, South Africa and certain cities in the United States, has long since also spread to Europe. Even though only a relatively small number of Council of Europe member states have been seriously affected by these outbreaks of violence to date, no country is immune from suddenly finding itself affected by violent unrest. Although Austria luckily has so far been spared any extensive outbreaks of violence, urban violence does occur here, too, for instance in connection with football matches.

Urban violence is not a completely new phenomenon. However, violent disturbances have taken on a new dimension as a result of new communication technologies. The Internet and mobile phones allow for often anonymous exchanges between violent individuals and therefore play a major part in the organisation and spread of disturbances. This makes it all the more important that we address the issue at our conference.

A key requirement for tackling violence successfully is to be aware of the causes. Although there is often a concrete trigger, the causes for outbreaks of violence are usually very complex and cannot therefore be put down to a single factor. It is usually a combination of various social, economic, political and institutional factors that trigger violent disturbances. It is factors such as worsening economic conditions, rising youth unemployment, inadequate integration, family breakdowns and rapidly increasing population levels in urban areas that contribute to outbreaks of violence today. Sometimes it then only takes very little to bring things to a head.

Young people who have poor employment prospects and see themselves as helpless victims of globalisation are particularly at risk of becoming violent in groups. They are especially at risk of becoming both perpetrators and victims of urban violence. We must therefore pay special attention to young people in our discussions.

Against this background, we must take all possible steps as quickly as possible in order to counter and respond effectively to outbreaks of violence in urban areas in future. Admittedly, as ministers of justice, we do not have that many options at our disposal for changing the economic and social conditions in our society directly and thereby preventing first offences by young people, but we do have a duty to respond quickly, appropriately and effectively to urban violence in order to maintain public order, give society a sense of security and keep the peace. It is now up to us to exploit the possibilities to the full and deal resolutely with these challenges.

Especially in such a sensitive area as juvenile crime, rehabilitation of the young offenders is always one of the most important objectives of all our measures and penalties. The system of punishments designed for adults cannot be applied to young people without being properly adapted, especially when you consider how serious the consequences of detention on remand or actual imprisonment can be for the personal and social development of young people.

When choosing the responses of the justice system to the conduct of young people, policymakers' awareness of the great importance of a multifaceted approach is vital. That enables us to deal appropriately with the whole range of problems of young people which perhaps were the cause of outbreaks of violence. Alternative measures such as restorative justice should therefore also be taken into consideration alongside criminal law penalties. In this connection, I would draw attention to our national report, which describes the particular treatment of juveniles (14 to 18 years) and young adults (19 to 21 years) both in criminal proceedings and also in the prison system in Austria. I would particularly highlight the alternatives which our criminal justice system provides to the conventional penalties. Instead of fines and/or imprisonment, there is the possibility of what is called "diversion". Under this system, the prosecution may, for instance, drop the prosecution of an offence if the facts are properly established and punishment does not seem necessary in view of the payment of a sum of money, the performance of community service, a probationary period or some form of restorative amends. Another possibility is the ordering of probation, with the relevant services being provided very successfully in Austria by associations such as NEUSTART.

One particularly remarkable pilot project run by the latter involves family group conferences. These take the form of meetings between young offenders, their families, other people close to them and professional advisers, the purpose of which is to help the offenders to learn from their mistakes, to help them to change their lives and to establish what support and assistance they need. If there are victims who have been injured or otherwise affected, family group conferences can also be

convened to give the young people the opportunity to apologise and make reparations. Details of the services provided by the association and various case studies can also be found in our national report.

An aspect in the analysis of juvenile crime and responses to it which hardly received any attention a few years ago is the increasing use of modern communication technologies. The latter enable offenders to contact one another very quickly and also anonymously locate like-minded people whom they have never met before. A study conducted after the disturbances in London in 2011 showed that the free messaging system on BlackBerry mobile phones had played a particular role in the organisation of the disturbances. Experience in Austria shows that the Internet also plays a significant part in the recruitment of extreme right-wing groups. The relevant groups also take advantage of the differences in national legislation here by operating from abroad. Not only are these new communication methods resulting in more young people becoming offenders, they are also increasingly turning them into victims. The use of social networks such as Facebook, Twitter and Google+, which is so attractive to young people, often causes them unthinkingly to reveal personal circumstances and data, which makes them unprecedentedly vulnerable. This also increases the chances of them falling prey to sex offenders.

In order successfully to combat offences on the Internet in general, many measures are taken in Austria, which must begin with awareness-raising among users. We also have developed a national cyber security strategy for the purposes of analysis, prevention, awareness-raising and research, and set up a centre of expertise on Internet crime. The Austrian police are also running an interesting project called “click and check”, which is designed to encourage school pupils to use mobile phones and computers safely and responsibly. The aim is to ensure that they do not produce, distribute or even own video recordings with violent or pornographic content and that they do not use information media to exert psychological or physical violence.

In spite of the dangers of the new media and information technologies which I have mentioned, we must not, however, forget their great significance in the prosecution and clearing up of offences – although this must always be subject to compliance with the data protection standards relating to fundamental human rights requirements. Close co-operation between law-enforcement authorities and telecoms providers is vital here.

Against the background of my comments, I specifically welcome the content of the draft resolution prepared by the Council of Europe’s steering committees, which we are due to adopt tomorrow. It is entitled “Juveniles as perpetrators and victims and organised groups and their new ways of communicating in the context of urban violence”. Among other things, it highlights the importance of justice systems suited to young people with elements of restorative justice and appropriate specialised training for individuals responsible for criminal proceedings, prisons and the execution of sentences. The significance of the involvement of parents, young people and children in prevention and education projects is also mentioned. In addition, there is a call for closer co-operation between law-enforcement authorities and telecoms providers in order to prevent outbreaks of urban violence, while ensuring full compliance with the standards of the European Convention on Human Rights.

As I said at the beginning, we are meeting in what really is a historic venue. I hope that, with this 31st Conference of Ministers of Justice, we advance this tradition of constructive international co-operation a little further and achieve good results for Europe and its citizens.

I am therefore very much looking forward to your contributions and the discussions and speeches in the working sessions, which are bound to be very interesting, and hereby declare the 31st Council of Europe Conference of Ministers of Justice open.