

Children's Rights Alliance
for England

Speaking freely

CHILDREN AND YOUNG PEOPLE IN EUROPE TALK ABOUT
ENDING VIOLENCE AGAINST CHILDREN IN CUSTODY

RESEARCH REPORT

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The Children's Rights Alliance for England (CRAE) protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using national and international human rights mechanisms. We provide free legal information, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the state of children's rights in England.

Coordinated and led by the Children's Rights Alliance for England, this project was implemented by partners working in five EU Member States:

- Ludwig Boltzmann Institute of Human Rights - Austria
- International Juvenile Justice Observatory - Belgium
- Commissioner for Children's Rights - Cyprus
- Defence for Children International - the Netherlands
- Save the Children - Romania.

CRAE would like to express its thanks to all of the children and young people who took part in this project. CRAE also thanks Catherine Franks, Dhanitsha Kuruvilla and Lauren Parater for their contributions to this report.

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Definitions and notes on terminology

For the purposes of this project, it was agreed that the term **“custody”** refers to locked settings where children and young people are held after being arrested, charged, convicted or sentenced for a criminal offence.

“Violence” means all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation. This definition is taken from Article 19 of the United Nations Convention on the Rights of the Child, and was adopted by the UN Global Study on Violence against Children.

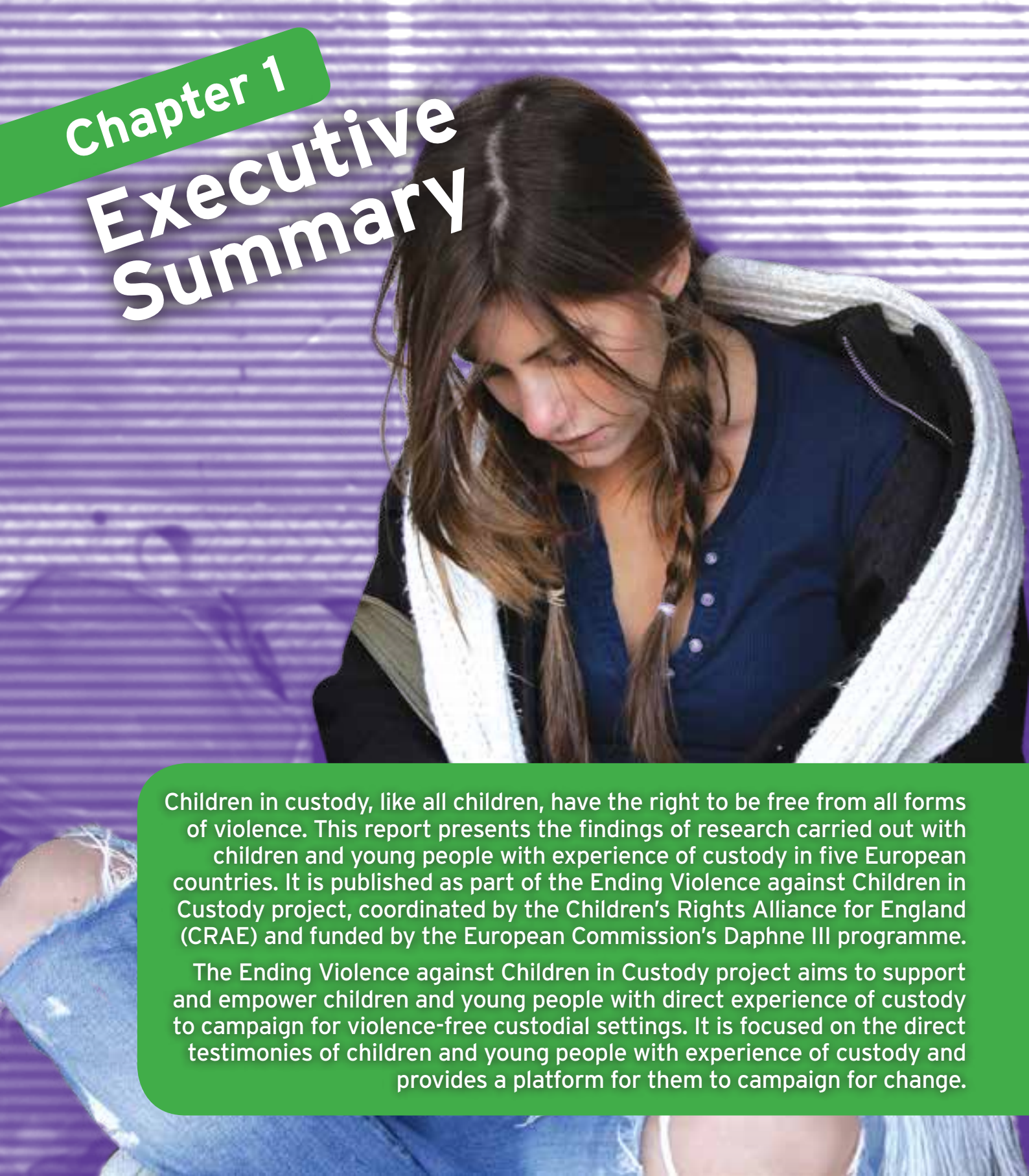
Where the term **“young people”** is used in this report, it refers to the participants in the research, all of whom were 22 or under. The majority of the interviewees were under the age of 18 at the time of the research. All of the participants had direct experience of custody when under 18.

Where the term **“staff”** is used in this report, it refers to prison wardens/guards or police officers. It does not refer to other people who are working in custodial settings such as social workers, psychologists or teachers.

Each project partner formed a **“Young Investigation Team” (YIT)**. A group of young people with direct experience of custody who were trained and supported to conduct the research. YIT members also helped to draft the research findings and the recommendations for action.

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Chapter 1

Executive Summary

Children in custody, like all children, have the right to be free from all forms of violence. This report presents the findings of research carried out with children and young people with experience of custody in five European countries. It is published as part of the Ending Violence against Children in Custody project, coordinated by the Children's Rights Alliance for England (CRAE) and funded by the European Commission's Daphne III programme.

The Ending Violence against Children in Custody project aims to support and empower children and young people with direct experience of custody to campaign for violence-free custodial settings. It is focused on the direct testimonies of children and young people with experience of custody and provides a platform for them to campaign for change.

Background

International law enshrines children's right to be protected from violence,¹ torture or inhuman and degrading treatment,² to be treated with dignity³ and to have their best interests be made a primary consideration in all matters affecting them.⁴ Children are also entitled to participate in decision-making and to have their views given weight in matters that affect them.⁵ Children in custody have been recognised by the international community as being particularly vulnerable to human rights abuses, yet, despite the existence of a comprehensive international human rights framework, pan-European regulations and domestic legislation in EU Member States, there is significant evidence to suggest that children are regularly subject to violence within custodial settings. The United Nations Study on Violence against Children⁶ found:

“ Violence against children while in justice institutions... is more common than violence against children placed in institutions solely for the provision of care. Even though there are many overlaps and similarities... the institutional treatment of children regarded as being anti-social or criminal is likely to be more physically and psychologically punitive than that of other groups or in other environments. ”

UN Violence Study

Research published in 2008 confirmed the view of the UN Violence Study that violence against children is a particular problem in custodial settings.⁷ The *Ending Violence against Children in Custody* project aims to build upon this evidence. In particular, it seeks to foreground children and young people's own views and experiences of violence in custody and highlight their recommendations for change.

The project

The *Ending Violence against Children in Custody* project aims to make progress towards ending violence against children and young people in custody. The project has two main elements: a **research** phase – consisting of a desk based legal analysis of the rules governing custody and interviews with children and young people – and a **campaigning** phase where young people will develop their own campaigns based on the recommendations from their research.

The project was coordinated by CRAE and implemented with five European partner organisations: International Juvenile Justice Observatory – Belgium, Defence for Children International – the Netherlands, The Commissioner for Children's Rights – Cyprus, The Ludwig Boltzmann Institute of Human Rights – Austria and Save the Children – Romania.

This report brings together the findings from field research conducted in Austria, Cyprus, England, the Netherlands and Romania and desk-based research into international and European law and policy concerning violence against children in custody led by the International Juvenile Justice Observatory (Belgium). All direct quotations from young people in this report are from the focus groups and interviews carried out in the five partner countries. Where possible, the quotes show age, gender and country.

The findings in this report do not represent the views and experiences of all young people in custody in the partner countries. Rather, the research sought insights from a range of children with first-hand experience of custody into the extent to which they enjoyed their right to be free from violence whilst in custody, and how realisation of this right could be promoted.

The recommendations from young people in each of the partner countries for ending violence against children in custody formed the basis of youth-led campaigns in five of the partner countries. A consolidated campaign report outlining the various campaign activities, achievements and lessons learnt in each of the partner countries will also be published. All project reports will be available through the project website: **www.violencefreecustody.org.uk**.

1 UN Convention on the Rights of the Child, Article 19

2 European Convention on Human Rights, Article 3 and UN Convention on the Rights of the Child, Article 37(a)

3 UN Convention on the Rights of the Child, Article 37 (c)

4 UN Convention on the Rights of the Child, Article 3

5 UN Convention on the Rights of the Child, Article 12

6 Pinheiro, S. P. (2006) World report on violence against children. United Nations General's Study on Violence against Children

7 <http://www.defenceforchildren.org/files/Violence-Against-Children-in-Conflict-with-the-Law-EN.pdf>

Key messages on ending violence against children in custody

Participants in the research were asked about their experiences of violence in custody, both in relation to violence amongst children and young people and in relation to violence between staff and young people. They were asked a range of questions including what they understood by the term “violence”, when, why and how violence is likely to occur in custody, how staff and young people intervene to prevent violence and suggestions for reducing violence in custodial settings.

A summary of the key messages from children and young people on violence against children in custody is presented below. Chapter four presents these findings in more detail.

What is violence?

- Violence is an abuse of power.
- Violence includes a range of physical acts.
- Violence also takes other forms, including verbal and emotional bullying and threatening and intimidating body language.
- Racism is a form of violence.
- Growing up in an environment where violence takes place can make violence in custody feel “normal” for some young people.
- Violence in custody happens between young people, and between staff and young people.

Violence between young people in custody

- Violence is a common experience in custody.
- Violence can be caused by a range of factors in custody including young people trying to assert their status, feelings of anger, frustration and boredom, racism and gang or neighbourhood conflicts playing out in custody.
- Violence can escalate quickly in custodial settings.

Violence in custody between staff and young people

- Staff use violence against young people in custody to assert their positions and show that they are in charge.
- Adults use violence against children in custodial or police settings to get them to admit to doing something.
- Staff usually intervene to stop violent incidents in custody and sometimes use force to do so.
- Staff can sometimes intervene using force too quickly, for illegitimate reasons or to an excessive degree.
- Staff are inconsistent in their use of force as an intervention.
- Staff often contribute to violence in custody, both by provoking it and by using violent methods to end it, which tends to make a situation worse.
- The use of force differs between custodial institutions, some are more violent than others.
- Force used in police cars, police stations and police cells is often greater than the use of force by staff in other custodial settings.

Responses to violence in custody

- Some staff intervene to stop violence by talking to the young people involved, which is much better.
- Young people often try to stop violent situations through talking to the other young people involved.
- “Snitching” is considered to be a major taboo and prevents young people from talking about incidents of violence in custody to staff.
- The relationship between a young person and an individual staff member is critical to whether the staff member can calm a situation down without using force and also whether a young person will report a violent incident to them.

If you were in charge...

- Young people believe that therapy and training, such as anti-violence training, would be beneficial - both for staff and young people.
- Young people want staff they can relate to, with similar backgrounds and experiences, who genuinely like young people and are prepared to listen to them properly.
- Young people want staff who are pro-active and engage them in activities. This would help to prevent feelings of boredom and frustration.
- Young people want more opportunities to have their views respected and have a say in matters.
- Listening to young people and developing trust can help to reduce violence in custody.
- Young people want staff to be fair and for rules to be enforced in the same way for everyone in custody.
- Young people want to talk with those in authority and want them to have a greater understanding of the needs of young people within the juvenile justice system.
- More needs to be done to find out the causes of a child's or young person's problems and develop solutions to overcome these.



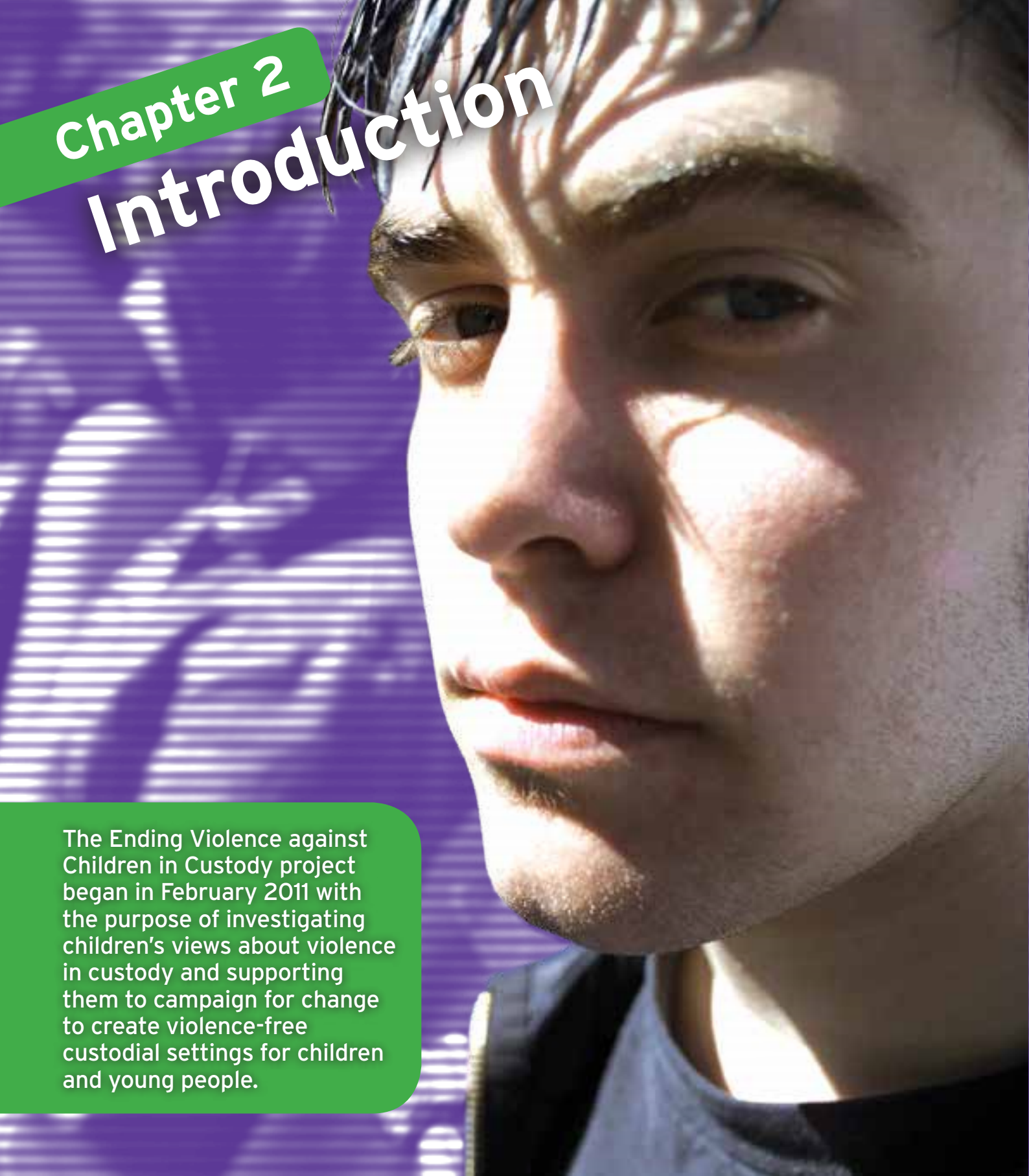
Recommendations

As well as sharing their views and experiences of violence in custody, young people across the partner countries set out their recommendations for change - a set of specific solutions for creating violence-free custody. Despite national differences there was a high degree of consistency between the recommendations in the five countries.

A summary of the common recommendations is set out below.

- There must be a distinct system for children and young people in trouble with the law.
- Look again at the kinds of staff who are employed in custodial settings. Staff should like and relate to young people, be willing to develop positive relationships based on trust with them and receive training on children's rights and how to resolve conflicts without using force.
- There should be more positive activities in custodial settings.
- Judges should give a second chance before sentencing to custody and take more time to find out what is going on in the lives of children and young people before sentencing them.
- There needs to be more effective complaint mechanisms in youth custodial settings.
- There needs to be better regulation of police behaviour when police officers come into contact with children and young people.

Based on the views, experiences and recommendations developed by children and young people, the partners in the *Ending Violence against Children in Custody* project developed a set of policy recommendations aimed at European institutions and national governments, which we hope will contribute towards the creation of violence-free custody for children and young people. These are presented in chapter six of this report.



Chapter 2

Introduction

The Ending Violence against Children in Custody project began in February 2011 with the purpose of investigating children's views about violence in custody and supporting them to campaign for change to create violence-free custodial settings for children and young people.

2.1 Background

International law enshrines children's right to be protected from violence,⁸ torture or inhuman and degrading treatment,⁹ to be treated with dignity¹⁰ and to have their best interests be made a primary consideration in all matters affecting them.¹¹ Children are also entitled to participate in decision-making and to have their views given weight in matters that affect them.¹² Children in custody have been recognised by the international community as being particularly vulnerable to human rights abuses, and have rights including:

- The right to be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age (UN Convention on the Rights of the Child (CRC), Article 37(c));
- The right to prompt access to legal and other appropriate assistance (CRC, Article 37 (d));
- An obligation on States to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, exploitation or abuse in an environment which fosters the health, self-respect and dignity of the child (CRC, Article 39);
- The right to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society. (CRC, Article 40).

In addition to the provisions in the CRC, several other international rules and regulations govern the treatment of children in custodial settings. Yet, despite the existence of a comprehensive international human rights framework, pan-European regulations and domestic legislation in EU Member States, there is significant evidence to suggest that children are regularly subject to violence within custodial settings. The United Nations Study on Violence against Children¹³ found:

Violence against children while in justice institutions... is more common than violence against children placed in institutions solely for the provision of care. Even though

there are many overlaps and similarities... the institutional treatment of children regarded as being anti-social or criminal is likely to be more physically and psychologically punitive than that of other groups or in other environments.

Research published in 2008 confirmed the view of the UN Violence Study that violence against children is a particular problem in custodial settings.¹⁴ The *Ending Violence against Children in Custody* project aims to build upon this evidence. In particular, it seeks to foreground children and young people's own views and experiences of violence in custody and highlight their recommendations for change.

2.2 The project

The *Ending Violence against Children in Custody* project aims to make progress towards ending violence against children and young people in custody through:

- Carrying out legal and policy analysis;
- Conducting research with children and young people with experience of custody and seeking their views on how violence in custody can be ended;
- Supporting children and young people with experience of custody to campaign for change;
- Influencing decision-makers and the custodial workforce.

The project was grant funded by the European Commission under the Daphne III programme (2007-13). The Daphne III programme aims 'to prevent and combat violence against children, young people and women and to protect victims and groups at risk'.¹⁵ It is itself part of the general Fundamental Rights and Justice programme, which supports the development of a European society based on respect for fundamental rights.

The project is based on the definition of violence found in Article 19 of the CRC which guarantees every child the right to protection from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

The *Ending Violence against Children in Custody* project was coordinated by CRAE and implemented with five European partner organisations: International Juvenile Justice Observatory - Belgium, Defence for Children International - the Netherlands, The Commissioner for Children's Rights - Cyprus, The Ludwig Boltzmann Institute of Human Rights - Austria and Save the Children - Romania.

⁸ UN Convention on the Rights of the Child, Article 19

⁹ European Convention on Human Rights, Article 3 and UN Convention on the Rights of the Child, Article 37(a)

¹⁰ UN Convention on the Rights of the Child, Article 37 (c)

¹¹ UN Convention on the Rights of the Child, Article 3

¹² UN Convention on the Rights of the Child, Article 12

¹³ Pinheiro, S. P. (2006) World report on violence against children. United Nations General's Study on Violence against Children

¹⁴ <http://www.defenceforchildren.org/files/Violence-Against-Children-in-Conflict-with-the-Law-EN.pdf>

¹⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0779:en:NOT>

The project has two main elements: a **research** phase – consisting of desk based legal research into the rules governing custody and interviews with children and young people in five partner countries – and a **campaigning** phase where young people will develop their own campaigns based on the recommendations from their research.

This report brings together the findings from field research conducted in Austria, Cyprus, England, the Netherlands and Romania and a summary of international and European law and policy concerning violence against children in custody.

The recommendations from young people in each of the partner countries for ending violence against children in custody formed the basis of youth-led campaigns in five of the partner countries. A consolidated campaign report outlining the various campaign activities, achievements and lessons learnt in each of the partner countries will also be published. All project reports will be available through the project website: **www.violencefreecustody.org.uk**.

Research with children and young people

This section of the report describes the methodologies used to engage children and young people in the *Ending Violence against Children in Custody* project.

Guiding Principles

CRAE produced a guidance document setting out common expectations and a framework within which each partner would work. The document included a set of guiding principles for engaging children and young people in the project (see Annex A) and detailed the requirements for recruiting and supporting the young researchers and the focus group participants.

Role of the Young Investigation Team

The project partners supported a group of up to 10 young people with experience of being in custody to form a Young Investigation Team (YIT). YIT members were trained and supported to conduct research with children and young people with experience of custody and to elicit their views and experiences. In addition to commenting on the interview questions and facilitating focus groups, YIT members were responsible for reviewing the research findings and drafting recommendations for change. At the end of the research phase the YIT members were invited to join a Young Campaign Team, developing and running their own campaigns based on the recommendations in their country report. All partners were encouraged to ensure that individual YIT members benefited from a range of positive and new opportunities as a result of being a member of the team.

Recruitment of the Young Investigation Team

With input from all partners, CRAE commissioned a flyer for children and young people outlining how they could get involved in the project. This was adapted by project partners for dissemination in their own countries. Partners also delivered briefing sessions in their country to share information about the project and to enable children and young people to register interest in joining the YIT.

Project partners employed a range of additional methods to recruit children and young people to the YIT. These included making contact with:

- Officials in the relevant Government departments and other public bodies;
- Youth probation workers, lawyers and directors of (youth and adult) custodial institutions;
- Social services departments in local authorities and in prisons;
- NGOs working with crime victims and with academics in the field of criminology (Austria);
- NGOs working with offenders and former offenders;
- Relevant professional associations such as the Council for Youth Protection (the Netherlands) and the Association of Youth Offending Team Managers (England);
- Local projects working to prevent young people from offending;
- Local youth councils.

Defence of Children International – **the Netherlands** posted information about the project on social media sites Hyves¹⁶ (a Dutch social networking site) and Facebook. This was a successful way of promoting the project and helped to generate a significant amount of interest from young people in the project. The Commissioner for Children's Rights in **Cyprus** contacted children and young people who had made a complaint to the Office of the Children's Commissioner while in custody to inform them about the project.

Training YIT Members

YIT members across the five countries received training on a range of issues including an introduction to the project, an introduction to research and interview practice, possible challenges in the project, reviewing the project timetable, sharing information about children's rights and the CRC, and discussions about views and experiences of violence in custody. Each partner delivered these activities according to the needs and availability of the YIT members in their individual country.

¹⁶ <http://www.hyves.nl/>

In **Austria** YIT members were recruited from the group of young people currently living in the Juvenile Detention Centre and those in pre-trial custody. Thanks to support from the prison administration, permission was given to deliver training in the institution and for YIT members to conduct interviews with their peers. A social worker based at the Juvenile Detention Centre was able to act as a constant link between the inmates and the project team. The project team also included a member of the leading crime victim support organisation in Austria (Weisser Ring) and was given support by a key academic institution in the field of criminology (Institute for the Sociology of Law and Criminology). In **England**, several YIT members were recruited, trained and supported to facilitate interviews with their peers in two custodial institutions.

Focus groups and interviews

The project partners supported YIT members to undertake focus groups or interviews with up to 25 children and young people with experience of custody. The research was conducted both in the community with young people who had been in custody and in locked institutions. Project partners aimed to involve a range of children and young people in the research in terms of age, gender, ethnicity, disability, home / care status and length of custodial sentence/s.

Where research took place with children and young people:

Austria: interviews in a juvenile custody centre and in pre-trial custody.

Cyprus: interviews in the community with young people who had previously been in custody and in prison with young people currently serving a custodial sentence.

England: interviews in two different types of youth custodial settings and in the community with young people who had previously been in custody.

Netherlands: interviews in four youth custodial institutions.

Romania: interviews in two re-education centres and one penitentiary for minors and youth.

Where possible, the interviews were led by YIT members. However in some circumstances permission was not given for this - either by the institution or because the interviewee did not want to be interviewed by another

young person. In these situations, the interviews were led by project staff. In some interviews project staff and institution staff were present. In others, interviews were led by the YIT member with project staff present in the background to provide support.

In the **Netherlands** there were no staff members from the youth custodial institutions present at the interviews. Each YIT member conducted the interviews with a member of staff from Defence for Children - the Netherlands (the project partner). In three institutions the interviews were recorded on tape. In one institution this was not permitted and staff from Defence for Children International - the Netherlands took notes. In **Austria** YIT members were given digital recording devices. They conducted the interviews with their peers on their own, with no staff members present. A social worker with guidance from the project team was available at the prison site for assistance throughout the research phase. In addition, support was provided by the Austrian victim rights organisation "Weisser Ring". In **England** YIT members facilitated interviews at two custodial institutions. Both staff from the establishment and CRAE staff were present at all of these interviews. A member of CRAE staff led an interview at a different type of custodial institution but no staff from the establishment were present.

The research was set up to be responsive to the needs, wishes and feelings of the participants. If required, interviews took place in small groups of two or three young people, or in a one-to-one setting. Where required, translators were used to help facilitate the interviews.

In **Romania** staff from Save the Children and YIT members used a range of methods to elicit the views of children and young people on their experiences of violence in custody within the agreed interview schedule. They used focus group discussions, guided discussions and one individual interview. In **Cyprus**, the interviewees did not want to take part in focus group discussions but were happy to participate in one-to-one interviews. Only two individuals in the prison agreed to be interviewed together. Interviews in the community were arranged according to the preferences of the participants. Some were held in the Office of the Children's Commissioner for Cyprus, others in cafes and some in their own homes.

The interviews followed an agreed schedule (see Annex B) across the partner countries. All interviewees were asked to give consent to participate in the focus groups and for permission to record the interviews. Where permission was not given to record the interviews, detailed notes were taken.

Challenges in engaging children and young people in the YIT and focus groups

All partners experienced challenges both in the recruitment of YIT members and in securing interviews with children and young people in custody. Children and young people with experience of custody are vulnerable. Many of the young people who formed members of the YIT and participated in focus groups interviews had chaotic home and personal lives and rapidly changing circumstances which meant that it was not always easy to maintain contact or arrange meetings. Project partners worked hard and thought creatively about ways to support and sustain their ongoing involvement.

Experience of Save the Children Romania of working with YIT members:

Save the Children Romania held individual and group meetings with children who expressed an interest in the project. They met with nine children in total. Some of the interviews were conducted without YIT members present as they could not attend due to other obligations.

Additional challenges were experienced by all project partners in trying to access children and young people with direct experience of custody – both in locked institutions and in the wider community. These included:

- Difficulties in gaining official permission to access the prison
- Lengthy waits to set up interviews in custodial settings
- Focus groups that had been arranged were cancelled: either the institution cancelling or young people did not attend
- Limited number of young people/institutions available
- Concerns by parents and young people over participation in the interviews.

Experience of Defence for Children International (DCI) – the Netherlands in setting up interviews:

To be able to conduct the focus group sessions and enter the youth custodial institutions together with the YIT members, Defence for Children International had to formally obtain permission from the Custodial Institutions Department of the Ministry of Safety and Justice. The Minister of Safety and Justice gave permission to visit three youth custodial institutions together with young people. When DCI contacted the directors of the institutions it appeared that there were only a small number of minors who could be interviewed. In each institution it took several weeks to organise meetings with the young people. Many of the young people who wanted to participate in the project were convicted as a minor but had turned 18 during their stay in the institution. In one institution there were no minors because they had all recently turned eighteen. At first it was assumed that DCI could conduct six interviews in each institution. This appeared to be optimistic as staff and YIT members only met three or four focus group participants in each youth custodial institution.

All partners were able, by thinking creatively and working closely with Government officials, members of the custodial workforce, youth offending services and NGOs, to successfully engage children and young people with direct experience of custody in the project – both as YIT members and in focus groups.

Desk-based research

In addition to direct research with young people, desk based research into the international, European and domestic frameworks regulating violence against children in custody was carried out. This study included a summary of comments made by the UN Committee on the Rights of the Child, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Council of Europe Commissioner for Human Rights, in relation to violence against children in custody in European states. In addition, all national partners conducted a desk-based study of domestic law, policy and practice into:

- The use of force;
- Violence against children in custody;
- Mechanisms for access to justice.

Chapter three of this report sets out a summary of the international and European framework governing violence against children in custody, including relevant comments by monitoring bodies.¹⁷

¹⁷ More details can be found on the project website at: http://violencefreecustody.org.uk/site/assets/files/1152/ending_violence_against_children_in_custody_-_comments_from_european_and_international_monitoring_bodies_final.pdf

2.3 Demographic information

A total of **125** young people were involved in the project across the five partner countries. All partner organisations engaged young adults (up to the age of 22) in the project, both as members of a team of young researchers (the “Young Investigation Team” or “YIT”) and as focus group participants, but only where they had direct experience of custody when under 18.

Young Investigation Team: 21 young people were involved as members of the Young Investigation Team.

Age: The ages of the YIT members ranged from 14 to 22. Most YIT members were aged between 17 and 20.

| AGE | NUMBER |
|-------|--------|
| 14 | 1 |
| 15 | 1 |
| 16 | 1 |
| 17-18 | 6 |
| 19 | 2 |
| 20 | 5 |
| 21 | 1 |
| 22 | 4 |
| TOTAL | 21 |

Gender: 15 YIT members were male, 6 YIT members were female.

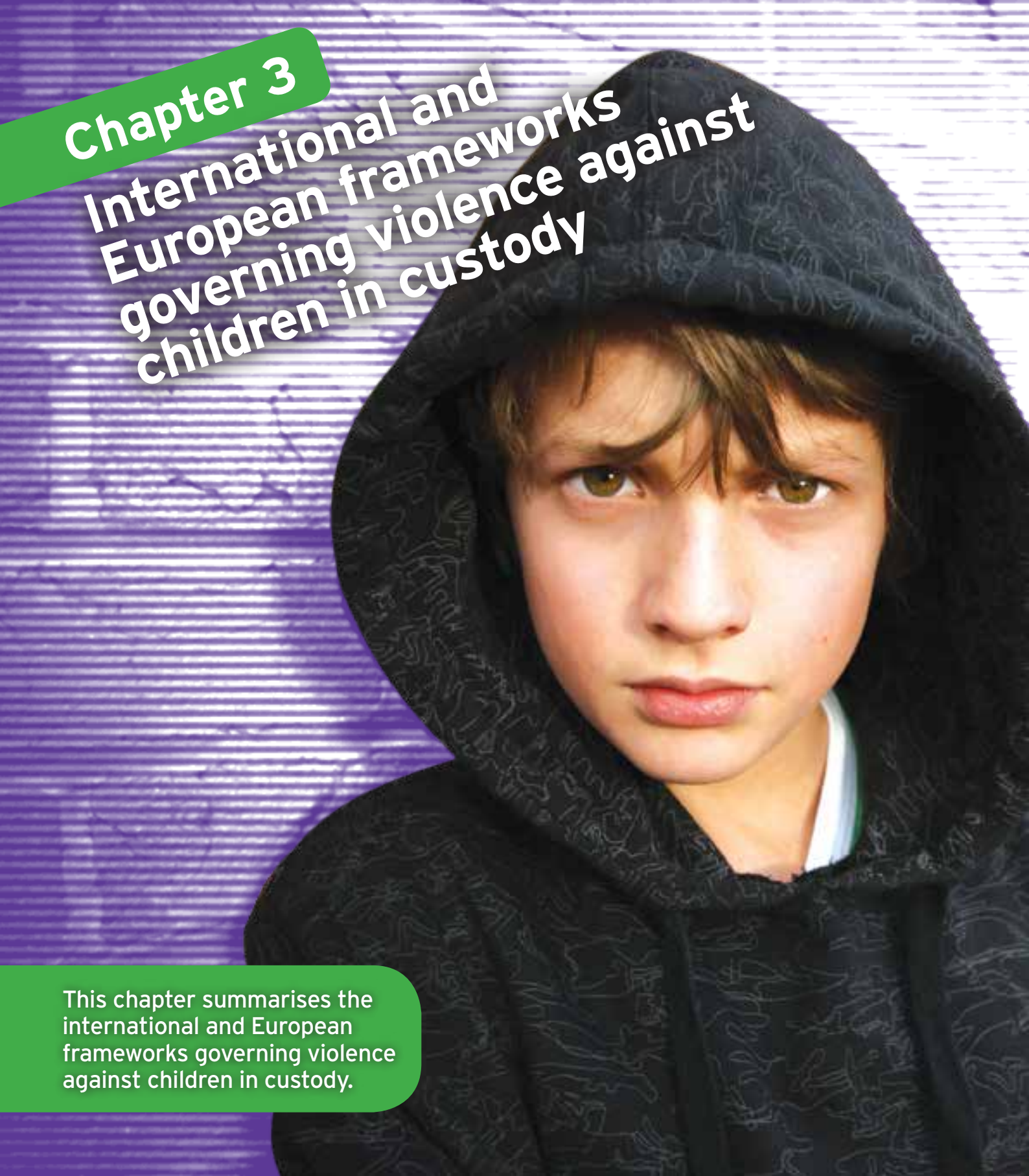
| COUNTRY | MALE | FEMALE |
|-------------|------|--------|
| Austria | 7 | 0 |
| Cyprus | 0 | 1 |
| England | 3 | 2 |
| Netherlands | 2 | 3 |
| Romania | 3 | 0 |
| TOTAL | 15 | 6 |

Focus group participants: A total of **104** young people participated in the focus groups and face to face interviews, 95 were male and 9 were female.

Age: The ages of participants ranged from 13 to 22 years old. The youngest child to participate in the project was 13 years old from England. The oldest participant was 22 years old from Austria. All the young adults over the age of 18 who participated in focus groups and interviews had direct experience of youth custody before reaching the age of 18.

Gender:

| COUNTRY | MALE | FEMALE | TOTAL |
|-------------|------|--------|-------|
| Austria | 16 | 0 | 16 |
| Cyprus | 23 | 1 | 24 |
| England | 15 | 7 | 22 |
| Netherlands | 15 | 0 | 15 |
| Romania | 26 | 1 | 27 |
| TOTAL | 95 | 9 | 104 |



Chapter 3

International and European frameworks governing violence against children in custody

This chapter summarises the international and European frameworks governing violence against children in custody.

3.1 International human rights treaties and monitoring bodies

UN Convention on the Rights of the Child

The UN Convention on the Rights of the Child (CRC) is an international human rights treaty which grants all children and young people a comprehensive set of rights. The Convention is separated into 54 Articles covering different aspects of childhood and rights and freedoms. Once a State has ratified the CRC, all children and young people up to the age of 18 years have all the rights in the Convention. They do not lose these rights when they are in custody. Some groups of children and young people – for example those living away from home, and young disabled people – have additional rights.

What the CRC says about violence against children in custody:

Article 19 of the CRC says that States must protect children from all forms of physical or mental violence *'while in the care of parents...or any other person who has the care of the child.'* Article 3 states that in all actions concerning children, *'the best interests of the child shall be a primary consideration...'* This includes actions carried out by welfare institutions, courts of law, administrative authorities and legislative bodies. Article 12 of the CRC says that children have the right to express their views and have them taken into account in all matters affecting them. There are several other Articles in the CRC that relate to the treatment of children in custody. Article 37 says that States must ensure the protection of children and young people from torture or other cruel, inhuman or degrading treatment or punishment. It also says that children who are locked up must be treated with respect and dignity.

UN Committee on the Rights of the Child

The UN Committee on the Rights of the Child, a group of 18 children's rights experts, monitors the extent to which State Parties are fulfilling their obligations under the CRC. The UN Committee makes recommendations about where the Government must do more to protect children's human rights. These are called Concluding Observations.

UN Committee on the Rights of the Child General Comments

A General Comment provides more information on how to interpret and implement a human rights treaty. The UN Committee on the Rights of the Child has issued several General Comments on aspects of the CRC including the right of the child to be heard, the rights of children with disabilities, and children's rights in early childhood.

General Comment 10 (published in 2007) focuses on children's rights in juvenile justice. The General Comment addresses all aspects of juvenile justice systems, and includes the issue of violence against children in custody. The Committee says that *'Respect for the dignity of the child requires that all forms of violence in the treatment of children in conflict with the law must be prohibited and prevented.'* The General Comment states that there is evidence that violence occurs at all points of the juvenile justice system *'from the first contact with the police, during pretrial detention and during the stay in treatment and other facilities for children sentenced to deprivation of liberty'* and calls on State Parties to take measures to prevent such violence from taking place.

General Comment 13 (published in 2011) focuses on Article 19 of the Convention on the Rights of the Child – the child's right to protection from all forms of violence.

The General Comment states that children must be protected from all forms of physical and mental violence in all settings. The Committee's definition of violence used in the General Comment includes telling children they are worthless and calling them names and humiliating them. The General Comment says that *'children are at risk of being exposed to violence in many settings where professionals and State actors have often misused their power over children, such as schools, residential homes, police stations or justice institutions'*.

Other key points in General Comment 13 relating to violence against children in custody:

- Implementing Article 19 is an essential part of promoting and protecting all of the rights in the CRC;
- All forms of violence against children must be banned in all settings, including custody;
- Each child must be respected as *'a valuable human being with an individual personality, distinct needs, interests and privacy'*;
- The UN Committee expects governments to widely publicise its General Comment, including directly to parents and children.

Summary of the most recent Concluding Observations of the UN Committee on the Rights of the Child relating to violence against children in custody in Austria, Cyprus, England, The Netherlands and Romania.

In October 2012, the UN Committee on the Rights of the Child recommended the following to the Austrian Government:¹⁸

- Ensure the full implementation of juvenile justice standards, in particular Articles 37, 40 and 39 of the Convention, as well as the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System, and the Committee's General Comment No. 10;
- Ensure strict separation of juveniles from adult detainees;
- Ensure detention in adequate conditions;
- Ensure that detention, including pre-trial detention, of juveniles is used as a measure of last resort and for the shortest possible period of time;
- With a view to reducing overcrowding in existing facilities, proceed with a feasibility study for a possible new centre for juveniles deprived of their liberty in Vienna;
- Provide detainees with adequate access to medical and psychological treatment;
- Take the necessary measures to provide juvenile detainees with perspectives for their future, including their full reintegration into the society;
- Ensure that all professional groups working for and with children are adequately and systematically trained on children's rights, in particular... personnel involved in juvenile justice;
- In general, to prioritise the elimination of all forms of violence against children (incl. by comprehensive national strategy; national coordinating framework; paying attention to the gender dimension of violence; further cooperation with UN bodies);
- In general, to strengthen and expand awareness-raising programmes for positive and alternative forms of discipline and respect for children's rights, with the involvement of children;
- In general, to strengthen measures to encourage child victims to report instances of violence, abuse and neglect, and to prosecute and punish the perpetrators;
- In general, effectively implement the child's right to participation in all relevant areas.

In 2003, the UN Committee on the Rights of the Child recommended the following to the Cyprus Government:

- Ensure the full implementation of juvenile justice standards, in particular Articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);
- Ensure that the reforms underway provide for the establishment of a juvenile justice system, including juvenile courts, with adequate human and financial resources and fully integrating international juvenile justice standards;
- Include in its next periodic report detailed information on measures introduced to ensure implementation of new legislation, including by providing training on children's rights to those responsible for administering juvenile justice;
- Provide further information in its next report on the detention conditions of children and on the length of pre-trial detention;
- Undertake a study of, and provide information on, abuse and maltreatment of children occurring during arrest and detention, and specifically on procedures for notification of custody of minors and for ensuring the right to immediate access to a lawyer and to a doctor of choice.

In 2008, the UN Committee on the Rights of the Child recommended the following to the UK Government:

- Use the recommendations of the UN Violence Study as the basis of major action to ensure that every child is protected from all forms of physical, sexual and mental violence;
- Take comprehensive action to protect the child's right to be heard and taken seriously: this right should be reflected in law and in practice in all decision-making processes and settings, including in custody;
- Monitor the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation of children in all settings, including custody;
- Make sure child victims of violence, abuse, neglect and maltreatment are not further victimised during legal proceedings.

¹⁸ UN Doc. CRC/C/AUT/CO/3-4, paras 28, 34, 36, 39, 67.

- Make sure children can access adequate support to recover from violence;
- Ensure that restraint in custody is used only as a last resort and solely to prevent harm to the child or others;
- Prohibit the use of restraint in custody for disciplinary purposes;
- Develop a broad range of alternatives to keep children out of custody;
- Make sure the law requires that custody can only ever be used as a measure of last resort and for the shortest period of time;
- Make sure that children in custody are separated from adults in all places (e.g. including recreation and health care) unless it would be in the child's best interests to do otherwise;
- Make sure children in custody have a legal right to education.

In 2009, the UN Committee on the Rights of the Child recommended the following to the Dutch Government:

- Ensure the full implementation of juvenile justice standards, in particular Articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);
- Use the recommendations of the UN Violence Study as the basis of major action to ensure that every child is protected from all forms of physical, sexual and mental violence;
- Consider reviewing its legislation with the aim of eliminating the possibility of trying children as adults;
- Eliminate the life imprisonment sentence for children (Netherlands Antilles);
- Ensure that the deprivation of liberty of juvenile offenders is used only as a measure of last resort and for the shortest appropriate period of time.

In 2009, the UN Committee on the Rights of the Child recommended the following to the Romanian Government:

- Ensure the full implementation of juvenile justice standards, in particular Articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);
- Use the recommendations of the UN Violence Study as the basis of major action to ensure that every child is protected from all forms of physical, sexual and mental violence;
- Take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts;
- Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimised once again during legal proceedings;
- Provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country;
- Children in conflict with the law should be always dealt with within the juvenile justice system and never tried as adults in ordinary courts;
- Detention should be always applied as a measure of last resort and for the shortest possible period of time and be reviewed on a regular basis with a view to withdrawing it;
- Children deprived of liberty should have access to education, including in pre-trial detention;
- Legislation on regulating the activity of re-education centres (Decree No 545) should be reviewed.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is an international human rights treaty that aims to prevent torture. It came into force in 1987. The Convention sets out a clear definition of torture. It also requires states to take measures to prevent torture (Article 2), to criminalise all acts of torture (Article 4) and bans the transportation of people to any country where there are grounds for believing that they will be tortured (Article 3). States are expected to investigate all allegations of torture (Article 13). Article 16 says that States must prevent any other acts of cruel, inhuman or degrading treatment or punishment, and to investigate any allegations of such treatment within their jurisdiction.

The Committee against Torture monitors how well Members States implement the Convention. Once a State has ratified the Convention it must submit regular reports to the Committee on how the Convention is being implemented. The Committee examines each report and issues Concluding Observations setting out what further action needs to be taken to ensure compliance with the treaty.

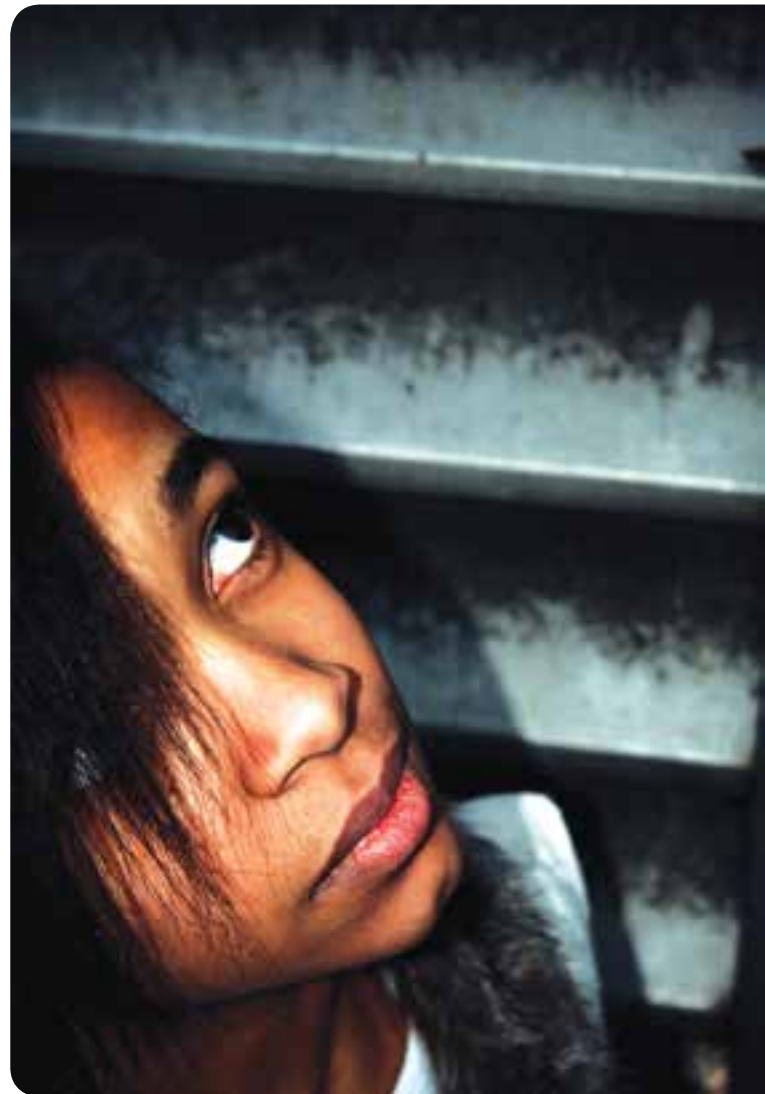
International Covenant on Civil and Political Rights 1966

The International Covenant on Civil and Political Rights (ICCPR) is a human rights treaty that enshrines civil and political rights. States that have ratified the treaty agree to respect the civil and political rights of individuals. States are expected to introduce laws that give effect to Convention rights and provide effective remedies where there are violations. Several Articles in the ICCPR relate to violence against children in custody:

- Article 2 says that Governments must make sure that all individuals enjoy all the rights in the convention without discrimination.
- Article 7 states that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 24 says that all children must enjoy the right to such measures of protection as are required by their status as minors.

UN Human Rights Council Universal Periodic Review

The Universal Periodic Review (UPR) is a process which involves a review of the human rights records of all UN Member States. The process provides the opportunity for each Member State to set out what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. Other Member States are invited to raise comments, questions and recommendations.



Universal Periodic Review: summary of comments made to partner countries.

- **Austria** was subject to the Universal Periodic Review in 2011 but no observations or recommendations were made in relation to violence against children in custody.¹⁹
- **Cyprus** was subject to the Universal Periodic Review in 2009, where the state recognised its domestic laws do not comply with the Convention on the Rights of the Child and noted these were now under review. This includes domestic law relating to juvenile justice. The establishment of the Commissioner for Children's Rights was widely welcomed, including the power to investigate complaints. One recommendation was made in relation to custody, though not specifically in connection with children: *'improve prisons and detention facilities, particularly in police establishments'*.²⁰
- Following its Universal Periodic Review of the **UK**, the United Nations Human Rights Council recommended in 2008 that the UK *'put an end to the so-called "painful techniques" applied to children [in custody].'*²¹
- The **Netherlands** was subject to the Universal Periodic Review in 2008. No recommendations were made in relation to custody.²²
- **Romania** was subject to the Universal Periodic Review in 2008. No specific recommendations were made in relation to violence against children in custody. However, the Government was called on to improve children's rights in relation to police brutality. In addition, recommendations were made with regard to avoiding ill-treatment of prisoners, ensuring that *'all cases of abuse and excessive use of force by authorities be investigated and appropriate measures be taken...'* and to *'...take further action to improve living conditions in places of detention.'*²³

UN Juvenile Justice Standards

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, otherwise referred to as the "Beijing Rules", are a declaration of the UN General Assembly relating to the treatment of young offenders in Member States. The rules provide guidance to States for the protection of children's rights and respect for their needs in the development of distinct and specialised juvenile justice systems. Rule 17.3 says that juvenile prisoners shall not be subjected to corporal punishment.

Standard Minimum Rules on the Treatment of Prisoners

The Beijing Rules makes several references to provisions in the Standard Minimum Rules on the Treatment of Prisoners. The Standard Minimum Rules on the Treatment of Prisoners set out general principles for the treatment of all prisoners, including young prisoners, and provide guidelines on how custodial settings should be managed.

The Beijing Rules says that all young people in detention pending trial shall be entitled to all the rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners (Beijing Rules 13.3). The Beijing Rules also incorporate Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners which states that untried prisoners must be allowed to immediately inform their families about their detention, be given facilities to communicate with them and receive visits from them, subject only to necessary restrictions (see Rule 10.1 of the Beijing Rules).

The Beijing Rules state that *'The Standard Minimum Rules for the Treatment of Prisoners and related recommendations shall be applicable as far as relevant to the treatment of juvenile offenders in institutions, including those in detention pending adjudication... Efforts shall be made to implement the relevant principles laid down in the Standard Minimum Rules for the Treatment of Prisoners to the largest possible extent so as to meet the varying needs of juveniles specific to their age, sex and personality (27.1-2, Beijing Rules).*

¹⁹ UN Human Rights Council (2011) *Report of the Working Group on the Universal Periodic Review Austria*, A/HRC/17/8

²⁰ UN Human Rights Council (2010) *Report of the Working Group on the Universal Periodic Review Cyprus*, A/HRC/13/7

²¹ UN Human Rights Council (2008) *Report of the Working Group on the Universal Periodic Review United Kingdom of Great Britain and Northern Ireland*, A/HRC/8/25

²² UN Human Rights Council (2008) *Report of the Working Group on the Universal Periodic Review Netherlands*, A/HRC/8/31

²³ UN Human Rights Council (2008) *Report of the Working Group on the Universal Periodic Review Romania*, A/HRC/8/49

The Riyadh Guidelines

The United Nations Guidelines for the Prevention of Juvenile Delinquency, otherwise referred to as “Riyadh Guidelines,” are a resolution by the UN General Assembly regarding the prevention of juvenile delinquency.

While the guidelines are focused on the prevention of juvenile offending, the document is clear that violence in juvenile justice settings should be avoided. Paragraph 21(h) states that education systems should apply particular attention to the avoidance of harsh disciplinary measures, particularly corporal punishment. Paragraph 54 states that no child or young person should be subjected to harsh or degrading correction or punishment measures at home, in schools or in any other institutions. The guidelines also state that Member States should introduce legislation to ensure the prevention of abuse, victimisation and exploitation of children and young people.

The Havana Rules

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, otherwise referred to as the “Havana Rules”, are a resolution of the UN General Assembly regarding the treatment of children and young people who have been deprived of their liberty. The Rules set out minimum standards for the protection of children and young people deprived of their liberty, in line with human rights standards. The Rules are meant to be a supplement to the Beijing Rules.

The Rules state that juvenile justice systems should uphold the rights and safety of children as well as promoting the physical and mental well-being of juvenile offenders. Rule 67 says that all disciplinary measures constituting cruel, inhumane or degrading treatment shall be strictly prohibited, including corporal punishment.

World report on violence against children

The United Nations Secretary-General's Study on Violence against Children was published in 2006. It is the most comprehensive study ever into the many forms of violence suffered by children in different parts of the world and in different settings. The Study made 12 major recommendations to national Governments and international bodies.

The UN Violence Study made an additional 13 recommendations in relation to children in care or custody:

1. Prohibit all violence in care and justice systems;
2. Ensure institutionalisation is a last resort, and prioritise alternatives;
3. Ensure quality staffing and training;
4. Ensure police, referral agencies, lawyers, judges, institution managers and staff know about and can put children's rights into practice;
5. Ensure court systems are sensitive to the needs of children and their families;
6. Regularly reassess placements to see whether detention is still necessary; ensure children (and their parents) are involved in these reviews;
7. Ensure effective complaints, investigation and enforcement mechanisms;
8. Ensure effective sanctions against perpetrators of violence, including those who run institutions;
9. Ensure effective monitoring and private access to children in custody so they can freely talk about their experiences;
10. Ensure the registration and collection of data so that children's views and experiences are known and progress towards ending violence in custody can be measured;
11. Ensure that the use of detention is reduced so it is used only as a very last resort for those children who pose a real danger to others;
12. Introduce legal reform to ensure children cannot be subject to violence as a punishment for offending;
13. Establish child-focused juvenile justice systems for all children up to the age of 18.

United Nations Special Representative of the Secretary General on Violence against Children

Marta Santos Pais is the Special Representative of the Secretary-General on Violence against Children. This role was created following a recommendation in the Secretary-General's Study on Violence against Children which called for a special representative on violence against children to:

- Act as an international advocate to promote the prevention, and elimination of all violence against children;
- To promote the recommendations of the UN Study on Violence against Children and ensure that countries act on them;
- To work closely with other international monitoring bodies including the UN Committee on the Rights of the Child.

3.2 European human rights treaties and monitoring bodies

European Convention on Human Rights

The European Convention on Human Rights (ECHR) is an international treaty to protect human rights and freedoms in Europe. It was created by the Council of Europe in 1950 and came into force in 1953. All 47 Council of Europe members have ratified the Convention and are obliged to follow it. Although the ECHR was not designed exclusively for children and young people, all of the rights contained within the ECHR apply to children as well as adults. Several of the Articles contained in the Convention have been used to defend and advance children's rights before the European Court of Human Rights.

Two Articles in the ECHR are particularly important in relation to protecting children in custody from violence:

- Article 2 guarantees the right to life;
- Article 3 says that no one shall be subjected to torture or to inhuman or degrading treatment or punishment.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is a Council of Europe treaty. It establishes the Committee for the Prevention of Torture (CPT), whose role is to *'examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.'*

The Committee visits prisons, juvenile detention centres, police stations, social care homes and other places of incarceration in an effort to evaluate the treatment of people who have been arrested and detained. Committee members have unrestricted access to these institutions. These visits are performed approximately once every four years.

Committee for Prevention of Torture: summary of comments made to partner countries.

The CPT did examine the treatment of child prisoners when it visited **Austria** in February 2009 but did not raise the specific matter of violence against children. Notwithstanding this, there is no doubt the subjects raised by the Committee – food, outdoor exercise and out of cell activities – all contribute to the safety, well-being and protection of child prisoners.²⁴

The CPT last visited **Cyprus** in 2004 and recorded satisfaction with disciplinary sanctions imposed on children in detention.²⁵ However, the Committee recommended that children be given the right to be heard during disciplinary proceedings and that they have the right to appeal any sanctions. It also recommended full records be kept of sanctions. The Committee asked the Government to provide more information on disciplinary sanctions applied to children in detention and on the complaints procedures available to children.

In December 2009, the CPT published its report on the UK (following visits the previous year).²⁶ It recommended the **UK**, *'discontinue the use in juvenile establishments of manual restraint based upon pain compliant methods... The delegation met a number of juveniles who had been restrained and they all complained of the painful techniques employed; particular mention was made of a nose grip whereby the nose was pulled back and a finger rubbed hard across the base of the nostrils. Any force used to bring juveniles under control should be the minimum required in the circumstances and should in no way be an occasion for deliberately inflicting pain. The CPT recommends that the United Kingdom authorities ensure that all custodial officers abide by this precept more particularly; the use of the nose grip should be discontinued'*.

In 2008, the CPT published its report on the **Netherlands**, following a visit in 2007.²⁷ The CPT expressed concerns over a number of aspects of the detention of children in the criminal justice system. Specific recommendations were made in relation to the use of order measures and disciplinary sanctions and the use of solitary confinement. The CPT expressed serious concerns over the use of handcuffs: *'Juveniles transferred to the isolation department were systematically handcuffed, even when they were only being temporarily placed in an isolation cell due to a room search.'* It recommended that the Netherlands *'review the systematic use of handcuffs for all transfers to the isolation unit; their application should in case be based on a risk assessment...'* The CPT made detailed comments on the use of restraint in custody: *'The CPT considers that the rules on the use of means of restraint with respect to juveniles should be tightened. In those exceptional cases that juveniles are restrained, they should be the subject of direct, personal and continuous supervision and not only those judged to be at risk of suffocating. Further, the use of means of restraint should be for the shortest possible time (usually minutes or a few hours) and not such lengthy periods as currently provided for in the legislation. In the CPT's view, a staff member present in the room may have a calming effect on a restrained juvenile as well as being able to provide immediate assistance if needed. Further, such a presence is helpful in ensuring that means of restraint are applied for no longer than absolutely necessary... The CPT recommends that the Regulation on the use of mechanical means of restraint on juveniles be reviewed, in the light of the above remarks.'* In 2011, the latest CPT report on the Netherlands was published.²⁸ In this report remarks were made about placing two minors in cubicles at the police station for more than 10 hours. Visits to juvenile detention did not take place during the CPT's visit in 2011.

Romania was last visited by the CPT in 2006. The Committee said that the police officers and prison staff must be reminded that ill treatment of detainees is unacceptable. The Government was also called on to ensure that children who are detained are given information about their rights.²⁹

24 European Committee for the Prevention of Torture (2010) *Report to the Austrian Government on the visit to Austria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 25 February 2009*, CPT/Inf (2010) 5

25 European Committee for the Prevention of Torture (2008) *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 8 to 17 December 2004*, CPT/Inf (2008) 17

26 European Committee for the Prevention of Torture (2009) *Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 November to 1 December 2008*, CPT/Inf (2009) 30

27 European Committee for the Prevention of Torture (2008) *Report to the authorities of the Kingdom of the Netherlands on the visits carried out to the Kingdom in Europe, Aruba, and the Netherlands Antilles by the carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in June 2007*, CPT/Inf (2008) 2

28 European Committee for the Prevention of Torture (2012) *Report to the Government of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 October 2011*, CPT/Inf (2012) 21

29 European Committee for the Prevention of Torture (2008) *Rapport au Gouvernement de la Roumanie relatif à la visite effectuée en Roumanie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 8 au 19 juin 2006*, CPT/Inf (2008) 41

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent, non-judicial institution of the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 Member States. The Commissioner for Human Rights regularly conducts visits to monitor and evaluate the standards of human rights protection in all Council of Europe members. After a visit, a report is published, containing conclusions and recommendations to help address concerns and raise standards. The current Council of Europe Commissioner for Human Rights is Nils Muižnieks.

Council of Europe Commissioner for Human Rights: summary of comments made to partner countries

The Council of Europe Commissioner for Human Rights, following his visit to **Austria** in May 2007, did not raise any issues on the criminal justice detention of children.³⁰

The memorandum from the Council of Europe Commissioner for Human Rights, following his visit to **Cyprus** in July 2008, did not raise any issues on the criminal justice detention of children.³¹

In October 2008, the Council of Europe Commissioner for Human Rights issued a juvenile justice memorandum on the **UK**,³² observing: *'The Commissioner has been struck by the apparent focus in UK custodial settings on the issue of restraint techniques and what is "allowed" and "not allowed". He is not aware of any other member state that sanctions the use of deliberate pain as a method of restraining a child'. The Commissioner urged: '... the immediate discontinuation of all methods of restraint that aim to deliberately inflict pain on children.'* He noted the recommendation of the United Nations Secretary-General's Study on Violence Against Children: *'The State must not itself be a perpetrator of violence against individuals in its care ... The use of corporal punishment and other cruel or degrading forms of punishment or control must be prohibited explicitly within all institutional and alternative care settings where children reside or are detained'* and recommends *'The UK Government must as a matter of urgency ensure that corporal punishment is explicitly prohibited in all custodial settings'.*

The memorandum from the Council of Europe Commissioner for Human Rights, following his visit in 2008 to **the Netherlands**, welcomed an amendment to the criminal code that no longer allows children to receive life imprisonment sentences. He expressed his concern over the trend for harsher penalties for young people. During the visit he stressed that detention of children in closed institutions should only be a last resort and for the shortest possible period. He said that preference should be given to non custodial alternatives. No specific recommendations were made relating to violence in custody.³³

The report from the Council of Europe Commissioner for Human Rights, following a visit to **Romania** in 2002 did not make any specific recommendations relating to violence against children in custody.³⁴

European Union: Lisbon Treaty

The adoption of the Lisbon Treaty was a significant development for children's rights in Europe. Article 3 of the Treaty on European Union requires the EU to promote the rights of the child. The Treaty on the European Union contains several other provisions relating to the promotion and protection of human rights. Article 24 of the Charter of Fundamental Rights of the European Union states:

Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration...

³⁰ Council of Europe (2007) Report by the Council of Europe Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Austria, CommDH(2007)26

³¹ Council of Europe (2008) Report by the Council of Europe Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Cyprus, CommDH(2008)36

³² Council of Europe (2008) Report by the Council of Europe Commissioner for Human Rights Mr Thomas Hammarberg following his visits to the United Kingdom (5-8 February and 31 March-2 April 2008), CommDH(2008)27

³³ Council of Europe (2009).Report by the Council of Europe Commissioner for Human Rights Mr Thomas Hammarberg on his visit to the Netherlands (21-25 September 2008), CommDH(2009)2

³⁴ Council of Europe (2002) Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Romania 5-9 October 2002, CommDH(2002)13

Chapter 4

Key findings: Ending violence against children in custody

Section 4.1

Explores what young people understand by the term “violence”.

Section 4.2

Presents young people’s views and experiences of violence in custody. It focuses predominantly on young people’s views and experiences of violence between young people.

Section 4.3

Presents young people’s views and experiences of violence in custody between staff and young people.

Section 4.4

Explores how staff and young people intervene in, and respond to, incidents of violence in custody. It focuses on alternatives to the use of force.

Section 4.5

Sets out young people’s suggestions for what they would do to end violence in custody if they were in charge of their custodial settings and messages to people in authority.



4.1 What is violence?

Summary

- Violence is an abuse of power.
- Violence includes a range of physical acts.
- Violence also takes other forms, including verbal and emotional bullying and threatening and intimidating body language.
- Racism is a form of violence.
- Growing up in an environment where violence takes place can make violence in custody feel “normal” for some young people.
- Violence in custody happens between young people, and between staff and young people.

Participants in all of the interviews were asked what they understand by the term “violence”. In the majority of the interviews across the five partner countries, interviewees defined violence as acts that involved physical force and described the range of forms that physical violence could take. When asked to define “violence”, interviewees in Romania explicitly said that violence was an abuse of power. They said that they thought that violence was the intentional use of physical force or power against another person that results in, or is likely to result in injury, death, psychological harm or deprivation. In Cyprus, interviewees defined violence as physical force and degrading and demeaning behaviour. Some of the interviewees in the Netherlands found it hard to provide a single definition of violence and disagreed on what they understood by the term. However, there appeared to be general agreement that violence often included physical acts.

Many of the young people across the partner countries also stated that violence could take other forms such as verbal and emotional violence and several said that they explicitly considered bullying and racism to be forms of violence.

A number of interviewees said that violence often felt “normal” as it was something they had grown up with – others did not agree with this position and felt that just because a person had grown up in a violent environment, violence was not “normal”. When talking more specifically about violence in custody, interviewees explained that violence (both physical and emotional) could take place between young people and between staff and young people.

Participants in interviews in the five countries specified the following acts when explaining their definition of the term “violence”:

| | |
|--------------|--------------------------------------|
| Fighting | Head-butting |
| Punching | Rape |
| Kicking | Murder |
| Assault | Manslaughter |
| Sexual abuse | Pulling out a weapon |
| Stabbing | Brawls |
| Name-calling | Beatings |
| Slapping | Extinguishing cigarettes on the body |
| Aggression | Mobbing |

A small number of young people felt that violence was purely physical:

‘...that’s more like hitting and punching; rather like physical violence rather than anything else. So it’s more like physical rather than anything. So it could be hitting, kicking, punching, spitting, biting; anything, because it’s just physical...’ (Female, 13, England)

The majority of participants in all of the interviewees commented that violence can also take other forms: ‘words can also be violent’ (Male, 20, Netherlands). Examples given included: verbal violence such as swearing, insults, name calling and personal comments, emotional or psychological violence, and writing threatening letters or text messages. Some young people felt that violence could be conveyed through body language, words and looks. In Austria, other terms interviewees also mentioned included humiliation, threats, degradation, hating each other and wearing others down.

“For me, violence starts with words, like insults or oppression, and then turns to physical violence, like beating.”
Male, 20, Austria

...You see fighting, it doesn’t necessarily have to be physical. It could be mental as well. It could be... well, like emotional. Obviously, when you’re upset, people emotionally fight in a sort of way, even through text message, or Facebook; when you’re like just saying, oh, yes, I’m going to punch you up, or something. That’s practically violence except it’s all words... (Male, 14, England)

Some interviewees in Romania commented that whilst they had experienced high levels of verbal violence they did not necessarily consider it to be as serious as physical violence.

Interviewees in England explicitly included racism in their definition of “violence”. Several young people described what they considered to be racist violence in the context of contact with police officers – they described police using racist language, swearing at family members and stop and searches on black children and young people.

Young people in the Netherlands commented that measures such as solitary confinement or physical restraint could be regarded as forms of violence, especially if applied unlawfully or for too long. Others felt that these were not forms of violence but necessary measures. One young person said that he didn’t consider them to be violence *any more* [emphasis added] as he was used to it.

Interviewees in the Netherlands also explained that young people in custody may be sexually abused by staff. This was not raised as an issue by interviewees in any of the other countries.

Throughout the discussions, some interviewees talked about violence being normal – both in custody and outside. They talked about growing up in a household where there was lots of violence, becoming used to it, and being violent to others:

It [violence] just is. It's just normal. Like you get used to it and it's just like you get used to everybody fighting and disagreeing and you just get used to it so it's normal.
(Female, 13, England)

“ I learned at home to be so violent. My father beat my mother very often and I was witness to those scenes. I shouldn't have seen that. I grew up in a violent environment. Violence is what I saw every day at my home. This is what I learnt. I can say that I am here [in custody] because of my parents.”

Male, 16, Romania

This view was not universally shared – some interviewees felt that just because a young person experienced violence when they were growing up, this did not mean that violence was normal or acceptable for them.

In relation to violence against children in custody, it was clear that violence occurred in all custodial settings in the five countries, both between young people and between staff and young people: ‘[Violence can be] from staff to kids, kids to kids and kids to staff’ (Male, 15, England). All interviewees described violent incidents between their peers and between staff and young people. The majority of the young people interviewed in the partner countries had experience of the use of force and other forms of degrading treatment (such as strip searching, solitary confinement or

isolation in basements) by staff in custodial settings. Several also described experiencing violence when in contact with police officers – both in terms of physical force and other forms of threatening and intimidating treatment. Section 4.3 of this chapter presents the views and experiences of young people about the use of force by staff in the custodial workforce and in the police force.

4.2 Violence between young people in custody

Summary

- Violence is a common experience in custody.
- Violence can be caused by a range of factors in custody, including young people trying to assert their status, feelings of fear, anger, frustration and boredom, racism and gang or neighbourhood conflicts playing out in custody.
- Violence can escalate quickly in custodial settings.

Participants in all of the interviews were asked to consider all stages of the process of being in custody and to explain when violence is most likely to occur, who is likely to inflict violence, how violence makes them feel and react and to describe the incidents of violence they witnessed and/or experienced themselves. Several young people in England and the Netherlands said that violence was particularly likely to occur on entry to custody as people pick on weaker or more vulnerable young people and try to assert their status. Interviewees in the Netherlands said that in addition to violence occurring in custody, it also happened in court and during transportation from court to custody. For other young people, violence was a more day-to-day occurrence.

All of the young people were asked to describe what they considered to be the causes of violence in custodial settings. In the majority of interviews across all of the partner countries, the interviewees identified feelings of anger, boredom and frustration as causes of violence, which can often escalate quickly in custodial settings. In England, a number of young people said that external gang or neighbourhood conflicts could play out in custodial settings, often leading to violence between young people. In Austria, young people described disagreements between particular groups of young people in juvenile detention centres. In the Netherlands, sexual abuse between young people was identified as a particular issue within custodial settings. Young people in the Netherlands and England suggested that prisoners might experience violence as retribution for their offence (e.g. sex offences).

When violence happens in custody

All of the interviewees said that violence occurred in custodial settings. Some young people in Austria said that violence in custody was a common experience ‘*frequently seen and early experienced*’ (Male, Austria). Interviewees in Cyprus also said that violence was common – in particular hitting and shouting. Only a few said that they had not seen or experienced violence – they felt that this was because they were very new to the prison, or were only held for a very short time in detention in police stations.

Interviewees in the Netherlands highlighted the first few months in custody as the most difficult and a time where violence between young people was likely to occur:

“The new ones are being tested. For example, they steal your shoes and want to find out how you react on that.”

Male, 16, the Netherlands

The first time I entered the group I was a bit afraid. Two boys were testing me, making fun of me. I got a chair and slapped him with it. The other boy I hit with a fist. I was taken to solitary confinement immediately but I was happy that I had dealt with it. (Male, 19, the Netherlands)

Similar views were expressed by young people in England. They considered that violence, and bullying in particular, was more likely to happen when a young person first arrives in custody. A young male said that entering custody was also a time when you might ‘*get dragged in [to fights]*’ (Male, 14, England) by people who have been there for a long time, and this could get you into trouble or cause the loss of privileges. A female said that violence was particularly likely when entering custody as young people were confused and scared on arrival and might ‘*lash out at people. You don’t want to let them in... you don’t want to trust them just in case they let you down*’ (Female, 13, England).

Young people in detention in Austria explained that prisoners don’t tend to show violent behaviour in the first weeks of custody. Instead, they were more likely to be violent and aggressive after three or four months of imprisonment. After the first few months, young people were likely to be more frustrated with a repetitive and unsatisfying daily routine and by being confined in a small cell. These factors contribute to violence being easily triggered as inmates pick fights with one another. These fights often escalate into brawls between many detainees. They also commented that there were certain times of the year when fights were more likely. Periods of increased strain, such as during Christmas time or summer holidays, are times when more violent incidents between young people were likely to take place.

In some countries, violence between young people was generally considered to be worse in certain custodial settings than others. Interviewees in a focus group in England said that they felt that there was less violence in their unit than in other custodial settings:

I was expecting to be going to somewhere like [name of institution]. There’s going to be lots of people. Everyone’s going to want to fight you. You can’t do nothing, you’re just going to be in your cell 24/7. (Male, 15, England)

A young male in England said that he felt that the small number of residents and the relatively high proportion of staff in his institution reduced tensions and meant that,

although there was some violence, people learnt how to get on together: *'in here there is only a little amount of us so we're always seeing each other...learning how to [get] along with each other...'* (Male, 14, England). He contrasted this to larger institutions, where there were more residents and fewer opportunities to get to know people properly and develop positive relationships.

Violence inside custody vs violence outside

Many of the interviewees said that there was a difference between the kinds of violence they experienced outside - in the home, streets and wider community - and that experienced in custody. However, there were mixed views as to whether the violence inside custody was worse or more difficult to deal with.

A number of young people in England said that the violence was worse outside custody, that there was more of it and that people rarely stepped in to stop it:

And you don't have the staff around to stop it because they can restrain you, they can stop you from doing it or they can prevent it from happening all together, whereas if you're out... (Female, 15, England)

Two interviewees in the Netherlands agreed. They felt safer inside custody than outside:

When you're in the real world, in real neighbourhoods... you have to stand up for yourself. Here it is different. We are all locked up. On the streets it is more dangerous than inside. (Male, 17, the Netherlands)

In contrast, several other young people across the five countries felt that violence was worse in custody because it could not be avoided. In Cyprus, the majority of young people felt that violence was much worse inside custody because there is no escape from it:

At home you can run away but this clearly cannot happen if you are in custody. You feel locked up, isolated and enclosed and with no rights. (Male, 21, Cyprus)

Violence exists in the family, but in locked institutions there is an additional element of violence. (Male, 17, Cyprus)

Interviewees in Romania expressed similar views:

“ In custody we are more aggressive. Everyday we find a reason to fight. When I was at home with my family I was never violent, but here there is a lot of pressure. ”

Male, 17, Romania

Almost all of the interviewees in the Netherlands also felt that the level of violence in custody is higher than that outside. One young male explained:

Violence in custody is different. If you are in a youth custodial institution, all the people that fight on the streets and using violence are packed together. And then you have a high level of violence. (Male, 20, the Netherlands)

Only one of the interviewees in the Netherlands felt that the level of violence inside custody was the same as outside custody:

Violence happens at the same level also outside. Everybody tries to get power, only in custody this is a small world. (Male, 19, the Netherlands)

Young people in Austria said that although there was more violence outside, inside prison the violence is worse. They commented that in custody there is no way to avoid or flee from the aggression and that young prisoners are constantly under pressure to fight and defend themselves and confirm their status in the prison hierarchy. Interviewees in Austria also suggested that the use of violence against other young people seems to be a part of the inmates' code of conduct, as everyone is under enormous pressure to prove oneself. Outside prison young people would think twice as to whether to get involved in a violent situation, but in prison it is easier to be drawn in. They also said that the violence is worse in prison because there is no one who looks out or cares for them, like their parents would.

Most of the participants in focus groups in Romania said that violence in custody is different in nature from the kinds of violence that children and young people might experience at home, in school, or in their communities because they feel more offended after a fight in custody than after a fight at home. They also said that there were often serious consequences after a fight in custody as staff may write negative reports which could hinder their development and rehabilitation.

Causes of violence in custody

All of the interviewees were asked to consider what causes violence in custodial settings. Several interviewees explicitly linked violence to being in custody: the boredom and routine, living in a contained and highly pressurised atmosphere, with lots of people locked up together. Several young people across the five European countries identified high levels of stress and frustration and living very closely with people you might not like as factors that create a situation where violence is possible.

Young people in Austria identified the general framework of imprisonment as a major factor in causing violence. The deprivation of freedom and the experience of being locked up behind bars or within four narrow walls, made inmates aggressive and easy to provoke. One young person in Austria stated that the sight of the bars in front of his windows when he wakes up torments him and he

feels claustrophobic. This was particularly problematic in relation to pre-trial detention, where up to four inmates have to share one cell. In contrast, convicted juveniles in Austria usually stay in single cells. Interviewees described how new regulations had recently come into force in juvenile detention which mean that detainees are spending increasing amounts of time locked up in rooms measuring four metres squared. Many young people said that they cannot bear to be 'constantly locked up' (Male, 18, Austria).

Boredom was identified as a key cause of violence in custody:

There is not much to do. Then we start looking for something, irritations arise and fighting starts.
(Male, 17, the Netherlands)

“ We have nothing better to do. We are bored, very stressed and easily irritable, and we start fighting with our colleagues.”

Male, 18, Romania

In Austria, young people explained that in pre-trial detention some of them are only permitted a small amount of time out of their cells at the weekend. They said that they feel “underemployed” as they spend most of their time in their cells watching television. The young people said that being detained in their cells for such long periods adds to the levels of frustration and aggression.

Young people said that the tensions and pressure caused by being cooped up together causes violence. In the Netherlands, young people attributed violence to the fact that they are locked up, see each other every day, and they live too close together: ‘We are together every day. After a while that is a bit too much’ (Male, 17, Netherlands). Interviewees commented that young people are constantly testing each other in custody, and irritations between young people run high, which leads to violence breaking out:

Outside you are free but here everybody is paying attention to you. You have to deal with a lot of setbacks that can create tension. You lost your freedom and you are agitated. You constantly get tested, the group wants to know how far you will go. (Male, 18, the Netherlands)

In Romania, some young people commented that bad jokes or pranks could often lead to violence:

“ Sometimes you are sad, you want to be alone with your own thoughts and a colleague comes and irritates you, he makes fun of you, he looks for a reason to argue and then you snap and fight with that person.”

Male, 19, Romania

Several young people across the partner countries commented that violence can escalate quickly in custodial settings:

...And first of all it's a disagreement, and then it gets bigger and then it blows up into a full fight. So it can happen, fights can happen over the stupidest things... (Female, 13, England)

Young people in Austria commented that detainees on remand in pre-trial custody were generally experiencing imprisonment for the first time and are learning how to deal with this situation. The tension they are experiencing often means that small problems between young people escalate into bigger arguments quite quickly – this in turn puts additional pressure on young people.

Young people in several countries said that feelings of loneliness and isolation were at the root of violence in custody. Young people in England identified stress caused by separation from friends and family as a cause of violence: ‘I think people are violent, yes, because they're getting stressed out, they don't see their family...’ (Male, 15, England). Many interviewees in this group felt that enabling better links with friends and family, more family visits and greater contact might help to reduce feelings of frustration and therefore reduce incidents of violence. A young person in Romania said that he was likely to become violent when people made comments about his family, as this upset him:

I care about my reputation here in custody and I want to be respected. Most of all I hate when someone talks bad about my family... (Male, 16, Romania)

Young people in Austria also said that being separated from all of the people who are important to them – friends, partners, family – is destabilising. They have very limited contact with these people and when they do receive visitors, they are always separated by a glass wall. This increases young people's feelings of frustration. Young people in Austria commented that detainees experiencing imprisonment for the first time do not know how to handle this experience and feel lonely. One young person in Austria stated that he feels lonely and sees no prospect for his future. It is this combination that makes him violent towards others.

According to most interviewees in the Netherlands, violence occurs because they can't trust anyone. They can't talk to anyone about things that bother them and the way they feel. Because of this, violence occurs:

Young people in custody don't show their emotions, they keep everything for themselves. They don't have anyone to talk to, they have no freedom. The people that work with them violate their trust, meaning group leaders, the psychologist, lawyers and also their peers. It is very hard to keep your head up. There is always a day that you can't do it anymore. Some of us become emotional after a while, sometimes they react aggressive. (Male, 19, the Netherlands)

There appeared to be almost universal agreement across the interviews in the five European countries that violence inside custodial settings is linked to status and hierarchy – fights break out as people try to assert their position over the other young people, take control and not be seen as weak. Many of the interviewees in Cyprus explicitly linked violence in custody to power, and to the desire of both staff and other young people to show who is in charge. They said young people experience violence at the hands of staff because they are more accessible and easier victims than adults.

In Austria, interviewees said that violence is used to gain respect from other young people and improve their status: *'to prove and show that they have balls'* (Male, Austria). They felt that there is a constant struggle between inmates to define power relations and hierarchies. Different social groups compete with each other. Young people in Austria said that “outsiders” and “weak” are particularly subjected to violence in detention. Many of the interviewees talked about the suppression of “weak” within the prison hierarchy. They explained that strong people are those who exude confidence – it has nothing to do with physical condition. A stronger position is either achieved through broad respect by others or through the oppression of weaker inmates. Nobody wants to belong to the group of weaker young people. They said that if a young person doesn't fight back they risk losing face, and will become known as weak and a victim and are then likely to be treated badly by other inmates. Violence is triggered by, and is unavoidable because of, the constant need to gain or defend a good position within the prison hierarchy. One young person said that *'this is a battle that everyone has to fight for himself'* (Male, Austria).

Interviewees in the Netherlands explained that weaker boys experience violence in custody more often. In every group some boys are unsafe because they are weaker or younger (generally aged 12-15) and therefore bullied by their peers. They are potential victims of violence. One male commented:

It is important not to show who you are. If you show weakness, you're in trouble. Here, the rules of the jungle count. If another boy is weak and has money, you take it from him. (Male, 20, the Netherlands)

In the Netherlands, the crime committed by a young person in custody has a huge effect on the way they are treated by peers. Boys who committed a crime including violence or armed robbery are popular and have a high status. They feel safe because other young people think they are tough and sturdy or because they are afraid of them.

Similar views were expressed by young people in other countries.

Some boys are playing cool, they want to... impose... respect... The officers do not get involved, and those who are terrorised end up by terrorising others. (Male, 17, Romania)

“...You don't want to do it, but it's either do that or let everybody walk all over you, and you'd rather fight than let everybody walk all over you. So you're just like you don't want to seem like the weak one, so you try to do everything you can to try to not be the weak one because the weak one's an easy target and you just get loads of people bullying you all the time...”

Female, 13, England

In several interviews in England, conflicts over postcodes and gangs were identified as a specific cause of violence in custodial settings: *'[Violence happens inside because of] people from different areas coming in and people disagreeing with one another...'* (Male, 15, England). This theme was picked up by a young person who had been in a young offender institution in England. He said that people *'fight about postcodes, where they're from...'* (Male, 17, England). Other young people in custody in England said that this was not such an issue in their unit as the young people came from a wide geographical location but thought it could definitely be a problem if there were several young people from one area inside together.

Several young people across the five countries said that violence between young people in custody takes place simply because the system places a number of young people, often with serious problems, in a confined space together: *'...you won't be able to stop fighting in prison because you're getting loads of criminal kids together'* (Male, 16, England). Young people in Austria also commented that locking up teenagers with a high affinity towards violence in a small space is likely to create further violence. Since there is no way for inmates who do not like each other to avoid one another, confrontations are frequent and often lead to violence.

Other factors that were identified as causing violence in custodial settings included anger (*'people tend to use violence when they're angry'* (Male, 15, England)), individual young people not getting the support they need, or having a difficult upbringing, where violence was common:

I learned at home to be violent. My father beat my mother very often and I was witness to those scenes. I shouldn't have seen that. I grew up in a violent environment. Violence is what I saw everyday at my home. This is what I learnt. I can say that I am here [in custody] because of my parents. (Male, 16, Romania)

...And so it depends on how you got brought up, because if your parents want you, then they really care about you... And it depends if they're physically violent to you. But if they are, then you'll probably get beaten up quite a lot, so then it's just like you get used to it, so when you come to a place like this you're like I don't really care, I'm used to it, so you just get used to it... (Female, 13, England)

In Romania, Austria and the Netherlands, a specific cause of violence was considered to be when an individual tells on another individual:

The most common cases of violence occur because of someone who rats people out. Some of my colleagues try to obtain benefits from the staff, so they go and accuse the other fellows, they freely give up information about a peer to a supervisor for example, in order to use that information against that peer. Some of them snitch because they need attention, others snitch because they are scared and want protection. (Male, 16, Romania)

Drugs were explicitly identified as a cause of violence in only one of the partner countries. Some young people in Austria considered drug abuse to be a key reason for violence in juvenile detention centres: *'Outside, I used to be a junkie. Here for example, when there are drugs available I cannot easily resist and I would like to change that, but this is difficult'* (Male, Austria). All of the young people had troubles with substance abuse before they were imprisoned. Interviewees in the juvenile detention centre explained that prisoners now get tested for illegal substances frequently. If they test positive, they lose certain privileges and get less time outside their cell. That is why certain drugs that cannot be tested in urine samples, are most frequently consumed. They also explained that some inmates only get hooked on drugs once they are in prison. Boredom and a need for distraction are the main reasons for drug abuse. Interviewees very clearly felt that prison life and drugs are inseparable. They are professionally smuggled in and hidden. Some of the interviewees felt that there would always be drugs in prisons.

Racism was identified as a cause of violence in several of the partner countries (Austria, Cyprus, England and the Netherlands). In the majority of instances where young people referred to racism, they tended to describe prison guards or police officers being racist towards young people. Interviewees in one focus group in England talked about young people being racist towards each other. One young male described how he had been subject to racism by other young people quite frequently in his first weeks in the unit: *'And it's happened on my first week... twice in the first week I was here. Like one day and then the next day'* (Male, 15, England). Another interviewee agreed, but said that staff had taken action to try and prevent this from happening: *'It happened four or five times in a day, I was there. But I've got to say, it's been noted, it has been recognised. Staff are clamping down on it. Staff are trying to see, and do something about it...'* (Male, 15, England). Young people in this group felt that more could be done to encourage young people not to judge each other when they first enter custody.

How violence makes young people feel and behave

In all of the focus groups young people discussed how violence makes them behave and feel. Interviewees in the five countries described a range of emotions on seeing violence from feeling happy, finding it funny, getting a "buzz", through to being confused and scared, feeling wary and wanting to retaliate or respond.

In Austria, some of the interviewees considered violence as something natural between inmates and don't pay attention to it at all. One respondent described violence as a good feeling, or one that created a rush of adrenaline.

Young people said that violent incidents can have a negative impact on other aspects of their lives in custody. In an interview in England, young people said that young people might respond to violence by staying in their room - in order to stay out of trouble. If they go out they are likely to get into a fight and as a result, lose privileges. They therefore stay inside to avoid this. Young people in Cyprus made a similar point. Some young people described feeling frustrated when a violent incident took place as it often happened at the worst times and would delay planned activities from happening - this would create further frustration.

Young people also spoke of fear and feeling powerless. In England, young people said that they might stay in their room out of fear following a violent incident. Young people in Cyprus said that they experienced fear and a feeling of helplessness to confront the abuse of power (especially when violence was inflicted by staff), but also intense anger. Interviewees in Austria also said that violence in custody made them feel helpless because what they see reminds them of times when they have repeatedly witnessed violence. In Cyprus young people commented that allowing incidents of violence to take place sends the message that conflicts are only resolved through the use of violence, rather than other means.

Several young people stated that becoming a victim of violence makes them more aggressive. Attacks cannot be tolerated, they must fight back to maintain or regain the respect of their fellow inmates. One interviewee explained that life in prison can either result in increased aggression or completely destroys a person: *'It makes you either more violent or ruins you completely, you give up on everything'* (Male, Austria). Similarly, in the Netherlands, interviewees said that they react violently when faced with a violent situation:

The first time I entered the group I was a bit afraid. Two boys were testing me, making fun of me. I got a chair and slapped him with it, the other boy I hit with a fist. I was taken to solitary confinement immediately but I was happy that I had dealt with it. (Male, 19, the Netherlands)

Other young people in England agreed that experiencing violence in custody could make you more likely to fight: *'...it makes a lot of people more angrier, more hyper...'* (Male, 15, England). They explained that some young people who experienced violence might come out fighting and try to *'dominate the place'* (Male, 14, England).

Violence used by staff also made children feel more aggressive. Several young people explained that the use of physical force by staff was likely to make a situation worse, and ultimately more violent. One female in England said that she would get angrier when the police used force on her, because she was being hurt. This in turn made them use more force on her. She said that she would have preferred to have been left to calm down on her own: *'people restraining you just makes you worse'* (Female, 19, England).

Some young people spoke of intense emotions such as anger, hatred and aggression and not caring about the consequences of their actions. In Austria, the majority of the interviewees stated that the use of violence makes them feel bad. They are disappointed in themselves or feel like their behaviour has regressed. Some expressed a wish that more mature inmates would hold them back in such situations. In Romania, the majority of young people said that they felt frustrated, low-spirited, gloomy and had low self esteem after a violent incident. Young people in England said that violence can make you *'anxious'* (Male, 15, England), and explained that if a group of young people saw a fight going on they might start banging on windows and throwing things. Two males in Cyprus described turning to drugs as a way of dealing with the violence they experience in custody. One boy commented *'You feel hate when you see a child being hit but also we hate ourselves - inside us'* (Male, 17, Cyprus).

In the Netherlands sexual abuse between young people in youth custodial institutions was identified as a particular issue. Young people commented that it was a particularly difficult subject to talk about or make a complaint about.

Young people using violence against each other as a punishment or retribution

All of the interviewees were asked whether young people ever use violence against each other as punishment or a form of retribution. In several focus groups, it was suggested that violence is often used as punishment for specific kinds of offences.

Two young males in England said that if a person had been convicted for rape or another sexual offence they were more likely to get attacked by other prisoners. The same young people said that other prisoners inflicted violence upon rapists as a punishment. Similar opinions were expressed in other interviews in England:

Like, if you're in for rape, yah, then you might be, for an eight year old girl, then obviously none of the men are really going to like you. If you think, so obviously they're going to use it as an excuse for violence there, for the rest of his life, until he comes out. (Female, 15, England)

Similar views were expressed in Austria and the Netherlands. Interviewees in Austria said that if a prisoner had committed a rape, they might particularly experience violence by other prisoners. In the Netherlands, it was said that boys who committed sex offences run a very high risk of experiencing violence. One male in the Netherlands said that violence is used by other inmates as a punishment for boys that have sexually abused children. Sex offenders feel unsafe and they are unsafe. According to focus group participants they are being abused, threatened, hurt and bullied by peers during their stay in the institution:

There is a boy here who was telling everyone he was imprisoned for abuse. That was not the case, he was a sex offender. He gets beaten up every day. (Male, 20, the Netherlands)

These boys deserve to be beaten. You should not touch a child. (Male, 19, the Netherlands)

Interviewees said that these boys are attacked during gym or showering, most of the time by young people from other groups, not from their own unit. One male in the Netherlands described a situation where a sex offender was being beaten a lot by other inmates. To stop the violence he was separated from other young people.

Two interviewees in England also said that some young people were fearful of being attacked in prison. They described an incident where a young person had been too scared to have a shower because he was scared of being sexually assaulted by other prisoners. They eventually told him to wash and reassured him that nothing was going to happen. Other interviewees in England described incidents where prisoners were violent towards each other as a punishment or when seeking retribution. These incidents appeared to have taken place in other custodial settings to family members (particularly older brothers) or friends.

It happened to my older brother... [Another prisoner] boiled this kettle and put hot water in this thingy and shook it and chucked it straight in his face. (Male, 15, England)

Some interviewees in England said that people who were racist, "mouthy" and had bad attitudes were likely to be involved in violent incidents.

4.3 Violence in custody between staff and young people

- Staff use violence against young people in custody to assert their position and show that they are in charge.
- Adults use violence against children in custodial or police settings to get them to admit to doing something.
- Staff usually intervene to stop violent incidents in custody and sometimes use force to do so.
- Staff can sometimes intervene using force too quickly, for illegitimate reasons or to an excessive degree.
- Staff are inconsistent in their use of force as an intervention.
- Staff often contribute to violence in custody, both by provoking it and by using violent methods to end it, which tends to make a situation worse.
- The use of force differs between custodial institutions, some are more violent than others.
- Force used in police cars, police stations and police cells is often greater than the use of force by staff in other custodial settings.

When asked about their experiences of violence in custody, interviewees across the five countries described situations where staff had used force on young people. Many recognised that staff often had good reason to use force but some described specific instances in which they did not accept the use of force as legitimate. Some felt that staff often used restraint too quickly, to an excessive degree and for spurious reasons. A number of interviewees felt that staff are often inconsistent in their application of rules about when to intervene and use restraint. Several young people said that custodial settings have different rules over when restraint is used and the kinds of techniques employed.

Interviewees in Austria and England identified staff behaviour as a key cause of violence in custody. They felt that staff would often provoke them into aggressive behaviour. Several young people identified specific triggers that might cause violence between young people and staff. This included staff goading them by bringing up their offence, giving them “aggro” or asking them to do things without justification – this often caused young people to “kick off” and use violence. A number of interviewees also stated that the use of physical force by staff on young people often made matters worse, and ultimately created more violence.

The degree to which the interviewees expressed concerns about the use of violence inflicted by staff differed, although there appeared to be almost universal concern expressed by young people in the five partner countries about the extent and frequency of police violence towards young people. In Romania, the young people were more critical of the use of force by police officers than by staff in detention centres. Police officers were said to be more likely than staff in other custodial settings to deliberately inflict both physical and verbal violence on young people. This appeared to be a major issue in Romania, England and Austria and was one of the main areas where young people called for significant and immediate changes to be made in order to reduce violence against children.

Violence between staff and young people

When asked about violence in custody, in most countries young people complained strongly about their treatment before they reached their place of custody – during arrest, in court, and when being transported between court and custody.

Several young people talked about the differences between their experiences when in contact with police and when in child-specific custodial settings. Many of the discussions in the focus groups and interviews suggested that young people experience particularly high levels of violence when in contact with the police – on the streets, when arrested and when in stations and in police cells – compared to when in custodial settings. This was a common theme across the five countries.

One young woman in England said that she would always prefer to be in a prison cell than a police cell – she said that police staff were rude and that they were not watched as much so they could “get away” with more in terms of the language they used and also with regard to using physical force: *‘they would ram my arms up my back’* (Female, 19, England). In Austria a significant number of interviewees from the youth detention centre reported aggressive behaviour and the use of violence by the police during their arrest. One respondent was arrested at the age of 15. During the arrest he was beaten and pushed against the wall. Another young male said: *‘this [violence] doesn’t start in custody but already during the arrest. You are treated brutally, you are immediately thrown to the ground and they will twist your arm’* (Male, 20, Austria). Interviewees in Romania also described experiencing violence in police stations and reported being coerced through the use of force by police officers to take responsibility for crimes that they had not committed.

A number of young people in England commented that the force used by police officers was excessive and called for changes in the way that officers handle young people. One female in England described several experiences where contact with police officers resulted in excessive use of force:

*“ In police stations I've had my finger slammed in cell doors and everything. And I've almost broken my jaw when he slammed us down on concrete...
... They knew my finger was there, my little finger... but they kept shutting the door on it and the next morning it was like swollen and then when basically I was kind of... I was violent to the police and they like pushed us to the floor and whacked like... and my chin cracked on the concrete and everything and then they didn't like care about it... They weren't bothered about it like. They just use violence and everything... ”*

Female, 16, England

While many of the interviewees in Romania said that they experienced high levels of violence when in contact with the police, some commented that it was their fault that police officers had inflicted violence on them, because they had spoken disrespectfully to them. Some interviewees in Austria commented that the police needed to use force in order to protect themselves from violent attacks from young people.

Several interviewees complained that the police pressurised and emotionally abused them with threats: *'In my case they said: Yes, everyone who sits on this chair gets at least 20 years in prison... You will never see your girlfriend or your family again'* (Male, 20, Austria). They said that this emotional abuse felt worse than physical violence to them: *'They know exactly how to play with people. Sometimes, for me this is worse than physical violence. You cannot oppress a 16 year old like that... This is bad'* (Male, Austria). Some interviewees in England also said that police officers made assumptions about them which played out in racist and threatening language and behaviour. One male described incidents that he felt were examples of police officers “playing by their own rules” and threatening and intimidating young people:

...There was an incident in a police cell. I was taken out, the police officer slammed the door. He swore and restrained me for no reason... They can get away with it. My leg was hurt because the door was slammed on it. I complained but it was dropped. (Male, 15, England)

Young people in England felt that there needed to be better recording of what police are saying and how they are saying it. One male particularly thought cameras with sound recording should be installed in police stations, cells and cars, to ensure that the words and actions of police officers and other staff in custodial settings could be recorded. He thought that this would help reduce incidents of violence (Male, 15). Young people in the group felt that this would help if they needed to make a complaint about an incident. Similar suggestions were made by interviewees in Romania – here young people called for video surveillance in police stations to monitor events and increase accountability.

Young people in the Netherlands said that violence between staff (including social workers/group leaders) and young people occurs not only in custody but in court and when young people are being transported between court and custody.

One interviewee (aged 16) described an incident where staff had used force against him during the journey from court to custody. He said that when he was in the van, another young person kept knocking on the wall. The escorts were fed up with the two boys. They took them out of the van. The interviewee said that one of the escorts then hit him on the back of his head and the other one slapped him.

A young male in the Netherlands (aged 17) said that whilst he felt safe in custody, he felt very unsafe in court, as he was shouted at and pushed by a police officer. A female interviewee in England said that violence inflicted by staff was only likely to occur during transport to custody if *'you kick off, and then like they try to restrain you, and they like kind of punch you to get your arm behind your back. So they punch you in the back trying to get your arm behind your back'* (Female, 13, England).

In relation to their experiences in custodial settings themselves, in Austria, the majority of interviewees resident in a juvenile detention centre said that they had experienced violent treatment from prison guards. They said that this was much worse than violence between inmates. They said that in prison, the inmates and guards are easily irritated and aggressive and may use violence over small things. Interviewees said that prison guards sometimes slap them, threaten them with punishment, shout at them, provoke them into aggressive behaviour that would again lead to punishment, or blame them unreasonably which results in unfair punishments. Interviewees in the Netherlands described specific acts of violence that they experience at the hands of staff in their institution: *'staff members pushing the juveniles really hard or "sweeping". That is when a staff member steps on his ankle so that the youngster falls on the floor'* (Male, 18, Netherlands). Young people in the Netherlands also spoke of inappropriate touching and attention from staff, and complained that they did not know how to effectively challenge such behaviour by staff. This issue was not raised by interviewees in other countries.

Some young people felt that staff often caused young people to behave violently. They felt that sometimes staff might goad them by bringing up their offence, giving them “aggro” or asking them to do things without justification – this often caused young people to “kick off”. One group of interviewees in England discussed a particular situation called “guiding” that could provoke feelings of frustration and potentially lead to a violent incident. This is where young people are sent to their room and staff walk closely along side them, often touching their arms or backs and telling them to get to their rooms. The interviewees said that this often caused a situation to escalate into more violence as the young people got angry with the physical contact from the staff.

Interviewees in Austria, Cyprus, England and the Netherlands talked about racism on the part of some prison guards and police officers. Young people in England said that they felt that police officers often employed racist bullying as a means of threatening and humiliating young people. Similar views were expressed in Cyprus where young people commented that they were treated with respect if they had Cypriot identification, whilst non Cypriot young people were treated differently. One interviewee suggested that ethnicity gives an extra “excuse” for the staff or other children in custody to exercise violence. Another interviewee from Cyprus said: *‘I don’t speak Greek and when I don’t understand they [staff] shout at me or punish me’* (Male, 19, Cyprus). Young people in pre-trial detention in Austria said that some prison guards tended to be racist and prejudiced towards inmates from different ethnic backgrounds and said the discriminatory attitudes held by these individuals needed to be challenged. Similar complaints were made in the Netherlands – one boy in particular complained about racism and said that Dutch boys are favoured over those from other backgrounds.

Staff reactions to violence in custody: use of force

In England, it was generally agreed that staff would step in to stop fights and to separate young people. Several young people were clear that staff had to use restraint as part of their job, in order to prevent further violence: *‘They jump up straight away and break it up... They’re just trying to do their job’* (Male, 15, England). One male said that he thought using force did prevent young people from getting at each other and injuring staff (Male, 15, England). Some young people in England described prison officers in a custodial setting different from the one they were currently in letting young people fight and not intervening to stop it: *‘Or you could be locked up somewhere else, and like the prison officers will just let you fight until you’re getting beat up...’* (Male, 15, England).

Interviewees in juvenile detention in Austria said that sometimes prison guards try to break up quarrels between detainees but on other occasions they watch them fight each other without intervening. Interviewees in pre-

trial custody in Austria explained that staff immediately intervene in conflict situations and punish the persons involved. They said that if staff suspect any injuries on one inmate they question everyone about the incident. If they discover that someone has been injured by another inmate, they have to press charges.

When describing how staff intervene to stop violence, young people in England said that sometimes staff could use excessive force:

“ Sometimes it’s not right, they go over the top a bit... They hurt people. ”

Male, 16, England

...What they do with the wrists...My wrist could snap easily if they hold that too tight....Stop that, find a better way to restrain. (Female, 14, England)

This behaviour was linked to staff exerting power and control over the young people: *‘because they’ve got keys and radios they think they can boss us about...’* (Male, 15, England)

Similar views were expressed in the Netherlands, where interviewees commented on the disproportionate reaction of staff to an incident. An example was given whereby a young person is asked to go to his cell but does not want to. Even if he is not being particularly aggressive, he can be put in solitary confinement. This means that the young person is pushed, stripped naked and put in solitary confinement.

In addition to using excessive force, several young people felt that staff intervene too quickly and get the *‘wrong end of the stick’* (Male, 15, England). One group of males in a secure children’s home talked about “play fighting”. They said that it was normal for teenage boys to play fight and be boisterous, but some staff *‘jump on it too quickly’* (Male, 15, England), which can make the situation much worse.

Several young people in the partner countries felt that staff often respond without taking the time to understand what is actually happening and that young people get in trouble even though they were responding to, rather than instigating, a situation. Young people in the Netherlands talked about staff jumping to conclusions and intervening too quickly when an incident takes place:

Putting me in my room all day is bad. Jumping to conclusions too fast. The fact that I committed a crime outside does not mean that I am being a criminal here all day. First something needs to be done before they decide that we have to go to our room. No judgements straight away. (Male, 20, the Netherlands)

...Basically you're the one who's retaliating, and you're the one who gets in trouble, there are more people getting away free [unclear], but you're sat there getting in trouble because they've heard you, not them. So then you won't have a chance to say what you want to say... (Male, 15, England)

One female in England was concerned that there was a lack of consistency in the use of force by staff. She contrasted her experiences in her current unit with her experiences of restraint in a larger custodial setting and commented that different settings have different rules about the use of restraint:

But like in [name of unit], because I've been there before, they'd use like different methods, so like the thumb [distraction technique]... you know, like different pressure points and stuff?... They're a lot more violent in what they do. (Female, 16, England)

She also highlighted inconsistencies within institutions:

There are certain people... who get treated completely differently, so they can swear and abuse members of staff... Like it will take...forever for them to be taken down to their room...whereas if it was someone else, we'd get taken straight down to our rooms and get consequences and stuff... (Female, 16, England)

Another male in England agreed that there should be one rule for all young people. Similar views were expressed in relation to the behaviour management systems in place in custodial settings. Young people felt that there needed to be more consistency across settings about how staff administer these systems and when they allocate rewards and punishments to young people in custody.

Staff using violence as a punishment, denigration or means of coercion

In Cyprus, the majority of young people felt that violence was used by staff as a punishment or as a form of coercion, or as a means to show power.

In Austria, young people in pre-trial detention described a particular group of prison guards who were considered to be particularly violent: young people explained that the "Emergency Squad" was a distinct task force, usually on duty at night-time, that is called in case of emergencies or when violence escalates. The interviewees explained that they considered this task force to be particularly violent. They described the task force members using special grips and beating inmates. They also said the task force members carry batons but seldom make use of them. Interviewees said that 'Everybody fears this task force'. They can be called by pressing "the red button" in prison cells. Some inmates believe it's useful in case of a medical emergency.

Although the majority of young people in England did not feel that staff used force as a form of punishment or coercion, interviewees discussed the idea that other young people might

expect violence at the hands of staff in prison. One young male (aged 16) described how another male on entering the unit had asked, 'when will staff come and beat me up...?'. He was surprised that this hadn't happened yet. Two young people in England said that staff might use violence as a punishment, but it depended on the individual guards. They talked about guards 'banging you in the ribs' (Male, 16, England).

Young people in England expressed the view that physical restraint can be used as a punishment. One male said that restraint was not just used to prevent people hurting themselves or others but might be used when staff want them to do something, such as go to their rooms: 'you are just sitting on the couch and they grab hold of you...' (Male, 15, England). Interviewees in the Netherlands also described a series of disciplinary measures and forms of restraint. Some young people said that these were not necessarily a form of violence. Others said that some punishments handed out by staff can include violence. One male described what happened to his friend: 'because he didn't want to go to his cell, was grasped by his throat, then pushed on the floor and put in a isolation cell' (Male, 16, the Netherlands).

In both Romania and Cyprus interviewees suggested that violence was used in order to coerce a young person into providing any information they may be withholding: 'to make you talk' (Male, 17 Cyprus). In Romania, this happened specifically in the context of young people being in contact with police rather than other custodial settings. Interviewees in Romania reported being coerced through the use of force by police officers to take responsibility for crimes that they had not committed.

In the Netherlands, interviewees described how weaker boys tend to have the hardest time with staff:

...Staff are not intimidated by the weaker child. If the most dangerous boy in the group doesn't want to do his chores, than the weaker ones must do this. If the weaker boys don't do their chores, they get in trouble. (Male, 20, the Netherlands)

Interviewees in the Netherlands also explained that sex offenders are treated differently from other inmates. Although they were not explicit that staff were violent towards this group of prisoners, some focus group participants said that staff do not act professionally towards them: 'Sex offenders need more and special protection during their stay in the youth custodial institution' (Male, 20, the Netherlands). One boy explained that members of staff often admit that they act less friendly towards a sex offender.

In Austria, when asked if violence was used as a means of punishment, interviewees explained that treatment involving the deprivation of freedom i.e. solitary confinement, basement imprisonment) and unfair treatment were experienced as acts of violence. These forms of punishment seemed more acceptable when detainees perceived them as "justified" - e.g when young

people knew what they had been punished for. Interviewees in pre-trial detention stated that the rooms where they are sent for basement imprisonment are dark and dirty, with spiders and mice. The room has CCTV, so detainees are watched all of the time. Sometimes young people have to stay there for up to two weeks. One interviewee said that the basement was unbearable and that when one gets unjustly punished to stay there, it is considered an extreme humiliation. Another young person said:

“For example, when you talk back, you are immediately threatened with solitary confinement or with the basement. And I think this is not right, because everyone has a right to give his opinion. Of course it's true, guards are always at the longer end of the stick and we are just prisoners or only a number, like they often tell us. But I don't know, if you are really unjustly blamed for something and if a guard provokes you and you have to swallow it, for me this is worse than physical violence.”

Male, 20, Austria

Similarly, in the Netherlands, several interviewees had experience of the use of solitary confinement as a punishment. They explained that solitary confinement can last for only a short period (up to 24 hours), but it can also last weeks and even one or two months. One of the participants in the research spent four weeks in solitary confinement. He said that he was not allowed to have contact with his parents and this made him feel terrible. He said that the reason he was put in solitary confinement was because the prison officers felt that he was dangerous to himself and for other people.

Strip searching was also identified in the Netherlands as a measure carried out by staff that is considered by many of the interviewees to be a form of violence. Focus group participants disliked strip searching. It is done when they come back from court or after a meeting about their plan of treatment with external people. Interviewees described staff saying “turn around and bend five times”. Focus group members mentioned not being informed about what will happen the first time they are strip searched. They recommend that the first time staff need to prepare the young people better and give more information. They also think strip searching should not take place as a standard procedure.

Many young people discussed punishments they considered to be unjustified. In Austria, young people in

both pre-trial and juvenile detention complained about overreactions of some prison guards when they have done something forbidden. They commented that prison guards often arbitrarily deprived them of benefits that they should be entitled to, e.g. the promise to be able to take a shower, which is later declined. All of the interviewees in the Netherlands said that they had experienced group punishments – these could take the form of solitary confinement or the removal of benefits. Several interviewees in the Netherlands commented that it was unfair to punish a group for the act of a single person:

Often when I have “programme” [form of punishment] it is because of the group and not because of what I did. Once a knife was missing from the cutlery. We had to be in our rooms for the whole week. We did not go to school. That is weird, we have a right to go to school. (Male, 16, the Netherlands)

When something happens in the group you lose everything including permission to leave. It often happens that we all get punished for something one person has done, like breaking a window, making the hallway slippery, all kinds of jokes and damage. (Male, 20, the Netherlands)

4.4 Responses to violence in custody

- Some staff intervene to stop violence by talking to the young people involved, which is much better.
- Young people often try to stop violent situations through talking to the other young people involved.
- “Snitching” is considered to be a major taboo and prevents young people from talking about incidents of violence in custody to staff.
- The relationship between a young person and an individual staff member is critical to whether the staff member can calm a situation down without using force and also whether a young person will report a violent incident to them.

All of the interviewees were asked about how both staff and young people react to violence in custody and the kinds of interventions that are made.

The overwhelming view was that the use of force by staff when responding to a violent incident often made a situation worse. All of the participants in the research advocated taking time to calm a situation down by talking to the young people involved, giving them space, and understanding what works for the individual.

Some interviewees described how they personally intervened to try and calm down violent incidents – either between young people or in a conflict between a young person and staff member. They said that talking calmly to the young people involved, and encouraging them to think about the consequences of their actions, has positive results in terms of diffusing violence.

There were mixed views from the interviewees about the systems in place for reporting and resolving instances of violence in custody in their countries. Several were not confident about talking to staff about violence, either informally or through a complaints process. This was because they do not want to be regarded as a “snitch” or a “grass” or because they did not trust that the issue would be dealt with properly. This was a particular issue when making a complaint about staff. There also appeared to be a lack of confidence in mediation as a means of resolving problems. Very few custodial settings had mechanisms for enabling staff and young people to sit down and discuss violence in custody. Several young people said that a positive and trusting relationship with staff is critical to whether they can talk to them about violent incidents.

Staff reactions to violence in custody: non-violent interventions

Many of the interviewees said that staff should respond to violence, or a situation that looked like it was becoming violent, by talking to the young people involved, and did not do so sufficiently. All of the young people interviewed felt that staff should try to calm young people down rather than intervening immediately with physical force – even if this approach is harder in practice. They felt that this would be the best way of resolving a situation. There was a strong feeling from the majority of the interviewees that talking calmly and listening to try and resolve conflicts and prevent violence needed to happen more often:

...People think it's weak because it's a verbal approach, but it actually makes you sit down and think about it. I've got angry and then my key worker or somebody would talk to me, and then I'd think about everything. I don't want to get extra time, so I've got to relax and just leave it and let it go. (Male, 15, England)

A young person in Romania felt that a verbal approach could work but it depends on the kind of conflict and the individuals involved:

It depends on how sympathetic you are. If you look forward doing compromise you can solve the issues and problems peacefully through straight forward conversation. There are rare the situations when two people come to an agreement on a conflict. (Male, 16, Romania)

Participants in one focus group in England said that staff intervention can often agitate a situation. They felt that the best thing to help calm a situation down, or to prevent it from escalating into further violence, was the involvement of an individual who can be trusted and with whom the individual young person gets on – this could be either a member of staff or a young person. A 15 year-old male in England described a situation where a particular member of staff had stepped in to calm things down and told the other staff present to ‘back off’ so that he could calm down. He reflected that it was good that the individual staff member had taken responsibility and challenged the other staff, because he knew that giving a bit of space to calm down would be the best thing to do in the situation. He said that the staff member had guts to challenge the other staff like that and he immediately calmed down in this situation.

Young people intervening to stop violence

Many of the interviewees in the five partner countries described how they had stepped in to try and stop a fight from taking place.

In the juvenile detention centre in Austria, many interviewees explained that inmates often either intervene and join with the parties involved or hold back those who are fighting. Some involve themselves only when the weaker inmates are attacked, or take the side of those who belong to their group of friends. It is usually people who are friends with the parties involved who try to intervene during arguments. A few respondents said that if violence was against their friends they would try to stop it even if they knew that they would have to face the consequences. In the Netherlands, some interviewees said they tend to look out for boys that are members of their own group. Whilst they feel sorry for weaker inmates, they would seldom intervene in a violent incident involving them. Others consider if they are superior to the possible opponent/s before they decide to take action and get involved.

Several interviewees described mediating between young people who were in disagreement, where it looked like a situation could escalate into violence – although acknowledged that this was not always successful. They also described talking to the young people involved and encouraging them to think about the consequences of their actions:

I've seen a lot of violence in here that's stopped. I've stopped violence. It's just if you see something might be happening, sometimes step in and say, look, leave it, there's no point in doing it... (Male 15, England)

Older inmates are expected to mediate in conflicts between detainees, especially when aggression is aimed at a weaker inmate by someone stronger. They try to talk to the arguing sides and point out that by fighting they could get themselves into more trouble, jeopardise their privileges and risk being reported to the court. One young male in England described how he had stepped into a fight between two boys to prevent a female member of staff from being hurt. Another male in the same group said that a young person had *'talked to me nicely and it made me calm down'* (Male, 15). He went on to say that having somebody just talking to, or focusing on, the individual is what helps calm a situation down.

Interviewees in pre-trial detention in Austria also said that they try to settle differences when they can. They said it makes them feel good when they successfully end an argument. However, they also commented that their attempts to bring about reconciliation are sometimes undermined by other inmates who enjoy seeing a fight and further provoke the argument. The interviewees who had intervened in conflict between young people said that it is a good feeling to know that they have prevented worse things from happening. Their action stopped the situation from escalating and their peers from being punished or reported to the court which would have meant more

problems for them in the future. They said that they were usually grateful when an outsider intervened when they were in a fight. Once the argument is over, people often thank interveners for their attempts to step in.

Several interviewees in Cyprus said that they have to protect themselves and show good behaviour if they want to get out of custody. This might have an impact on whether they get involved in violent incidents. One respondent answered that young people do not react to violence *'because there is no way they will win'* (Male, 17, Cyprus). Interviewees in Cyprus also commented that it is sometimes difficult to intervene in violent incidents because they often get blamed and end up being punished by the staff.

Talking to staff about violence

There were mixed views in England about whether young people could talk to staff about violence in custody:

Well, you can talk to anyone because like normally if you're annoyed and you're pissed off and you're going to say, oh, this person... this member of staff did this, they hurt me and blah blah blah and then they'd say, well, do you want to talk about... with that member of staff and normally they would kind of resolve it with you and say, look, I'm sorry for doing that. And whether you take that apology or not... they said it... (Female, 16, England)

In Romania, most of the participants said they can speak about violence to staff that work in custodial settings and they feel that they are taken seriously. They mentioned social-workers, psychologists, teachers and supervisors as people they can talk to. Several interviewees in the Netherlands were positive about the way the staff respond to acts of violence. They know which staff members they can go to when they feel unsafe or they want to complain. They prefer to talk to staff one-to-one when violence has happened. One male said: *'There is always someone working who is open and where you can go or who can reach someone who is in trouble'* (Male 19, Netherlands). One boy says that action was taken when a boy told staff that he got beaten sometimes by other inmates. To stop the violence a new rule was made. Staff members had to escort the boys at all times when walking through the corridors.

Lots of the young people appeared to be wary of talking to staff about violence and were concerned about being regarded as a "snitch". This was raised as a significant issue in Austria, England and the Netherlands. Interviewees in Austria explained that complaining to staff, or asking guards to help, is considered snitching – an act which is to be avoided at all costs. They explained that snitching does not comply with the prisoners' code of conduct. Similar views were expressed by young people in England. One male said *'they can [talk to staff] but that's snitching; sort it out yourself...'* (Male, 16, England). One example

was given by interviewees in Austria of a young person seeking help because he needed medical assistance due to a stab wound. He would not tell the staff who caused his injury.

Interviewees agreed that an inmate who complains to guards about violence from his peers, will face dire consequences. All the other inmates will ally against him and he will become widely ostracised and an outcast. Young people who snitch on others may find themselves experiencing violence at the hands of other inmates as a consequence of what they have said to staff: *'Snitching is to drag other inmates in the mud. Then violence evolves again'* (Male, Austria). Similar views were expressed in the Netherlands: *'If you talk about it to the staff you will be seen as a snitch, a rat. Then the violence can get worse. You don't feel safe then but there is nowhere you can go'* (Male, 20, the Netherlands). According to interviewees in juvenile detention in Austria, snitches suffer repressive measures and their fellow inmates will call them weak and accuse them of living at their expense and wanting to be the centre of attention. Other interviewees in Austria commented that in prison you have to prove that you are a man. Being beaten up is more manly than to complain. However, one interviewee in Austria showed understanding for detainees who turned to guards if they were so inferior that they could not protect themselves.

Interviewees in Austria were largely negative about whether talking to staff about violence would make a difference. Most of the prisoners seem to distrust guards and question whether they would act in the inmate's favour. In Romania, a significant minority of interviewees said they can not talk about violence to staff because they are not taken seriously. Young people in the Netherlands explained that a discussion with a group leader (prison officer) can be the cause of ending up in your room or in a separation cell. Young people want to give their opinion or show that they disagree about an issue, but they are threatened with solitary confinement or placement in their room. This is experienced as an abuse of power.

Some interviewees in the Netherlands said that they were wary about talking to staff as any form of violence by staff is not regarded as violence but as a 'measure', and therefore justified. They also avoid talking to staff about violence as they don't think that staff are able to help when a boy is being harassed by other inmates. They commented that inmates themselves are the only ones that can make sure that they are safe - staff cannot prevent a boy getting beaten by other young people. Interviewees in Austria also said that they would avoid asking prison guards for help. This was either because the guards generally do nothing to help, or they will make a report to the court which leads to unwanted consequences.

Boys in the Netherlands said that they don't know how to raise the issue when they get extra attention of a group leader

and they don't like it. Young people have heard stories about staff spending time inappropriately with a young person in custody, but they do not get any direct information about how to deal with this. They called for more attention to be paid to this issue and better policies for dealing with it. One boy (aged 19) said that female staff often touched him and that he is uncomfortable with this. When he challenges this behaviour, the staff members say that it is his problem. He said that complaining doesn't help - even though the Directors take the matter seriously, it doesn't change anything.

The individual staff-young person relationship appears to be critical as to whether a young person feels they can talk to them about a violent incident and to the ability of a staff member to calm a situation down without resorting to the use of force. Several interviewees across the partner countries talked about the importance of trust and being able to build strong relationships, based on trust, with staff who would listen and respect what they were saying. Several young people acknowledged that they would consider talking to a trusted member of staff if there was a problem. These trusted individuals were deemed to be important when talking about violence and helping the young person to reflect on what had happened:

“ There are some members of staff where you'll go, I wouldn't speak to that person, that person won't listen. I wouldn't speak to that person, that person does nothing, or that person is here for getting the money in, go home. But then there is some members of staff where he'll go, yes, I will speak to that person, I do get along with that person, that member of staff does everything, that member of staff respects everything you say, and also has a point of view for other people as well and does listen to you and respects everything you do say...”

Male, 16, England

Interviewees in Austria said that they do not talk to guards about violent episodes. Some talk instead to psychologists or social workers as these people appear to be more trusted by the detainees. Some inmates said that they feel better after they speak to social workers, as they appear to take them seriously. However, experiences with non-custodial staff (social worker psychologists) seem to be mixed. Some interviewees stated that *'the employees seem to have forgotten about their clients the next time they see them'*. Interviewees in Cyprus saw social workers, who are

part of the juvenile justice system, only as people involved with preparing reports, and not as people who provide support or counselling.

“ There should be specialised people to help the children who are in conflict with the law and are in custody. ”

Male, 17, Cyprus

Also, there is the fear that information might leak out to the court. The majority of interviewees preferred to solve problems amongst themselves rather than talking to professionals. The risk of being called a snitch and being further mistreated by fellow inmates seems too big.

Interviewees in the Netherlands also felt very strongly that having someone to trust was extremely important. During the focus groups all young people noted that it is hard to trust someone and that their trust is often violated. The idea that they might be locked up for some time makes them insecure and anxious. At this stage they have no idea who they can trust and the professionals that they come into contact with (such as lawyers and psychologists) all tell them different things. Young people place a high value on having staff who they can trust and who are honest with them:

When I came here I was normal and trusted most people. Now I am suspicious, full of distrust. When trust was violated ten times I started to think, who can I trust? It often happens because of lack of staff. Then leave is cancelled or other promises are withdrawn. When the little freedom you have is taken from you regularly, it has a negative effect on trust. Staff acts like it is no problem, but leave... and other promises are really important. It is the only freedom we have. I was better when I got here than I am now. (Male, 17, the Netherlands)

In an interview in England, a young male also said that it was important that if a young person was talking about a violent incident to staff, that the member of staff was honest and open about what they were going to do with that information. He understood that staff might have to discuss the information with other people but said that this should be discussed with the individual first. This would create more trust and would make it more likely that young people would talk to staff if there was a problem. A small number of interviewees in England said that staff sit and talk to a young person after they have been restrained as a kind of debriefing, however he said that this often made a young person angrier: *‘they strip your room if need be. They talk to you about what happened, sometimes...’* (Male, 15, England).

Mediation, advocacy and having someone to talk to

Several young people in England discussed mediation sessions facilitated by staff. There were mixed views about how useful and effective they are:

Interviewer Does mediation help after violence has happened?

Interviewee Sometimes it does. (Male, 16, England)

Interviewer Do you think mediation is a good source of trying to get at the problem...

Interviewee Sometimes it can be, because you can sit around and talk about what's happened, and go away happy. Sometimes you can be, just getting on fine. Sometimes you could go to mediation, wait until it's done and punch them. (Male, 15, England)

One of the young people in this group said that mediation had worked for him – he described a calm situation where he talked to a member of staff about what had happened. One group of young people in England said that mediation often did not resolve anything, and that after a mediation session, young people are fine for a couple of days but are then likely to fight each other again. They are then required to have another mediation session. This creates a cycle of fighting and mediation which never gets resolved. This view was echoed in other interviews in England.

Some of the participants in Romania raised the issue of mediation in connection with frequently reported violent incidents. They explained that sometimes the staff try to mediate in the conflict, but most of the time they just issue a negative report for those who fight. Several of the group members mentioned that they were not allowed to spend the summer holidays home with their families because they had “negative reports” in their files. When asked why these reports were there, the minors admitted having been involved in fights and altercations with their colleagues in the centre. Some of the participants said the staff members mediate in the conflicts, by bringing together the participants in the conflict and making them spend time together so they can discuss and overcome their differences.

The staff are supportive, they talk to us and explain what we do wrong, they tell us how to behave better in order to have no negative reports. (Female, 17, Romania)

Several young people across the five partner countries talked about the need for independent, external professionals to come in and provide support rather than relying on staff from the institution. This would be an opportunity for young people to talk about their problems and circumstances.

Interviewees in the Netherlands complained about a lack of respect by staff. Some boys complained about not being taken seriously by staff. For example when they are worried and moody about some serious problems, like a bad outcome of a court session, staff do not take this seriously and do not talk to them about their worries:

Once when I felt bad about the court decision, staff said to me: 'if you're moody and you don't feel well, stay in your room for the rest of the day'. (Male, 19, the Netherlands)

Some interviewees in Austria were generally positive about working together with social workers. Young people said that talking to them helps inmates deal more effectively with their problems. They feel that they are taken seriously and can even speak about violent incidents. Young people in a different custodial setting had a very different opinion. They said, social workers only appear for a few minutes, they have little contact with the inmates. The same applies to psychologists. One interviewee called them "artificial friends" who do not really understand what kind of problems they are facing in prison. Social education groups and group therapies were often mentioned positively by young people. In these sessions, the prisoners are in a protected environment, where they can get to know each other better, are valued and recognised (often for the first time in their life). This increases their self-confidence. Not all of the interviewees said that they wanted this kind of support - many said that they would rather seek protection within their own peer group.

In contrast, interviewees in Cyprus did not acknowledge social workers as people who could provide support or counselling. Rather they were seen as part of the system because they have programs and responsibilities set by the relevant law. They are associated more with preparing official reports than providing independent support.

Complaints

There were mixed views across the five partner countries as to whether young people would make an official complaint about violent incidents. Generally, there seemed to be high levels of pessimism about complaints being taken seriously and action being taken in response to them.

In Cyprus, interviewees explained that there is a procedure whereby they can submit complaint forms to the prison administration but there is a general belief that complaint forms usually don't reach the right people.

One male in England said that a person could probably talk to staff about violence but some people might not want to, as they have their own way of dealing with things. He also thought that you needed more than one person to make a complaint, otherwise it would not be taken seriously: *'think more than one will have to say about it... Definitely has to be more than one...'* (Male, 17, England).

Young people in the Netherlands also commented that complaints are not taken seriously. One male explained that he made a complaint in the prison about a boy who was trying

to abuse him. The reaction was that it is a one-to-one situation and that he could not prove anything. No further action was taken. Writing letters of complaint was not considered to work well either:

“ You can fill in a complaint form but the staff will never admit they were wrong. The complaint form doesn't do a thing for you. I also never filled one out, because nothing happens.”

Male, 16, the Netherlands

It can also take a long time before you get a response to the complaint:

If you complain about a staff member, it takes time to process the complaint. So what can you do, you have to deal with that member of staff every day, you cannot ignore the member of staff, even though he or she has mistreated you. If you want to make it in here, you have to leave your self-respect behind. (Male, 16, the Netherlands)

Interviewees generally felt that the complaint procedure was useless. Nothing happens when you submit a formal letter of complaint. The boys think that the group leaders do not send the letters to the commission [who investigates complaints]:

There is a special mailbox, but the complaints are not posted. I submitted a complaint last month, but it is still in the mailbox. And two months ago I also submitted a complaint about not being able to go outside for half an hour during "programme". I haven't heard anything yet, so now I think "leave it". But I should complain again about not sending my letter of complaint to the commission... (Male, 16, the Netherlands)

Many young people in England acknowledged that it was possible to make a complaint but felt that there were consequences for doing so. One male commented that there was a noticeable difference in staff behaviour when there were external visitors present and said that young people had been threatened and warned not to share particular information, or they might get 'shipped out' to another, larger youth custodial institution (Male, 15, England). The group went on to discuss how staff often 'back each other up' (Male, 15, England) and collude on a story. Interviewees in the Netherlands held similar opinions about making complaints. They also said that even if they make a complaint, the staff members are always considered to be in the right:

If you complain about the way a staff member treated you and the member of staff says he or she didn't do that, then there is nothing you can do. You cannot prove that the staff member is lying. So I think it is useless to complain. (Male, 16 the Netherlands)

Young people in England commented that you need to make a complaint in order for things to change, but staff talk very negatively about you if you make a complaint, *'so it's got to be really serious to make a complaint...'* (Male, 15, England).

One interviewee in Austria recalled an inmate complaining about physical abuse from one of the guards. Following the complaint, he had all his privileges taken away from him and was ultimately forced to withdraw his grievance. Another inmate said:

“ You can't complain about things like that (violence performed by prison guards). If you try, you will be put into solitary confinement. No TV, basement and so on. They will take everything away from you until you have nothing left, no freedom, or anything. And then you have to withdraw your complaint... There was one guy, he wanted to take a roll from the kitchen. He took the roll and this guard slapped him in the face. He wanted to file a complaint against the guard. He was put into solitary confinement. No TV, no leisure time, walking in the courtyard without other inmates. Yes, everything was taken away from him, he was just alone. He had nothing anymore. So everything was just darkness. He just saw four walls, nothing else. This was going on until he withdrew the complaint. Then they gave him back everything again. He was... allowed to leave the cell. ”

Male, 16, Austria

There were some positive comments about some complaints mechanisms. One male in the Netherlands was positive about the “month commissioner”. This is someone who visits the group regularly. He listens and answers questions. Other focus group members are more positive about the complaints procedure when the Director of the institution regularly and directly talks to the young people and the youth council about issues. Then bringing up an issue can be useful. In institutions where the Director does not talk to young people and never visits the group the focus group participants are more negative. Even when staff agree with the young people, they cannot change anything without the permission of the Director - this means that changes are not made. One male said *'The Director does not greet the boys. He is in his office, we never see him. He should have lunch with us, drop by at our group'* (Male, 20, the Netherlands).

One young woman in England felt that the complaints system in custodial settings was much better than the system in police settings. She said that in custodial settings it is easier to make a complaint and you do feel that it is being listened to. She also said that information about complaints was included in the initial induction process on entering the unit. She felt that there was no point making a complaint in police settings.

Working together with staff to stop violence

Only a few young people across the partner countries said there were dedicated opportunities to sit down with staff to try to prevent violence in custody and to talk about how the place is run or changes that they want to see.

One group in England mentioned a system of key workers that they could talk things through with and described meetings with an external group that came into the unit to gather young people's views and experiences. The same group also described a system where “reps” could meet with staff and talk about things that young people were not happy with or wanted to change, although it was not clear whether matters such as the use of force by staff had ever been raised in these meetings. Another group described regular monthly meetings with an external organisation who asked them for information about how the institution is run and suggestions for improvements. This was seen as useful, although it was noted that the last meeting ended in a fight. One young person in England said that suggestions for change were often not listened to and that it was only negative behaviour that attracted attention.

In Austria, there were mixed views about cooperating with staff to stop violence in custody. In some interviews, interviewees said that they would not cooperate with prison guards but did not explain why. Some interviewees commented that some prison guards would be simply not interested in preventing violence.

In Cyprus, the majority of the interviewees suggested that there is no cooperation between the children and the staff to stop violence. There was a general consensus that cooperation on these matters depends entirely on the personality of the individual member of staff.

In the Netherlands, most custodial institutions have a youth council. This is regarded as a useful forum for raising issues, talking through their problems with the staff: *'In this institution the youth council is useful. But where I was before they were not able to do anything. Here the Director is present and we get an answer in two weeks time'* (Male, 18, the Netherlands). However, the issue on violence is not often addressed during these council meetings.

In Romania, when discussing if young people and staff work together to try and end violence, some of the participants said they work with staff in these situations: *'We can talk to anyone here about any kind of problem we might have and they try to help us fix it'* (Male, 18, Romania).

4.5 If you were in charge...

- Young people believe that therapy and training, such as anti-violence training, would be beneficial – both for staff and young people.
- Young people want staff they can relate to, with similar backgrounds and experiences, who genuinely like young people and are prepared to listen to them properly.
- Young people want staff who are pro-active and engage them in activities. This would help to prevent feelings of boredom and frustration.
- Young people want more opportunities to have their views respected and have a say in matters.
- Listening to young people and developing trust can help to reduce violence in custody.
- Young people want staff to be fair and for rules to be enforced in the same way for everyone in custody.
- Young people want to talk with those in authority and want them to have a greater understanding of the needs of young people within the juvenile justice system.
- More needs to be done to find out the causes of a child's or young person's problems and develop solutions to overcome these.

All of the interviewees were asked what they would do if they were in charge of their custodial setting and to describe the kinds of people they would employ. Many young people were pessimistic about being able to create violence-free custody. Some felt that this was because it was not possible to change human nature and that some people just wanted to fight. Others believed that the system of custody itself contributed to violence and locking people up who have problems will inevitably lead to violence.

The majority of young people across the five countries raised staff attitudes and behaviour as something the young people wanted to challenge and change. Almost all of the young people called for staff to come from similar backgrounds to the young people in custody. They wanted staff that were open-minded, had a sense of humour, were able to listen effectively and could see beyond the reasons for them being in custody to the individual person. Several interviewees said that they would employ staff who genuinely liked young people and would treat them with fairness and respect. A commonly expressed view was that staff are over-stretched and stressed out. More staff would help alleviate this problem and ensure that there are sufficient staff to monitor what is happening and keep track

of the dynamics in the institution. A number of young people said that they wanted staff who were “pro-active” and were willing to engage them in activities such as football. It was noted that this might combat the feelings of frustration, boredom and stress that often lead to violent incidents breaking out. Family visits were also identified as something that would alleviate stress and frustration.

In addition to being asked what they would do if in charge of their custodial setting, the interviewees were asked to give advice to Government and those working in the justice system. Some young people felt that the Government and others in positions of authority do not really understand children and young people and are not particularly interested in listening to them. There was a strong feeling that the Government was not at all interested in children and young people in custody.

Several young people said that Governments could do more to challenge negative stereotypes about children and young people. They also called for people in positions of power to take time to really understand what is going on in a young person's life. It was felt that people in power do not take the time to listen to children and young people properly. They wanted staff in the justice system to be much better at listening and finding out the views of children and young people.

What I would do to end violence here

When asked what they would do to end violence if they were in charge of their institution, a significant number of young people in England were clear that they felt that nothing could be done to create violence-free custody. One young man was very negative about the possibility of change: *‘if people are going to fight they're going to fight...’* (Male, 17, England). Other young people agreed:

There's always going to be violence in places like these... Because someone could come from somewhere, someone come from another place and have problems with that as well. There's still going to be violence. (Male, 15, England)

Young people in the Netherlands also felt that violence could not be stopped in custody.

Several interviewees across the five countries made suggestions as to how violence could be reduced, if not prevented altogether in their institution.

A number of young people in England talked about the need for something for young people to take out anger on: *‘I don't know. Give them something to take the anger out or something, like a real punching bag...’* (Male, 15, England).

One young woman in England suggested that young people should be made to discuss their issues with each other in a calm environment without staff present. Staff could then

be outside and step in if there were any problems - but the focus should be on the individuals involved resolving the situation themselves. Another young male suggested that there could be a system of education, cooperation and group rewards which would hopefully encourage young people to get along better and reduce violence in the unit.

In several interviews across the partner countries, participants talked about encouraging more mixing between young people - and especially between males and females. There was a suggestion that this might reduce frustration and possibly reduce violence. Some young people in Romania thought that, in certain circumstances, separation of certain groups would help to reduce violence. This included separating the younger and older children in custody, as well as separating young people who behaved well from those who do not.

To avoid violent situations, the "good ones" should be separated from the "bad ones" and if a good guy makes something bad, he should be transferred to the bad ones group. This is the only way one can behave better. (Male, 17, Romania)

I think the young ones should be separated from the older ones. They shouldn't stay together because most of the time the young ones are victims of the aggression. (Male, 16, Romania)

Interviewees in Cyprus were very clear that they wanted a separation between child and adult detainees. Children and adults should not be locked up in the same cell - even if they are of the same sex. A female described being scared and fearful when an older woman came into her cell: *'because I did not know if she was a killer'* (Female, 19, Cyprus). They said that children in custody needed to be accommodated in premises entirely for children. A male respondent said that for the best interests of the children involved, *'children in police stations should not meet with adults, even in the common room'* (Male, 19, Cyprus).

Who would you employ if you were in charge?

Several young people in England commented that some staff were really good, *'most of the staff in here I think are amazing...'* (Female, 16, England), and others were not. They also acknowledged that staff have a hard job to do, often in challenging circumstances. However, they felt that staff attitudes and behaviour were things that really needed to change. In one focus group, a male said that some staff are *'brilliant but some are dickheads'* (Male, 15, England) - the other young people in the group agreed with this view.

Interviewees in England described how staff often riled young people by making personal comments about family members and this created frustration and contributed towards tense situations. One male said that when staff are in a bad mood they often *'take it out on us... we get the consequences'* (Male

15, England). Another male in the same group said that staff often remind young people what they have done and bring up the past, which upsets them. He also said that staff should not judge them:

...Well a couple of weeks ago, because I only came here like a month ago now, today. So a couple of weeks ago I was in assessments, and because none of the staff met me, and because someone was making racist comments to me in my house, I got mad and threw a chair. Straight away the staff judged me, didn't even meet me... But they didn't meet me so how can they judge me for something, someone who they haven't met yet... They need to get to know you before they judge you, because then they've met me and then it's a different story. (Male, 15, England)

Other young people agreed that it was important for staff to be able to see beyond the reasons for them being in custody:

...[Employ] people who are just open-minded. They're not just going to read reports and think, oh, she's down for attempted murder or offensive weapon or something, we need to regularly restrain her and we're going to need to try and do it... (Female, 16, England)

Interviewees in the Netherlands said that young people need to be able to trust the staff. Members of staff need to be genuine and trustworthy. The professionals should be able to provide a warm atmosphere in which the young people feel safe, accepted and respected from the start. It is important that staff members explain why they act as they do. They always have to explain why they take the next step. When members of staff ask questions to the young people, they have to explain why these questions are asked and what they will do with the information received. The young people wanted to be able to talk with the staff and to know that the staff have the best intentions, regarding the inmates and their future. They said that the staff should have empathy and be more interested and should *'not get all of the information from a file, but talk to us'* (Male, 19 the Netherlands). A file is from the perspective of someone else and the interviewees wanted to be able to tell their stories to the group leaders in private.

Interviewees in the Netherlands said that they want to be rewarded if they work hard. Some group leaders only test them and challenge them and do not give them any space.

They keep on telling us what is not allowed: "Don't put your cigarettes on the ground, don't spit on the ground" etc. They pay attention to what is wrong all day. When staff break promises it feels as being lied to, for example when the reserved time to go outside is delayed. (Male, 17, the Netherlands)

Young people in Austria said that they would like staff to treat them according to their age.

In England, a high value was placed on the need for a good sense of humour, being cheerful and smiling, not insulting or

“dissing” young people, the ability to relate to young people and being able to strike a balance between being firm, laid back and not being too quick to respond. Young people in Romania said that they would like the staff to be both better prepared and more indulgent. Interviewees in the Netherlands said that the staff must respect young people in custody and correct them if they misbehave. The staff should be positive and honest. Many of the interviewees in Cyprus said they would employ staff who understood young people, and who would not lose their tempers for any small excuse or make racist comments. They would employ staff who would rather talk to the children, advise them and try to find solutions. The staff should listen to what the young people say:

It is in vain if we or you want to change something if no measures are taken at a higher level. (Male, 20, Romania)

Interviewees in Cyprus said they would employ:

... mature people who understand what violence means to children. (Males, 16, Cyprus)

“ ... People who have coolness of mind, persons who make sincere attempts to talk to children in custody.”

Male, 16 Cyprus

Several young people said that if they were in charge they would employ staff with similar experiences and from similar backgrounds to themselves. Interviewees in the Netherlands said that the members of staff need to be well trained and

have knowledge and experience, not only from books. They should be more aware of how the lives of the young people in custody are and should have life experience, having experienced some difficulties themselves. Interviewees in Cyprus and Austria called for all staff to have training in how to resolve conflicts in a non-violent way. Young people in England said that if they were in charge of the establishment they would employ people who know how to work with young people, not necessarily those who have been in trouble themselves but people who can understand what young people have been through or are going through:

...people who've had violence...can say, listen I am proving myself, I do want to turn my life around. I turned my life around, yes, I want to work in this place to help get the kids back on track like I have done... look where I am now... (Male, 16, England)

“ I would hire people, people like us, who have committed crimes when they were young. Those who have lived with drugs and violence, that these rehabilitated persons who have changed, that they come and talk with young people and explain them that it leads to nothing if they continue like that and that if they go on behaving like this, they will end up in prison again and again.”

Male, Austria

You have to know how to deal with the boys. First start an internship at a regular open youth institution before you come here. (Male, 16, the Netherlands)

It was also seen as essential to employ staff who had been given, and were able to follow a clear set of rules on restraint and the use of force. One female interviewee was very clear that all staff should know and understand these rules and they should be consistent in their use.

[There should be a] Method... [for] all custodial places to follow. So, it could have three steps or something, so like you could verbally warn someone and then you might like approach them and like be a bit firmer and then you might restrain them. But if you had to skip steps because they were trying to punch your lights out, then obviously you could... But for everyone to actually follow that ... (Female, 16, England)

Young people in the Netherlands stated that ‘clearness, fairness and structure’ are the most important characteristics of good staff. They said that members of staff must stick to the rules and must not change rules when they feel like it. Similar views were expressed by young people in other interviews:



“ The rules, I understand them and I don't sometimes. Once I got one hour time out... because I was staring out of the window. Those rules are strange. They should change that. What is allowed with one staff member is not allowed with another. Clarity is important. ”

Male, 17, the Netherlands

I would make sure that some of the rules don't get bent.
(Male, 14, England)

Young people in Austria said members of staff should not always throw them into the same pot and collectively punish them for things they have not done. In the Netherlands, the interviewees said that the rules have to be the same for everyone and everybody must be treated in the same way. Exceptions should only be made in the cases of very good behaviour.

Staff has to be clear about what is important, what is allowed and what is not. Do this then I am not nice, do that then I am nice. That works best. Treat everyone the same. Don't have your favourites. (Male, 16, the Netherlands)

For some young people it was also important to have more rules more generally. Some interviewees in England felt that their custodial setting was not strict enough and that there could be more rules. Young people in the Netherlands thought that more information should be given to new inmates, suggesting that in the first six weeks, young people need to be accompanied and that the staff should explain how things work in custody. For example, strip searching has to be explained and the young people need to be educated about it much better, otherwise it is violent, especially when it happens for the first time.

You can't give all the information... in just one hour.
(Male, 17, the Netherlands)

One female interviewee in England said that it seems that the rules in her centre are always changing. She said that this puts extra pressure on the staff, makes them really stressed and can create a negative or tense environment: *'they wouldn't mean to snap but they would'* (Female, 16, England). She called for better communication with staff when there are changes to rules or requirements and more staff training to reduce pressure on staff. A number of the interviewees in England felt that more staff should be employed in custodial settings. Many young people acknowledged that staff had hard jobs to do and were often stressed by being under-resourced, dealing with constant rule changes from management and having to manage lots of young people at once. They felt that there

needed to be more staff to see what is happening and to properly understand the dynamics between young people.

...What I think would reduce a lot of violence in here, yes, is staff don't see things or hear things as much as young people. Personally I think you need more staff, and more staff to hear and listen than look at the things that are going on... (Male, 15, England).

Many interviewees in Austria would like to have more social workers working in the penal facilities.

Interviewees in the Netherlands said that it is vital that the staff are not intimidated by the young people in custody, and said that members of staff should be older than the young people: *'Sometimes you have interns of 19 years old. They cannot handle this job'* (Male, 20, the Netherlands).

Many of the young people in the five countries, thought it was important to give those in custody an opportunity to release the pressure and frustration they experience, and believe this could be achieved through increased sports and physical exercise for children and young people in custody. Many suggested group sports, as this could help young people get along:

“ [Group games] strengthen the feeling of belonging together, I don't know how, but like one starts working together instead of against each other... I think that any group sport or anything like that would support this, because one can manage something or accomplish something together, this is then always better. ”

Male, Austria

Young people in England said that they wanted staff in custodial settings who were “pro-active” and *'will do activities and have fun'* (Male, 16, England) and talked about the importance of staff taking the initiative and encouraging the young people to participate in more physical activities such as football. The young people felt that this would have a direct impact on feelings of frustration and boredom and help reduce stress and anger that often leads to violence. One interviewee said that there often weren't enough staff to enable the young people to engage in activities: *'...when you want to do activities, we haven't got the staff...'* (Male, 16, England). He went on to explain that this led to violence as the young people were frustrated by not being able to get outside and that staff were also frustrated by being under-resourced. Other young people in the same unit said that staff were often reluctant to take young people outside, particularly if it was raining. They said that there had been

occasions when they hadn't been out of their house for three days when it had been raining and called for staff who were willing and happy to take them.

Young people in Austria and Romania suggested that therapy and training, for example, anti-violence training, would be beneficial. Young people in different countries believed giving those in custody wider opportunities and education would help to keep those in custody busy, which would mean that violence was less likely to occur:

Working hard does not lead to anything here. We need opportunities and space to learn something. It should be possible to do HAVO [higher education] or work experience outside the institution. It takes a long time to get a response when an application for education or internships are submitted. Most boys want to go to school or work, but they do not get permission for that. (Male, 19, the Netherlands)

Interviewees in the Netherlands also agreed that action needed to be taken to release pressures and provide more opportunities for young people. They suggested better contact with family members as a means of achieving this: 'I miss my family. They can visit four times a week which is good. It used to be less than that. We also have evenings when parents can join the group three times a year' (Male, 17, Netherlands). Interviewees in Austria also called for more contact with people who are important to them. Detainees would like to be able receive their visitors without being separated from them through a glass wall - this would make them feel happier and less frustrated. In trial-awaiting custody, they can be visited twice per week, in normal custody only once. But they are always separated from their visitors by the glass wall. If there is danger of collusion or family member are called as witnesses in the trial, they can not receive visitors at all.

Messages to governments and people working in the justice system

As well as a general feeling of pessimism about being able to end violence in custody (see page 44), there was also pessimism about the will of those in positions of authority to listen and take young people's views seriously. A clear message was that governments and others in positions of authority and power need to take time to find out what is happening in young people's lives and listen to them properly.

One female in England said that the most important thing that the Government and people in charge of their custodial unit could do was taking time to listen, talk and build up trust and understanding with young people. Another young male said that if he had a magic wand he would encourage the Government and others in positions of authority to 'listen to people actually. Listen to people and listen to people in here and what their opinions are, and be open...' (Male, 14, England). Some young people in the Netherlands wanted to

talk to members of the government. They said that people in the Government don't know what young people in custody want and that the Government should show interest in the young people and not just visit the Director.

We once spoke with the prime minister. We really appreciated that he did not just visit our Director but that he also came to our group. (Male, 20, the Netherlands)

A few interviewees in the Netherlands stated that they would like to organise a conversation or debate with the youth council and the Minister and Members of Parliament. They wanted to be able to tell them what they feel is important. They believe this would lead to a situation where everybody would understand each other better.

Several young people in England felt that the Government and Parliament were not good at listening to young people and even where they did listen, this was not enough:

That it's all very well listening; it's whether they actually do it. But I think if the government listened to us, then they could start putting it into place, like they could talk to the courts, they could talk to the prison staff, social workers... (Female, 16, England)

Interviewees in Austria said that the Government should improve the environment for young people in general, so they had more prospects and job opportunities, so that fewer young people would violate the law.

A number of young people in England said that people in charge of the justice system need to think more about what would help an individual to stop being violent and said that it was important for young people to have people they can talk to who will explain things properly and help them think about the consequences of their actions. Other suggestions were that young people could be offered a programme of support, including therapy, alongside shorter sentences. Two young males suggested that if young people knew that they were only being locked up for a short time, and were going to get lots of help coming out, they might be less violent when in custody. Interviewees in Austria said that the Minister of Justice should ensure that they use their time in prison to prepare themselves for a life in freedom, in order to become better integrated into society. A concrete proposal regarding this matter was that judges should issue instructions for the time of imprisonment, like obligatory participation in socio-educational groups.

Interviewees in Cyprus said that people involved in the justice system - judges, police and lawyers, etc - should treat children and young people in a more respectful manner.

There was also a call for people working in the justice system – and particularly judges – to understand young people better, to take account of their personal circumstances and consider whether custody is the right thing for that young person. Several young people said that professionals in the justice system needed to think more about what kind of help young people need, rather than just giving them a long prison sentence. The majority of the interviewees in Cyprus believed that judges should see the offenders as children with special circumstances and help them be reformed rather than just sentencing according to the offence. One young male said that *'children should be given a second chance before they are held in custody'* (Male, 17, Cyprus). Another interviewee in Cyprus described the impact of his custodial sentence on his family:

I am the only person who cares for my younger brothers. Who is taking care of them now [that I am in custody]?
(Male, 21, Cyprus)

Young people in Austria said that the judiciary should give them the chance to prove themselves. One young male from England said that prison often did not stop a young person re-offending:

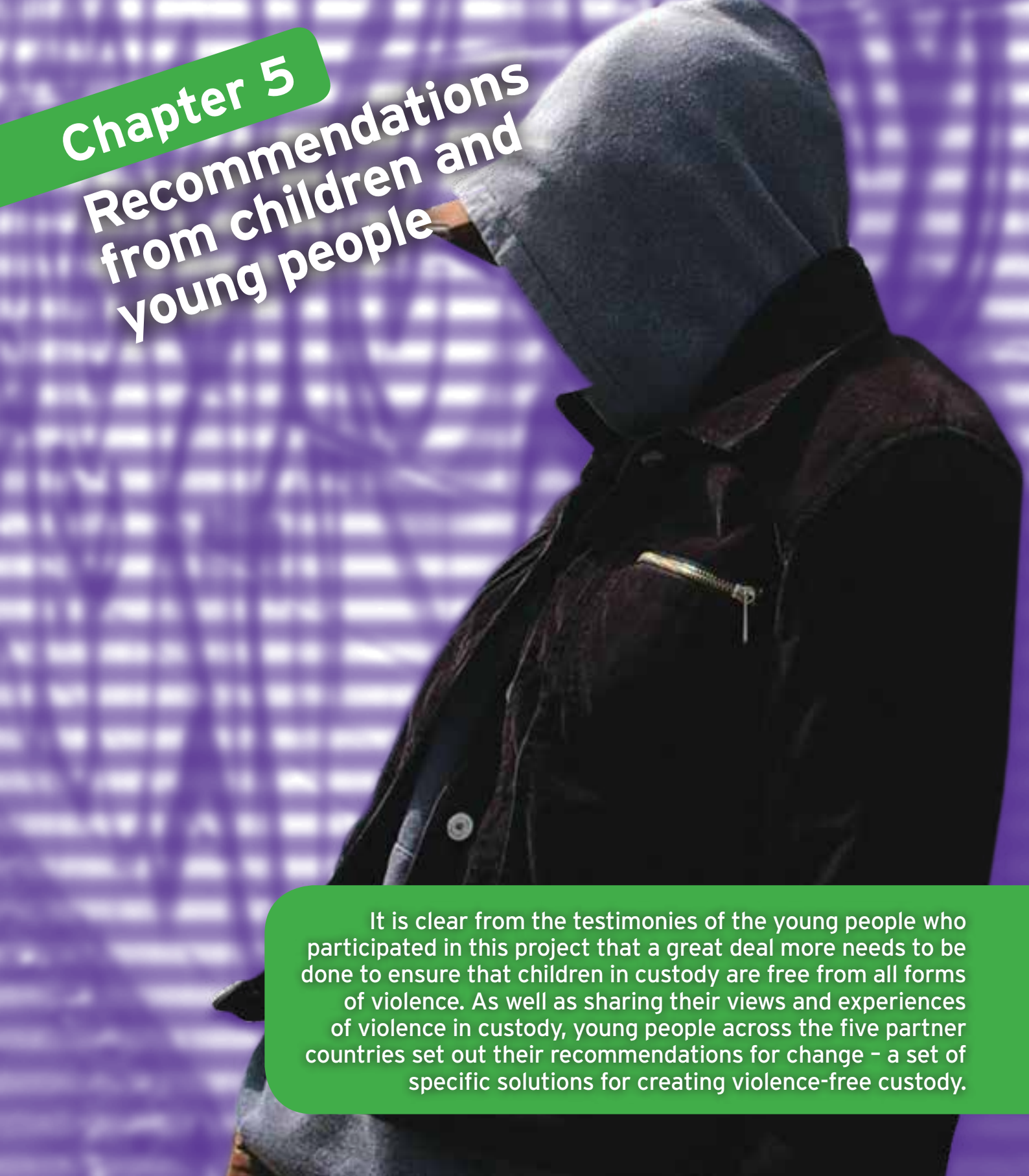
“Let’s say a judge, you go to court and then you get sentenced for a long time. The judge says, okay, you get five years... But he doesn’t really know where you go in, how you’re going to cope with those five years, what’s happening.”

Male, 14, England

The majority of the interviewees in Cyprus believed that children under the age of 17 should not be locked up in custody, but should go through the court procedure immediately. The custody of children should be limited and used only in the case of serious crimes. Putting on handcuffs, especially on the way to court, is considered to be a very humiliating and painful experience, which can be avoided. One interviewee said *'they should not treat me like I am a murderer'* (Male, 18, Cyprus).

According to young people in Austria, prison does little to ensure that they think about their mistakes and problems, but rather increases their propensity for violence. Therefore, they suggested finding alternatives to detention, as it is currently enforced. This could be an institution in which young people have to work hard and obtain some structure and sense of responsibility. This would rehabilitate prisoners more effectively than “sitting around” in their cells.

Several young people called for staff working in the justice system to come and live in custody to understand what it is really like and to get a sense of how a young person in custody might feel: *'I'd say you go and live there for a couple of months. You'll get treated like we get treated...'* (Male, 14, England). Some young people felt that this would not really help, as the experience would not be the same for a visiting adult as a young person living in custody long-term.



Chapter 5

Recommendations from children and young people

It is clear from the testimonies of the young people who participated in this project that a great deal more needs to be done to ensure that children in custody are free from all forms of violence. As well as sharing their views and experiences of violence in custody, young people across the five partner countries set out their recommendations for change - a set of specific solutions for creating violence-free custody.

Despite national differences, there was a high level of consistency between the recommendations in the five partner countries. These recommendations were aimed at governments, at Directors of custodial institutions, the police force, judges and a range of other individuals and bodies working with children and young people in the justice system.

The recommendations developed by young people formed the basis of youth-led campaigns in each of the partner countries. The full recommendations from each country are available on the project website: www.violencefreecustody.org.uk. A report summarising the campaign activities in each of the partner countries is also available online.

A summary of the common recommendations are set out below.

A distinct system for children and young people in trouble with the law

Young people in all partner countries made recommendations relating to the need for a distinct, child-centred justice system. Young people in Cyprus called for safe, secure and specialised police and prison facilities for children, in order to ensure they are treated in a manner substantially different from adults. Young people in England wanted clearer rules on the use of force by staff in youth custodial settings and for staff to receive training on when force can be used, and how it can be avoided. Young people in the Netherlands called for a complete review of policies relating to the use of solitary confinement, separation cells and “time out” measures on young people in custody. Young people in Austria commented that prison does little for young people, but increases their propensity for violence. They recommended an alternative to detention that would help to rehabilitate young people more effectively. They also called for the conditions in pre-trial custody in Austria to better address the special situation of young adolescents.

Look again at the kinds of staff who are employed in custodial settings

Young people in Austria, Cyprus, England and the Netherlands made several recommendations about the kinds of staff they wanted to see working in custodial settings. Young people recommended that staff working in custodial settings must like children and young people. They want institutions to employ people who are interested in individual young people and not just

their crime. They suggested that staff should have similar backgrounds to the young people and be able to relate to them and their experience. Young people in Austria and England recommended that former prisoners be allowed into prisons to talk about how they have turned their lives around. These would be positive role models for the young people. Similarly, young people in Cyprus recommended the establishment of a mentoring programme to help children prepare for life outside of prison. The ability of staff to develop positive relationships with young people based on trust and respect was regarded as key to ending violence in custody. Young people in the Netherlands said that staff must be sensitive to the need for young people to talk to someone, without feeling scared that their information will be shared or used against them. Young people in England said that staff must be “pro-active” and take the initiative to engage young people in activities that might prevent outbreaks of violence (see below). Young people in Cyprus recommended that all staff that come into contact with young people in custodial settings should receive special training on the rights of the child and of ways to resolve conflicts without using force.

Positive activities in custodial settings

Young people in all partner countries called for more positive activities in custody to reduce the levels of tension, frustration and boredom that contribute towards violence in custody. Young people in Austria and England identified sport and other physical activities as particularly important activities to help young people release stress. Young people in Romania and Cyprus said that education and training activities need to be of a much higher quality and of more use to young people when they leave custody. They thought that this would help young people feel more positive about themselves and ensure that they are engaged in productive activities. Young people in England also called for more contact with families as means of supporting young people to feel more positive and less isolated and lonely. Young people in Romania, Austria and the Netherlands all called for activities such as counselling and therapy to help young people deal with feelings of anger and frustration. These activities should continue when young people leave custody to help them manage, and prevent them from re-offending.

Judges to give a second chance before sentencing to custody

Young people in Cyprus and England talked about the need for judges to be sensitive to the particular circumstances that young people find themselves in. Young people in England said that judges should find out more about a young person before passing a sentence on them. They should have the time to talk to the young person, find out their background and even visit where they live. Judges should consider whether a custodial sentence is really the best thing for an individual young person. Young people in Cyprus called for the establishment of a procedure to select judges who are child-friendly, sensitive to issues relating to children in conflict with the law and educated in children's rights.

More effective complaints mechanisms in youth custodial settings

Young people in the Netherlands and Cyprus recommended significant changes to complaints mechanisms. Young people in Cyprus said that there is a need to establish a more effective, prompt and clear complaints mechanism in prison and police stations. Young people in the Netherlands said that institutions must take complaints seriously. They called for all complaints to be dealt with in a specified time limit.

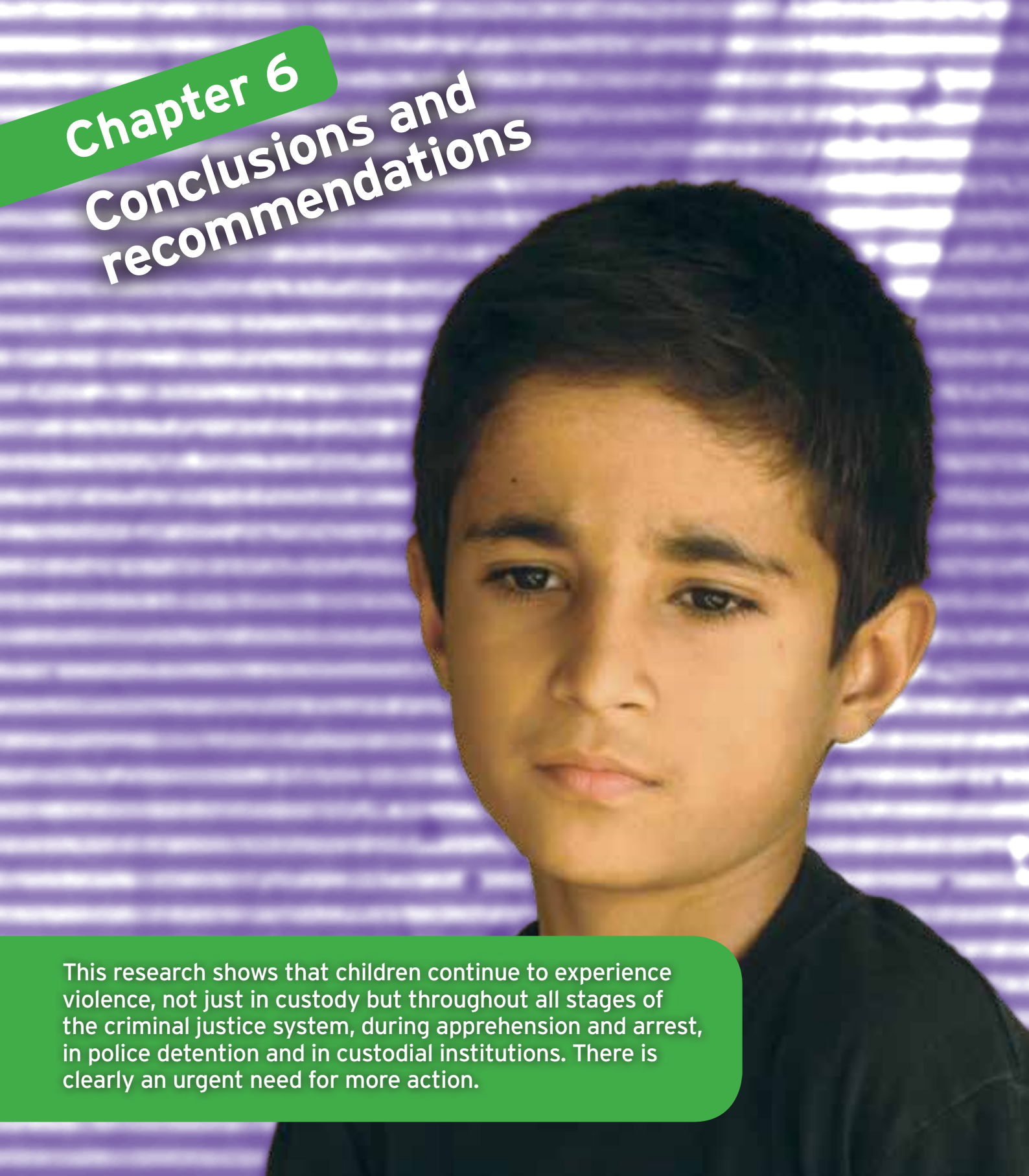
Better regulation of police behaviour

Although this research was not specifically focused on the treatment of young people when in contact with the police, several recommendations were made by young people in relation to the need for better regulation of police behaviour.

Young people in England and Romania both called for action to be taken to improve the accountability of police officers. They called for cameras with sound to be installed in police stations and vehicles to monitor the behaviour of the police. Young people in both countries wanted the mandatory attendance of parents, lawyers or independent visitors to have access to young people in police detention to check that they are being treated properly, or to accompany them when making statements and being questioned. Young people in Cyprus called for child-friendly police officers to be recruited. They said that police officers must be sensitive to issues relating to children in trouble with the law and called for them to have specific training on children's rights.

Summary of recommendations from children and young people:

- **There must be a distinct system for children and young people in trouble with the law;**
- **Look again at the kinds of staff who are employed in custodial settings. Staff should like and relate to young people, be willing to develop positive relationships based on trust with them and receive training on children's rights and how to resolve conflicts without using force;**
- **There should be more positive activities in custodial settings;**
- **Judges should give a second chance before sentencing to custody and take more time to find out what is going on in the lives of children and young people before sentencing them;**
- **There needs to be more effective complaint mechanisms in youth custodial settings;**
- **There needs to be better regulation of police behaviour when police officers come into contact with children and young people.**



Chapter 6

Conclusions and recommendations

This research shows that children continue to experience violence, not just in custody but throughout all stages of the criminal justice system, during apprehension and arrest, in police detention and in custodial institutions. There is clearly an urgent need for more action.

Based on the views, experiences and recommendations developed by children and young people set out in earlier chapters of this report, the partners in the *Ending Violence against Children in Custody* project have developed a set of policy recommendations aimed at European institutions and national governments, which we hope will contribute towards the creation of violence-free custody for children and young people.

Recommendations to European Union Institutions

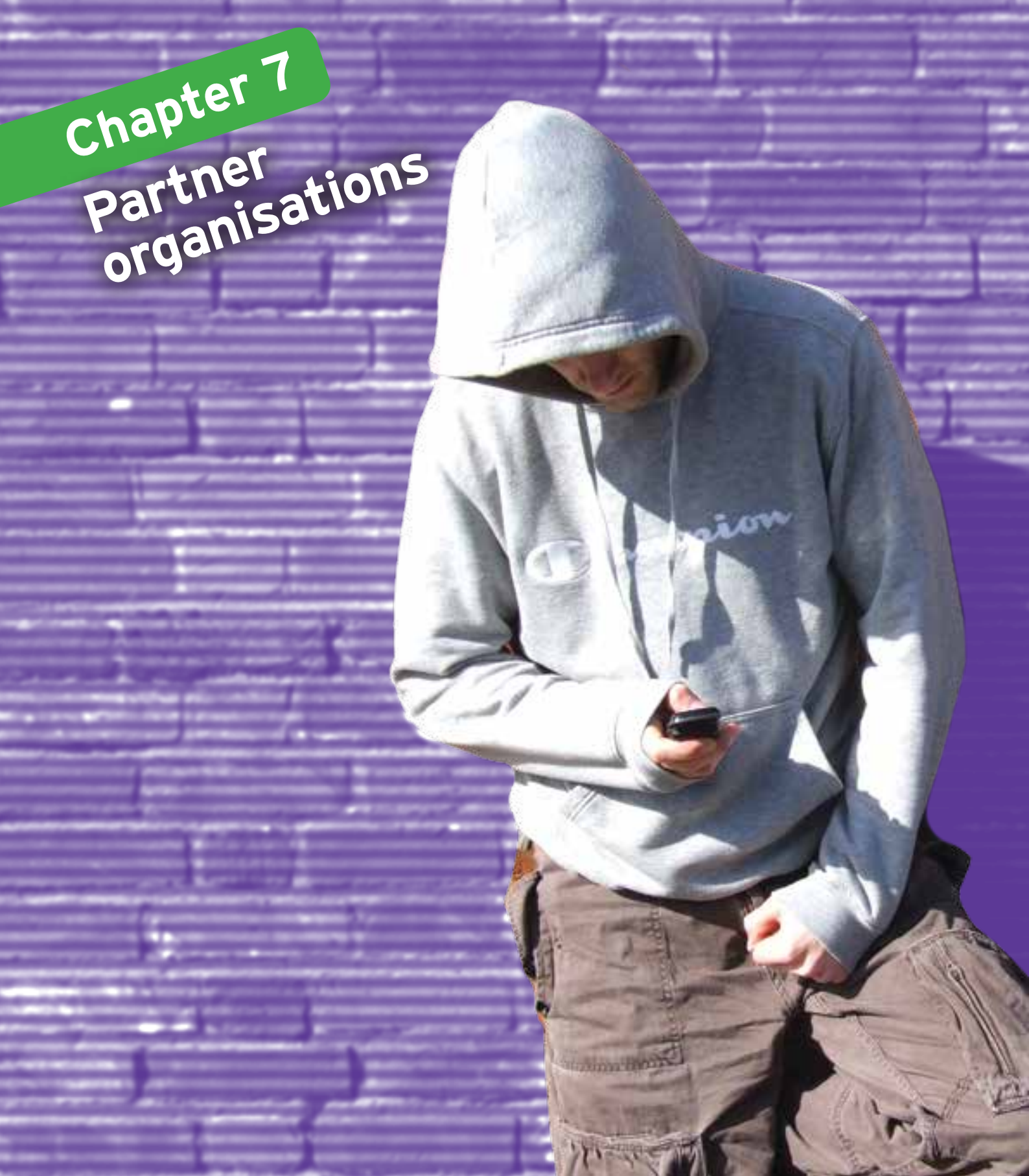
- The issue of violence in juvenile justice systems must be a priority on the European policy agenda.
- Develop coherent EU strategies to address violence against children in custody which reflect internationally recognised human rights standards. These strategies must be shaped by the views and experiences of children and young people.
- Establish mechanisms for the exchange of good practice among EU member states in dealing with violence against children in criminal justice settings.
- Ensure that data is available on the extent to which children experience violence within juvenile justice systems. Particularly encourage child participatory and peer research methods of gathering data.
- Use child rights impact assessments when designing measures and activities to address violence against children in custody at European Union level.
- Encourage national legislative and policy strategies which provide multidisciplinary approaches to dealing with young offenders.
- Encourage better coordination and cooperation between different stakeholders at EU level and between EU institutions and ministries, professional bodies, academia and NGOs at Member State level.

Recommendations to States

- The issue of violence in juvenile justice systems must be a priority.
- Develop a distinct, child-centered system for dealing with children in conflict with the law.
- Revise the domestic legislative framework to ensure that all forms of violence against children in custody are prohibited in line with recognised international standards.
- Revise policies on solitary confinement and group punishments and ensure that these forms of violence are not used as sanctions in youth custodial institutions.
- States should ensure that all detention facilities, including pre-trial detention, respect children's dignity and children's rights not to be subject to inhuman or degrading punishment. All institutions must prioritise the establishment of better health care, medical treatment, education, vocational training and physical and leisure activities for detainees, tailored to their individual needs.
- Ensure the existence of independent oversight and monitoring mechanisms to perform regular and independent inspections of custodial institutions. Inspections must take into account the views of children and young people.
- Establish child-friendly complaints mechanisms in custody and promote access to justice for children within the justice system.
- Implement safeguards aimed at countering the abuse of power in the justice system.
- Ensure that appropriate mechanisms and strict criteria (e.g. specific job descriptions) are put in place for the selection and recruitment of personnel working in custodial institutions, including the views of children and young people with experience of custody.
- Implement multidisciplinary training programmes for all law-enforcement, legal, custodial and judicial staff, which include training on children's rights and how to resolve conflicts without the use of violence.
- Establish guidelines making it obligatory for personnel to inform children about the procedures and practices applicable throughout the juvenile justice system.
- Personnel should be encouraged to monitor the potential for conflict between detainees, establish trust with children by respecting their confidentiality and encourage listening, talking and mediation as techniques for avoiding and solving conflicts. In particular, staff and social workers should be pro-active in encouraging

children to take part in sports and various activities, while maintaining positive and understanding attitudes at all time, and attending to the individual needs of children.

- Promote, facilitate and implement the principle of respect for the views of the child throughout the justice system. In particular, involve children and young people with experience of custody in policy-making and evaluation in justice institutions.
- States should consider how former rehabilitated offenders could serve as mentors or role models for children in custody, encouraging children to reintegrate and reform.
- Promote better coordination and cooperation between different stakeholders working with children in custody and upon release, including state institutions, agencies and the NGO sector.



Chapter 7

Partner organisations

The following organisations were partners in the *Ending Violence against Children in Custody* project:

Austria: Ludwig Boltzmann Institute of Human Rights

Founded in 1992, The Ludwig Boltzmann Institute of Human Rights (BIM) is the largest independent human rights research institution in Austria, dealing with human rights issues on the national, European and the international level. It is BIM's main objective to offer a link between academic research and practitioners, through co-operation with civil society, inter-governmental and state actors and the private sector. Protection of children's rights constitutes a key area of the Institute's research and training activities, dealing with a variety of topics including constitutional rights of children, child protection from violence, exploitation and child trafficking, and child participation.

Contact details:

Address: Freyung 6/II 1010 Vienna, Austria
Telephone: +43 1 4277 27420
Email: bim.staatsrecht@univie.ac.at

Website: www.bim.lbg.ac.at/en

With collaboration of the Austrian victim support organisation "Weisser Ring Austria"

www.weisser-ring.at

Belgium: International Juvenile Justice Observatory

The International Juvenile Justice Observatory (IJJO) is an international organisation recognised as a Belgian Foundation for public interest (2003) that promotes a holistic and interdisciplinary approach to issues related to juvenile justice: the prevention of juvenile crime; intervention and educational measures and socio-professional inclusion. The IJJO provides a permanent forum for sharing information and analysis on topics related to juvenile crime, justice and children's rights. As a network of juvenile justice experts and observers, the IJJO has a benchmarking function; establishes good-practice criteria and disseminates information on efficient strategies related to policies and interventions. It also helps to generate research and offers technical assistance to those working in the field. The IJJO disseminates information in English, French and Spanish through its online resources, and engages in awareness-raising with the general public and in advocacy activities to build support for the protection of young offenders' rights. Every two years, the IJJO organises an International Conference and on this occasion it awards the "Juvenile Justice without Borders" International Award as a recognition of the work carried out by institutions, experts and personalities in the defence of children's rights. With the aim of becoming closer to national realities and needs, the IJJO has set up the Councils for Juvenile Justice in every world region, as an advisory body composed of public administration, academia/universities and NGO representatives.

Contact details:

Address: Belgian Public Utility Foundation, Head Office:
Rue Mercelis, n° 50. 1050, Brussels, Belgium
Telephone + 32 262 988 90
Email: oijj@oijj.org

Website: <http://www.oijj.org/index.php>

Cyprus: The Commissioner for Children's Rights

The Commissioner for Children's Rights is an independent institution which deals exclusively with the rights of the child and whose competences and obligations are prescribed by law. The Commissioner is appointed by the Council of Ministers pursuant to the Commissioner for the Protection of Children's Rights Law, 2007 (Law 74(I)/2007) which came into force on 22/6/2007. The mission of the Commissioner is to protect and promote the rights of the child. Her role is to represent children and their interests at all levels, to promote public awareness and sensitivity so that children's rights are safeguarded in all areas that affect them (the family, the school and the community). The Office of the Commissioner also undertakes actions and activities to identify and promote the views of children where they themselves cannot be heard, monitors legislation relating to children and submits proposals aiming at the harmonisation of this legislation with the Convention on the Rights of the Child. Lastly, the Office of the Commissioner is responsible for appointing a representative for children in judicial proceedings and represents children in all procedures that are affecting them.

Contact details:

Address: Corner of Apelli and Pavlou Nirvana Strs,
1496 Nicosia
Telephone: + 357 22 873200
Email: childcom@ccr.gov.cy

Website: <http://www.childcom.org.cy>

England: The Children's Rights Alliance for England

CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using regional and international human rights mechanisms. We provide free legal information, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the state of children's rights in England.

Contact details:

Address: 94 White Lion Street, London N1 9PF
Telephone: +44 20 7278 8222
Email: info@crae.org.uk

Website: www.crae.org.uk

The Netherlands: Defence for Children International – the Netherlands

The Dutch section of Defence for Children was founded in 1984. It is part of the international movement Defence for Children International (DCI), which was established in 1979. Through information and education, advocacy and lobbying, and research, Defence for Children promotes the implementation of the UN Convention on the Rights of the Child in the Netherlands and elsewhere. Defence for Children is chair of the Dutch NGO Coalition on the Rights of the Child, which prepares and submits the alternative NGO report on the implementation of the CRC in the Netherlands to the UN Committee on the Rights of the Child. Defence for Children receives project funding from the Dutch government (Ministry of Foreign Affairs). Other donors include Postcode Loterij, Stichting Kinderpostzegels Nederland, Plan Nederland, ICCO/KerkinActie, Cordaid, the European Commission and Unicef Nederland. Defence for Children has a special consultative status with the Economic and Social Council of the UN and is represented in the International NGO Advisory Council for the Special Representative on Violence against Children to the UN Secretary General.

Contact details:

Address: Hooglandse Kerkgracht 17g, 2312 HS Leiden,
PO Box: 11103, 2301EC
Telephone: +31 71 5160980
Email: m.berger@defenceforchildren.nl

Website: <http://www.defenceforchildren.nl>

Romania: Save the Children Romania

Save the Children Romania is a social institution, whose mission is to guarantee the equality of chances for all children, irrespective of the community they come from, by using its own expertise, as well as through advocacy activities and lobbying decision makers and by mobilising civil society leaders. Save the Children Romania has been promoting the rights of the child, in accordance with the United Nations Convention on the Rights of the Child for 20 years now. More than 500, 000 children have been included in educational programmes, protection, social and medical assistance programmes, stimulating their participation in activities of promotion and recognition of their rights. Save the Children Romania is a national non-governmental, non-profit organisation of public utility. Since 1990, it has been a promoter of children's rights in Romania, based on the voluntary activity of its members. More recently, the organisation is carrying out programmes in 19 cities regions, has branches in 13 counties and Bucharest, more than 6,000 members and over 1,000 volunteers, mainly young people. Save the Children Romania is a member of the International Save the Children Alliance, the largest independent global movement for child protection worldwide, which has 29 country members and is developing specific programmes in more than 120 countries. Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation.

Contact details:

Address: 3 Stefan Furtuna, district 1, zip code 010899,
Bucharest, Romania
Telephone: +40 21 316 61 76 (switchboard);
Fax: +40 21 312 44 86
E-mail: rosc@salvaticopiii.ro

Website: www.salvaticopiii.ro

Annex A: Guiding principles for engaging children and young people in *Ending Violence against Children in Custody* project

1. All children and young people with experience of custody have expertise on what being in custody is like and how their right to protection from all forms of violence can be better protected.
2. The opportunity to participate in this project will be open to all children and young people who have experience of custody, irrespective of the reasons for their incarceration.
3. Children and young people with experience of custody will be at the forefront of this project and are key to meeting its goals. Their engagement in the project is a means by which they can promote and protect their own and other children and young people's rights.
4. Project partners will endeavour to make all project materials, communications and activities accessible to the widest range of children and young people, including young disabled people.
5. Project teams will include staff with significant experience of working with children and young people in contact with the criminal justice system and / or vulnerable children and young people. They will have the necessary skills and expertise in supporting children and young people to undertake research and advocacy themselves; and they will be competent in facilitating group work with children and young people from diverse backgrounds and circumstances.
6. Project teams will give the utmost priority to ensuring the safety and well being of all children and young people engaged in project activities. They will ensure adequate staff: child/young person ratios during the focus group research and in all other group activities.
7. All staff working on this project will have undergone the necessary safeguarding checks in their country and will be supervised by a manager experienced in direct work with children and young people in contact with the criminal justice system and / or vulnerable children and young people.
8. We recognise that engagement in this project presents risks in relation to children and young people being identified as present or past detainees. Project teams will uphold the right to privacy of children and young people engaged in the project at all times. They will never disclose the names or personal details of young participants to external organisations, including to the media.
9. All visible activities undertaken by children and young people will be undertaken only on the basis of informed consent. Project partners will follow the law in their country with regards to obtaining permission from parents and carers for a) children and young people's general participation in the project and b) in relation to individual activities, including meetings with Government officials and media interviews.
10. All media interviews arranged by project teams involving children and young people engaged in the project will take place only on condition of nondisclosure of individuals' names and identities.
11. Children and young people's engagement in this project must never jeopardise their reputation or stigmatise them. Project teams will endeavour at all times not to project children and young people engaged in the project as victims or perpetrators: they are to be seen as experts on child custody.
12. Project teams will develop their own procedures for actively supporting children and young people engaged in the project and for responding to incidents and concerns about any individual child or young person's participation. Project teams will establish and operate their own complaints procedure for children and young people engaged in the project.
13. Project teams will not enter into partnerships with the authorities that make children and young people's participation in this project compulsory or a formal part of any criminal justice penalty or sanction. Project teams will not provide written or verbal assessments for the authorities of children and young people's conduct or achievements during project activities and events, unless an individual child or young person requests this.

Annex B: Ending Violence against Children in Custody - Focus group discussion/ interview schedule

INTRODUCTION

We are very grateful that you have agreed to give your time and assistance.

1. As you know, this discussion/interview is aimed at finding out your views and ideas about ending violence against children in custody.
2. Children and young people who have been in custody are taking part in this important project from Austria, Cyprus, England, the Netherlands and Romania.
3. There are no right or wrong answers. It is your *own* views and ideas we are interested in.
4. We want to record the discussion/interview as this is the best way of keeping a record of your views and ideas. The recording is sent to a company that types notes from recorders. It signs an agreement with CRAE not to copy or pass on the tape, which must be destroyed after it has done the work. We do not pass on the tape to anyone else outside CRAE.
5. Your name will not be included in our report. We would like to include some details, though, like whether you are male or female and your age. We will be writing a report for people in Government and others who care about the human rights of children and young people. We will also write a shorter report for children and young people. You can have copies of both reports, of course.
6. If you don't want to answer a particular question, that is fine. If you decide at some point in the discussion/interview that you do not want to take part after all, then please just say so.

SCHEDULE

We have 14 questions.

1. Please tell me what you consider to be violence.
2. What situations or forms of violence happen in custody?
In answering this question, please think about the child or young person's experiences from when they are taken from court, admitted to custody and then their time in custody such as: journey from court to custody; admissions process; daily routine, rules and sanctions; preparation for discharge - where you can be at risk of, or experience, violence.
3. Why do you think violence happens in custody?
4. Is the violence in custody different from what children and young people might experience at home, in school or in their communities?
5. How does violence in custody make children and young people feel?
6. How do people - young people or groups or staff - react to violence in custody?
7. Is violence ever used as a punishment in custody?
8. Have you any examples of people trying to stop violence in custody? What did they do; were they successful?
9. Can young people speak about violence to staff that work in custody? Are young people taken seriously if they do speak to staff about violence?
10. Do young people and staff work together to try and end violence? For example, do you have a group where young people and staff can discuss how the prison or institution is run and how things can be improved?
11. If you were in charge, what would *you* do to end violence against children in custody?
12. If you were in charge, what kind of people would you employ if you were trying to end violence against children in custody?
13. What advice would you give to Government about ending violence against children in custody?
14. What advice would you give to those working in the justice system (those who work in courts, prison staff and social workers for example) about ending violence against children in custody?

Now that we have finished all my questions, is there anything else you want to add?

Is there anything you want to ask about CRAE or the work we are doing?

Thanks again for your help and advice.

POST DISCUSSION or INTERVIEW SUPPORT

I appreciate this discussion may have stirred up memories and feelings that you find difficult.

Give information about advice and support, e.g. *Staff are on hand to help you with any difficult memories or feelings raised by our discussion/interview. I also want to remind you of the advocacy service that is here to help you protect your rights* - give leaflet etc.

Background information for interviewer

The project:

This project follows the United Nations Study on Violence Against Children which found that children and young people in contact with the criminal justice system, particularly those in custody, are often subject to high levels of punitive treatment and violence ('violence' includes physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment of exploitation, including sexual abuse and bullying in accordance with Article 19 of the Convention on the Rights of the Child).

Monitoring form:

***Ask each young person to complete a confidential monitoring form that records their gender, age, where they live, ethnic background, disability and first language. This includes space for contact details if the young person wants to be informed about the results of the project.

The interviews/focus group sessions:

Focus group discussions and interviews are being held until the end of April 2012. We aim to speak to at least 25 young people with experience of custody in each of the partner countries (Austria, Cyprus, England, the Netherlands and Romania).

Once the interviews and focus groups are completed, an Investigation Report will be written bringing together all the results. The project team will make recommendations based on young people's views, advice and experiences.

Timetable:

This is a two-year project that began in February 2011, and is due to end 31 January 2013.

Handouts:

What international law requires in child custody.

Leaflets or material about independent organisations that provide advice and support to children and young people in custody.

Children's Rights Alliance for England

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