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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

STUDY ON VIOLENCE IN YOUTH INSTITUTIONS

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Council of Europe | Study on Violence in Youth Institutions

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Aim

The 47 *member states* of the Council of Europe will be invited to inform us 1) on their knowledge of the prevalence of violence in youth institutions in their country and 2) on their knowledge of the compliance with the European rules for juvenile offenders subject to sanctions or measures as far as violence against juveniles in institutions is concerned.

Study proposal

First, we selected the most essential topics to obtain a useful overview of the current state of affairs on this subject in the 47 member states. Second, we designed a study method to effectively obtain a large amount of reliable data in all 47 member states. Third, we designed the questionnaire.

After the meeting on the 25th of September 2013, we would like, firstly, to improve the study proposal by using the comments of the PC-CP members; secondly, to develop the design of the practical data collection that is realizable regarding available resources; thirdly, to perform a pilot.

Topics

1. General Questions
 - a. Participant information
 - b. Youth institutions in your country
 - c. Law in your country concerning youth institutions
 - d. Literature
2. Violence and violators
3. Prevention of violence by law
4. Available policy on prevention of violence
5. Official procedures for the prevention of violence in youth institutions regarding
 - a. General approach
 - b. Searching
 - c. Use of force, physical restraint and weapons
 - d. Separation for security and safety reasons
 - e. Discipline and punishment
 - f. Complaints procedures
 - g. Inspection and monitoring
 - h. Staff
6. Unofficial procedures for the prevention of violence in youth institutions
7. Best practices

Method

1. Via the Council, 47 contact persons will be approached to participate
2. We ask the participants to:
 - a. Collect all recent and published literature ¹(year 2000-2013) of studies that research violence in youth institutions²;
 - b. To summarize the results that were found in their studies, following the topics that we provide in a standardized list/questionnaire;
 - c. To provide important a) missing information and b) additional information regarding institutional facilities that was not found in the provided literature, in the second part of the standardized questionnaire;
 - d. To provide us with digital copies of the publications.

Questionnaire

We would like to use a digital questionnaire. In this way, it is easier to sum up the information from the literature, as follows from the attachment (see CONCEPT Questionnaire on violence in youth institutions).

¹ Scientific publications, surveys, (annual)reports, ministerial reports, etc.

² Institutions in which juveniles in conflict with the law are deprived of their liberty (juvenile justice institution, welfare institutions etc). For definition of 'deprivation of liberty' : see rule 21.5 of the European rules. Excluded: juveniles in adult institutions, unless there are no separate youth institutions.

CONCEPT Questionnaire on violence in youth institutions

Introduction

Violence in juvenile detention institutions is a wide spread phenomenon and highly problematic. One of the main conclusions of the 3rd Plenary Meeting of the Committee for Penal Cooperation (PC-CP) of the Council of Europe in March 2013 was that there is no need for additional standard setting in the field of violence in youth institutions. Instead, there is a strong need for practical measures to sharpen the existing rules and develop effective implementation strategies. This questionnaire forms part of a study conducted by the Council of Europe and Leiden University that aims to provide more insight in the presence of preconditions for the prevention of violence as well as effective responses to violence and to define best practices.

The study focuses on violence against juveniles in conflict with the law who are deprived of their liberty in youth institutions as part of the juvenile criminal justice system (*inter alia*, pre-trial detention and incarceration after conviction). It aims to cover all forms of violence, that is: 'all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse' (art. 19 UN Convention on the Rights of the Child), which also includes forms of ill-treatment (torture and other forms of inhuman or degrading treatment or punishment) prohibited under art. 3 European Convention of Human Rights and Art. 37 (a) UN Convention on the Rights of the Child). It addresses the following forms of violence: violence against/by juveniles by/against staff; violence against juveniles by other inmates (juveniles or adults); self-harm (see also Joint report of the Office of the High Commissioner for Human Rights, UNODC and the SRSJ on Violence against Children on prevention of and responses to violence against child juvenile justice system, A/HRC/21/25, 26 June 2012).

Procedure of this questionnaire

First, we ask the participants to collect all recent and published literature (year 2000-2013) of studies that research violence in youth institutions. Second, in order to effectively obtain a large amount of reliable data on the topic, we ask participants to summarize the literature, by means of this standardized questionnaire. We also ask states to provide us with digital copies of the publications.

The questionnaire is divided into two parts: part A dealing with information found in relevant literature on violence in youth institutions, that has been studied in your state. To summarize the results that were found in these studies, we ask states answer questions on the topics that we provide in a standardized list/questionnaire. In part B of the standardized questionnaire, we ask states to provide important missing/additional information that was not found in the literature. The final question aims to offer the opportunity to list good or best practices regarding the prevention or redress of violence in youth institutions.

Most headings and questions are self-explanatory and need no further clarification. Where explanations are necessary, they are provided in footnotes.

PART A

General Questions

1. Participant information

- 1.1. Name of the participant:
- 1.2. Country:
- 1.3. Position:
- 1.4. Institution:
- 1.5. Working address:
- 1.6. Tel/fax:
- 1.7. Email:

2. Youth institutions in your country

- 2.1. Please list all youth institutions³ in your country and specify for all institutions, the features of the institution as follows (*please contact the specific institution for more information if needed*):

- 2.1.1. Name of the institution
- 2.1.2. Location
- 2.1.3. Coordinating organization
- 2.1.4. Primary focus of the institution
- 2.1.5. Age range of detained juveniles
- 2.1.6. Total number of juveniles (formal capacity + average occupation)
- 2.1.7. Average length of stay
- 2.1.8. Programs
- 2.1.9. Grounds for placement (pre-trial detention, incarceration as sentence etc.)
- 2.1.10. Separated placement of juveniles and adults
- 2.1.11. Separated age groups
- 2.1.12. Staff/inmate ratio
- 2.1.13. Male/female staff ratio
- 2.1.14. Private cells/rooms/dormitories
- 2.1.15. Contact with parents/family/legal guardians
- 2.1.16. Medical check by arrival in the institution
- 2.1.17. Personal files, incl. registration of use of force, disciplinary measures, etc.
- 2.1.18. Contact information

³ Institutions in which juveniles in conflict with the law are deprived of their liberty (juvenile justice institution, welfare institutions etc). For definition of 'deprivation of liberty': see rule 21.5 of the European rules. Excluded: juveniles in adult institutions, unless there are no separate youth institutions.

3. Law in your country concerning youth institutions.

Please inform us on the following matters:

- 3.1. What is the prevalence of violence in youth institutions in your country? *(Please inform us on the source(s) you used to obtain this information).*
- 3.2. How often is isolation of juveniles used in your country?
- 3.3. Is there a legal restriction to chains en irons (rule 91.2) in your country?
- 3.4. Is there a legal restriction on the use of dark cell/isolation/solitary confinement (rule 95.3) in your country?

4. Literature

4.1. How did you search for recent literature?

- ☐ I searched on the internet
- ☐ I contacted institutions
- ☐ I searched in the library
- ☐ I use our own publications/studies/results
- ☐ I used studies that were performed by third parties by order of the government
- ☐ Other:

- 4.2. Please list the literature that was published in your country between 2000 and 2013 that you found to answer the questions in this questionnaire (scientific publications, surveys, (annual) reports, ministerial reports, etc.). *If your literature list exceeds the space below, please attach an additional list*

Document 1

Author names:

Year of publication:

Title:

Publisher:

Document 2

Author names:

Year of publication:

Title:

Publisher:

Document 3

Author names:

Year of publication:

Title:

Publisher:

Document 4

Author names:

Year of publication:

Title:

Publisher:

Document 5

Author names:

Year of publication:

Title:

Publisher:

Document 6

Author names:

Year of publication:

Title:

Publisher:

Document 7

Author names:

Year of publication:

Title:

Publisher:

Document 8

Author names:

Year of publication:

Title:

Publisher:

Document 9

Author names:

Year of publication:

Title:

Publisher:

Document 10

Author names:

Year of publication:

Title:

Publisher:

If your literature list exceeds the space below, please attach an additional list.

5. Violence and violators

Please list the definitions of 'violence' that were used in the literature. Please also report on **different forms of violence** are described and **different violators** that are used in the studies you summarize.

5.1. In document nr ____ (please use the number from question 2) on page ____ 'violence' was defined as:

5.2. In this study, on page ____, the following forms of violence were described.

5.3. In this study, on page ____, the following types of violators were studied (for example: other inmates, staff)

6. Prevention of violence by law

6.1. Please list **forms of prevention of violence by law** (for example: general restriction on/prohibition of violence in youth institutions, obligation to report violence, obligation to act) that were described in the literature.

▪ Document nr ____describes:

▪ Document nr ____describes:

Etc

7. Available policy on prevention of violence

7.1.1. Please list **available policy on prevention of violence** that was described in the literature.

▪ Document nr ____describes:

▪ Document nr ____describes:

Etc

8. Official procedures for the prevention of violence in youth institutions ⁴

Please summarize information that was described in the literature about the **general structure** within youth institutions,

8.1.1. *regarding the maintenance of good order by creating a safe and secure environment in which the dignity and physical integrity of the juveniles are respected and their primary developmental goals are met* (rule 88.1 European rules for juvenile offenders etc.).

▪ Document nr ____describes:

▪ Document nr ____describes:

Etc

⁴ The following questions refer to specific rules of European rules of juvenile offenders subject to sanctions or measures.

8.1.2. regarding *particular attention to protecting vulnerable juveniles and to preventing victimisation* (rule 88.2 European rules for juvenile offenders etc.).

- Document nr ____describes:
- Document nr ____describes:

Etc

8.1.3. Please summarize information that was described in the literature about the **general structure** within youth institutions, regarding *the development of a dynamic approach to safety and security which builds on positive relationships with juveniles in the institutions by the staff in the institution* (rule 88.3 European rules for juvenile offenders etc.).

- Document nr ____describes:
- Document nr ____describes:

Etc

8.1.4. regarding *the stimulation of juveniles to commit themselves individually and collectively to the maintenance of good order in the institution* (rule 88.4 European rules for juvenile offenders etc.).

- Document nr ____describes:
- Document nr ____describes:

Etc

8.2. Please summarize information that was described in the literature about **body searching** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.3. Please summarize information that was described in the literature about the **use of force, physical restraint and weapons** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.4. Please summarize information that was described in the literature about **separation for security and safety reasons** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.5. Please summarize information that was described in the literature about **discipline and punishment** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.6. Please summarize information that was described in the literature about **complaints procedures** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.7. Please summarize information that was described in the literature about **inspection and monitoring** within youth institutions.

- Document nr ____describes:
- Document nr ____describes:

Etc

8.8. Please summarize information that was described in the literature about **staff** (e.g. policy and recruitment, training on the prevention of violence, training on the use of violence in sanctions) within youth institutions.

- Document nr ____describes:

- Document nr ____describes:

Etc

9. Unofficial procedures for the prevention of violence in youth institutions

9.1. Please summarize information that was described in the literature about **unofficial procedures for the prevention of violence in youth institutions**.

- Document nr ____describes:

- Document nr ____describes:

Etc

PART B

In the following part of the questionnaire, we would like you to ask about information that was not found in the literature.

11. Prevention of violence by law

11.1. Please list **forms of prevention of violence by law** that were not described in the literature.

12. Available policy on prevention of violence

12.1. Please list **available policy on prevention of violence** that was not described in the literature.

13. Official procedures for the prevention of violence in youth institutions

13.1. Please provide information that was not described in the literature about the **general structure** within youth institutions.

13.2. Please provide information that was not described in the literature about **body searching and physical examination** within youth institutions.

13.3. Please provide information that was not described in the literature about the **use of force, physical restraint and weapons** within youth institutions.

13.4. Please provide information that was not described in the literature about **separation for security and safety reasons** within youth institutions.

13.5. Please provide information that was not described in the literature about **discipline and punishment** within youth institutions.

13.6. Please provide information that was not described in the literature about **complaints procedures** within youth institutions.

13.7. Please provide information that was not described in the literature about **inspection and monitoring** within youth institutions.

13.8. Please provide information that was not described in the literature about **staff** (e.g. policy and recruitment) within youth institutions.

14. Unofficial procedures for the prevention of violence in youth institutions

14.1. Please provide information that was described in the literature about **unofficial procedures for the prevention of violence in youth institutions**.

15. Best practices

15.1. Are there any good or best practices concerning prevention or responses to violence in youth institutions you would like to share with us, and that you consider worthwhile exploring further? And have these practices been documented (please summarize be

Please do not forget to enclose the documents you listed in part A (question 2).

Thank you for completing this questionnaire.

