Violence in institutions for juvenile offenders

Council of Europe Perspective

Prof. Dr. T. (Ton) Liefaard
Bangkok
t.liefaard@law.leidenuniv.nl
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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 complainsts 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, multidisciplinarity
  • 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