



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 19 April 2013  
pc-cp\docs 2013\pc-cp(2013)7erev

PC-CP (2013) 7 rev

**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**Council for Penological Co-operation**  
**(PC-CP)**

**3<sup>rd</sup> Plenary Meeting**

**Strasbourg, 6-8 March 2013**

**NOTE ON POINT VI. OF THE MEETING AGENDA**

**Violence involving juveniles in conflict with the law**

Following concerns expressed at the 16<sup>th</sup> CDAP (Strasbourg, 2011) regarding violence in places of detention for juveniles Professor Ton Liefaard, UN expert on violence within the juvenile justice system for children made a presentation on this subject. He pointed out that most cases of violence involving juveniles happen when they are deprived of their liberty for different reasons (as a result of administrative, civil or penal law proceedings and decisions). In this respect it is very important to keep personal files for all juveniles and not only medical files as is recommended by the European Rules for juvenile offenders subject to sanctions or measures. The institutions holding juveniles should be as transparent as possible and the children held in them should be visible to society. It is very important to have local inspections and not only inspections organised at national level as the latter may remain formalistic and far away from local realities. The issue of inhuman and degrading treatment of girls and juveniles with mental health problems (bed belted for medical reasons far too often) was also discussed and the debate regarding whether physical or chemical restraint is more humane in some extreme situations was raised.

In Professor Liefaard's opinion as well as that of the rest of the participants there is a sufficient number of standard-setting rules in this field. What is needed is to take practical measures to sharpen the message these rules carry and help reduce such cases. In order to develop effective implementation strategies, one needs to have more insight in the actual state of institutions in which juveniles are detained as well as in the way juveniles are treated and behave during their detention.

The PC-CP participants pointed out that cases of violence involving juveniles are at a rise and that there is a need for a more in-depth study of the phenomenon of violence against juveniles in closed settings, its causes and ways of dealing with it.

It was suggested to carry out an analysis of the situation in the Council of Europe member states of the main causes of violence experienced by juveniles in conflict with the law while deprived of their liberty. This concerns both violence by staff as well as amongst juveniles and would include a study of the conditions detention and circumstances leading to anger and aggression, types of external expression (like bullying, assault, murder, breaking of material property, self-harm, suicide). The study

should distinguish also between the causes of violence and its manifestations among different ethnic and cultural groups, as well as between boys and girls.

The second part of the study should deal with best practices in dealing with such violence (with its causes and expressions). Methods like anger and aggression management techniques, desistance from substance abuse, opportunities for training, education, employment, etc. will be studied.

Some researchers consider that external signs and acts of aggression (which may be interpreted as part of an offending behaviour in general) are linked closely to the emotional aggression they are experiencing or have experienced. Therefore the causes of violence and aggression that are sought to be dealt with should not relate only to securing the environment in order to hinder criminal behaviour or to punish the offenders. The emotional causes need also to be considered and if possible dealt with in order to ensure desistance from crime. It is important in this respect to study risk factors related to the family and closed social environment of juveniles in conflict with the law (child abuse, poverty, domestic violence, living in stressful environment, school absenteeism, peer pressure, substance abuse, etc.).

The PC-CP decided to bring the above matter to the attention of the CDPC with a view of being entrusted with possible future study on the subject.

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