

# Violence in institutions for juvenile offenders

*Council of Europe Perspective*

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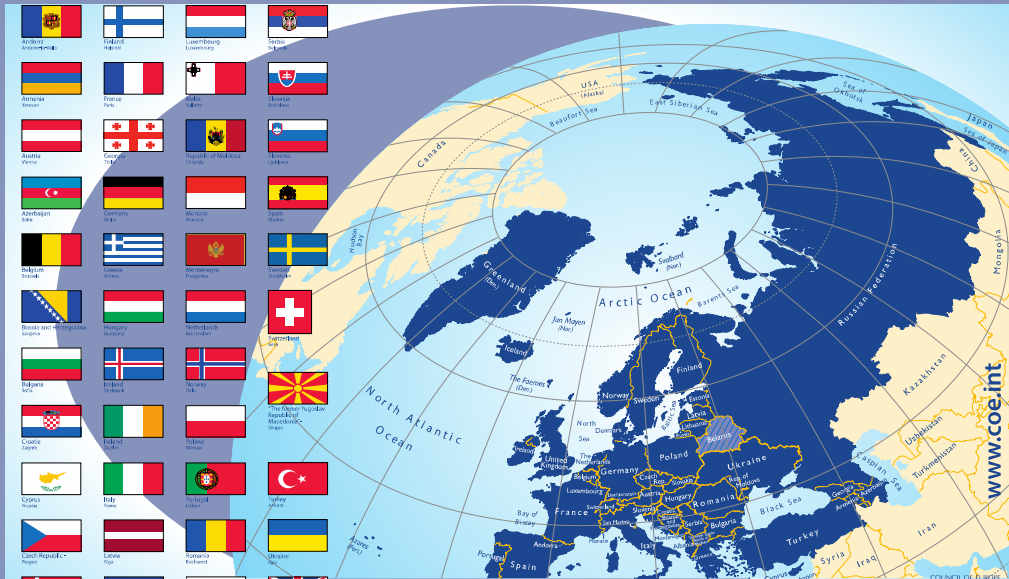
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Universiteit Leiden  
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Leiden University. The university to discover.

# Council of Europe – 47 MS



## Study – methods

- Desk research
  - Analyse of academic publications and non-academic reports (incl. European Committee for the Prevention of Torture):
  - Prevalence of violence, causes/relevant systemic factors, possible solutions/remedies
- Questionnaires
  - 57 respondents
  - Replies from 37 countries
  - No replies from 10 countries
  - In general: governmental representatives (national and/or local level)
  - Significant interest in subject
- Children's Ombudspersons

# Focus of study

- Institutions for juvenile offenders (i.e. juvenile criminal justice context)
- Deprivation of liberty
- Limitations:
  - No Institutions for adults
  - No welfare institutions, e.g. meant for children under the minimum age of criminal responsibility
  - No transportation

## Outline draft report

- Chapter 1 – Objectives and focus
- Chapter 2 – Introduction to violence in institutions
- Chapter 3 – Prevalence of violence
- Chapter 4 – Factors causing violence
- Chapter 5 – Factors preventing/addressing violence
- Chapter 6 – Conclusions and recommendations

## General observations

- Violence in institutions is prevalent and considered an issue of (serious) concern
- Violence among children is considered a serious problem
- Concerns about violence by staff, but less information
- Member States: violence by staff is not considered as the most serious problem
  - To what extent is legally sanctioned use of violence seen as a potential problem?
  - There is attention for staff related causes of violence
- Children at particular risk when in police custody and pre-trial detention (= vast majority of juveniles)

## Different forms of violence

- Violence by inmates (children and adults)
  - Aggression and bullying (incl. intimidation, extortion, threatening) most common forms of violence
  - Victim – perpetrator continuum
  - Subculture, informal pecking order, mental health problems, substance abuse, feelings of fear, unsafety & insecurity
  - Sexual violence – underreported
- Member states confirm findings desk research. Some point at differences between children as source of violence (ethnicity, background)
- Violence by adult detainees in youth institutions is underreported
  - Note wide age range

## Different forms of violence (II)

- Violence by staff
  - Thin line between legally sanctioned measures and illegally sanctioned measures
  - Abuse of power or inappropriate responses –
    - repression versus pedagogical climate; arbitrary treatment by staff
  - Use of force and restraints / infliction of pain reported – insecurity of staff / lack of skills; violence by police is of concern
  - Disciplinary measures: separation, corporal punishment, limitation of contact with outside world is widely reported
    - Separation/solitary confinement requires special attention
  - Member states:
    - Many rules/legal frames regarding violence by staff
    - Importance of training of staff was highlighted by many respondents
  - Serious concerns but underreported



## Different forms of violence (III)

- Self inflicted violence
  - Serious risk of self harm (incl. self mutilation or suicide)
  - Coping mechanism, especially for girls
  - Factors related to juveniles' personality (e.g. mental health issues) & factors related to the deprivation of liberty
  - High prevalence in pre-trial detention
- Member States:
  - Mental health of juveniles of significant concern among respondents
  - Pre-existing disorders and disorders caused by the detention

## Causes of violence (I)

- Importation factors
  - Mental health
    - Conduct disorders, psychiatric disorders – often undiagnosed, untreated; no exchange of medical records
    - Substance abuse, addictions
    - Reported by member states as one of the main causes of violence
  - Background
    - Family background, incl. history of violence, socio-economic background, skills, ethnical backgrounds, gang involvement etc.

## Causes of violence (II)

- Deprivation factors
  - Adjustment
    - Negative adjustment relates to violence: feelings of unsafety, fear, anxiety, uncertainty
    - Social interaction between inmates – victim-perpetrator continuum
    - Particularly problematic in earliest stages of detention
  - Institutional climate
    - Interaction with staff (!)
      - repressive climate; distrust between juveniles and staff; cycle of repression and violence; lack of adequate staff; high staff turnover and rates of sick leave; insecurity of staff; unawareness of risks and mental health problems; perceptions towards juveniles
    - Conditions of detention; lack of structured daily activities (routine)
  - Justice mechanisms (!)
    - Absence of child friendly justice policies and mechanisms, incl. effective monitoring and complaints mechanisms; also in light of open norms
    - Fair treatment is regarded crucial (!)

## Prevention of violence (I)

- Specialized staff
  - Education and ongoing training – perceptions of staff towards juveniles
  - Knowledge, skills, multidisciplinary
  - Related: turnover of staff, staff-inmate ratio
  - Significance broadly recognized by member states
- Climate in institutions
  - Focus more on education/pedagogical climate and less on control, security and punishment; repression makes thing worse (!)
  - Education of juveniles – social problem skills; perceptions towards others
  - Composition of groups – age differences, background, mental health issues
  - Daily programme – routine/structured activities
  - Attention for dispute settlement / mediation / restorative justice
- Conditions of institutions
  - Quality of facilities, architecture, contact with family
  - Hygiene, protection of privacy, sports and recreation, library etc.

## Prevention of violence (II)

- Fair treatment – child friendly policies, monitoring and complaint mechanisms
  - Child specific policies, particularly with regard to use of restraints
  - Information to children
  - Many countries have a monitoring system; little information on effectiveness
  - Lack of oversight of police custody
  - Complaint mechanisms – effective (?)
  - Staff should be made aware of significance of fair treatment (!)
- Mental health and other personal problems
  - Specialized institutions; or specialized services available
  - Tailored approach / individual treatment + screening / medical history
  - Attention for girls

## Concluding observations

- Violence in European institutions for juvenile offenders is an issue of serious concern
  - Various and interrelated forms; various and interrelated causes and remedies; complex issue
  - Addressing violence is in everyone's interests
- Prevention of institutionalisation remains key (!) –
  - last resort & shortest period of time (art. 37 CRC)
- Regional standards are helpful (see e.g. CoE standards)
  - Bringing international standards closer
  - Focus on *implementation strategies* (incl. domestic legislation) – specific focus required (e.g. on violence by staff; solitary confinement, mental health, access to justice)
  - Follow-up on their effectiveness
  - Cooperation with academia