

31st COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE

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CLOSING REMARKS

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Festsaal

Madam Chair, Excellencies, Ladies and Gentlemen,

- Often when I am given the rather daunting privilege of drawing conclusions at a conference I tell participants that I am not aiming, let alone claiming, to provide a full summary of the discussions. That is especially true this morning because the statements and debates that we have seen over the past two days have been unusually rich in substance. If you will permit me, therefore, I would simply like to recap on some of the salient points of these debates. I would also mention the excellent summaries just presented by our two distinguished rapporteurs.
- The Resolution that you have just adopted is of fundamental importance. It highlights a number of highly topical, one might even say burning, issues. It deals with matters that are of relevance to all our countries, and the intense discussions conducted over the past two days show that there is a pressing need to take a very close look at the problems of urban violence, the direct or indirect involvement of juveniles as perpetrators and/or victims, and the role of new communication technologies in this context.

- The Resolution begins by expressing growing concern about the rise in outbreaks of collective violence in many major urban areas in Europe. At the same time, it underlines the importance of working together to find effective ways of putting a stop to these outbreaks and the need for the justice system to provide itself with appropriate means for ensuring that those responsible for this violence, the “ring-leaders”, are swiftly identified and made to face up to their, in some cases very heavy, responsibility.
- One, in my view central, problem was mentioned on several occasions. This difficulty is also reflected in the Resolution: urban violence as it exists today is not an easy concept to grasp and certainly not easy to define in a clear, coherent fashion. I am not going to repeat what was said during the conference but I think it is important to reiterate two especially important aspects of this issue. The first is that the fact that these acts of violence are the result of collective actions in which dozens, if not hundreds or even thousands, of people are involved means it is often difficult to gather evidence that would allow us to punish the real instigators. The second is that these individuals – many of them juveniles – often use new communication technologies when preparing and perpetrating these acts.
- In order to deal effectively with these specific situations, therefore, the justice system needs to respond in ways that are informed by a better understanding of the phenomenon.
- Many of you have provided significant input in this regard, not least by giving us a snapshot of your respective legal systems and national practice.
- For me, the first point to note is your clear message to the effect that the justice system alone cannot resolve all the problems related to urban violence, especially when it involves juveniles. A multidisciplinary, multifaceted approach is essential. To begin with, young people must have something to look forward to, in other words, a future. Next, preventive measures are clearly essential. Particular mention has been made in this regard of the need for closer co-ordination between the various authorities concerned, the role of the school, the role of the family and the need for timely detection of high-risk situations (“early warning” systems).

You also stressed the need to treat juvenile delinquents as soon as possible in order to prevent reoffending. Many of you spoke not only of the importance of having laws and justice systems that are appropriate for juveniles, but also of the advisability of introducing specific provisions, both substantive and procedural, for juveniles. As regards penalties, nobody disputed the fact that custodial sentences should be used only as a measure of last resort and that the period spent in custody should be as short as possible. In any event, the primary objective of the justice system should be to reintegrate the juvenile into society.

To this end, mention was made of several alternative measures, including mediation, restorative justice and community service.

As regards the use of new technologies, social networks and instant messaging, I would point out that all our member states are bound by the European Convention on Human Rights and the case-law of the Court. Any interference with freedom of expression, or freedom of association, and any interference with private life must have a legal basis, pursue a legitimate aim and be proportionate, the proportionality rule being a key principle here.

- Virtually all the speakers highlighted the need to balance two basic principles that underpin our democracies: on the one hand, the indisputable right of all citizens to freely express their opinions; and on the other, every citizen's right to security, namely the right to live in a society where all forms of violence must be not only condemned, but also prohibited and eliminated.
- I think I can safely say that the Council of Europe is the natural forum for working with its 47 member states to find better solutions and the most appropriate measures for addressing the problems identified. After all, our Organisation has developed a whole battery of standards in this area: conventions, numerous Committee of Ministers recommendations, CEPEJ and CPT reports, plus of course the relevant case-law of the European Court of Human Rights.
- As you are aware, the Council of Europe can draw on the multidisciplinary expertise of its various bodies and authorities competent in matters relating to the effective protection of

human rights and the rule of law. Some of these bodies and authorities are represented here today and have helped make this conference a success. Allow me, Madam Chair, to thank the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Commissioner for Human Rights for their valuable contribution to the discussions. I would particularly like to thank our rapporteurs and moderators. I would also mention the substantial input provided by the various intergovernmental committees and other Council of Europe bodies and the ever fruitful co-operation with other international institutions, not least the European Union and the United Nations.

- In today's Resolution, you invite the Council of Europe to examine the experiences of member states and the existing laws and practices in Europe with regard to preventing and dealing with urban violence. In my view, this is the most appropriate way of getting a better overview of the problem. You all agree, too, that, being vulnerable, juveniles require special attention and that, when it comes to applying criminal-law measures, whether substantive or procedural, to the youngest members of society, due regard must always be had to the best interests of the child and their specific needs, in accordance with their age and level of maturity.
- You also urge the Council of Europe to pinpoint the problems encountered in the various legal systems and to recommend, if necessary, measures, and I quote, "adapted to the needs of juveniles in criminal procedure". As regards "organised groups and their new ways of communicating", you also call on the Council, and again I quote, 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."

Excellencies, Ladies and Gentlemen.

- On the basis of the points made in this Resolution and the substantive discussions that have taken place during this conference, the Council of Europe's Committee of Ministers will undoubtedly respond to these calls for action.

- At the next Conference of Justice Ministers, therefore, the Secretary General of the Council of Europe will be able to report to you on the outcomes of the activities carried out pursuant to your Resolution.
- Allow me, Madam Chair, to thank everyone from the Austrian authorities and the Council of Europe who helped to make this 31st Conference run so smoothly. We are most grateful to them. I would also, of course, like to thank the interpreters.
- Lastly, Madam Chair, Excellencies, ladies and gentlemen, I would like to thank you most sincerely for the active way in which you participated in the discussions, allowing a genuine dialogue to take place.
- I would like to thank you personally, Madam Chair, for giving us this opportunity, here in Vienna, in these magnificent surroundings, to build closer co-operation and mutual understanding over our two-day meeting. On behalf of the Secretary General of the Council of Europe, all the participants and myself, I wish to say once again how grateful we are for the superb manner in which conference was organised, and for your warm welcome and hospitality. There is no question that this Vienna conference will remain etched in our memories and will mark the start of some important work for the Council of Europe and its 47 member states.