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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

VIOLENCE INVOLVING JUVENILES IN CONFLICT WITH THE LAW

(Draft outline structure of the report)

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Objectives and focus of study

Violence in juvenile detention institutions is a wide spread phenomenon and highly problematic. One of the main conclusions of the 3rd Plenary Meeting of the PC-CP in March 2013 was that there is no need for additional standard setting in the field of violence in juvenile detention institutions. Instead, there is a strong need for practical measures to sharpen the existing rules and develop effective implementation strategies.

This study aims to provide more insight in the presence of preconditions for the prevention of violence as well as effective responses to violence and to define best practices.

The study focuses on custodial institutions in the context of the (juvenile) criminal justice system (i.e. police custody, pre-trial detention and incarceration after conviction), although it should be recognized that many of the findings would also be of relevance to other forms of institutions. The term juvenile detention institutions will be used which depending on the national legal systems may include other institutions in the context of criminal justice.

The study aims to cover all forms of violence, that is: 'all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse' (art. 19 UN Convention on the Rights of the Child). It addresses the following forms of violence:

- * violence against/by juveniles by/against staff
- * violence against juveniles by other inmates (juveniles or adults)
- * self-harm.

(See also Joint report of the Office of the High Commissioner for Human Rights, UNODC and the SRSG on Violence against Children on prevention of and responses to violence against child juvenile justice system, A/HRC/21/25, 26 June 2012)

Components of the study

1. Introduction: Violence in juvenile detention institutions and legal implications of international standards

- *Introduction subject study, objectives and research methods.
- *Brief theoretical analysis of the legality of the use of force or restraint in juvenile institutions, in light of the prohibition of the use of violence against juveniles (see presentation in March 2013).

2. Prevalence of violence in juvenile detention institutions

The study will address the prevalence of violence in juvenile detention institutions through an analysis of existing data. These data will be gathered through desk research of existing and accessible reports, since the UN Violence Study (2006). In addition, governments will be invited to provide relevant, additional (domestic) analyses of data concerning violence in juvenile detention institutions.

By doing so, the study gives insight of existing studies, reports, surveys that provide knowledge about the prevalence of violence in juvenile detention institutions. This knowledge should include information on, among other things:

- * definitions of violence in juvenile detention institutions;
- * forms of violence (staff-juvenile; juvenile-other inmate; self-harm);
- * use of different forms of force or restraint, including disciplinary measures;
- * child deaths in detention;
- * self harm;
- * corporal punishment;
- * sexual abuse;
- * threats of violence;
- * gender and violence
- * age and violence.

(See e.g. S. Detrick et al., *Violence against children in conflict with the law*, Defence for Children International and Howard League for Penal Reform 2008 in which 12 indicators for violence against children in conflict with the law are distinguished).

In addition, reports will be collected of studies in which juveniles themselves participated (e.g. Children's Rights Alliance, *Speaking Freely*, 2013).

Challenges

It can be assumed that the availability of disaggregated data and the comparability of the data are limited and that the accessibility may be problematic (e.g. due to language issues, permission/support and time constraints). In addition, the comparability of reports, domestic analyses or individual data will most likely be problematic and therefore not profitable.

Time constraints are also the main reason why this study does not perform a new prevalence study in itself. It rather relies on existing and accessible reports, studies, data analyses etc.

Optional

The study could also collect and analyse court cases (if published and/or provided by NGO's/governments) concerning violence in juvenile detention institutions. This could provide information on the prevalence of violation, but also about the effectiveness of legal remedies.

3. Data on causes and risk factors

The causes of violence in institutions are various. Roughly, they could be distinguished between institutional or systemic causes (or risk factors), that is: causes/factors related to the situation juveniles find themselves in (i.e. deprived of liberty in the context of criminal/administrative justice), and individual causes, that is: causes related to the individual juvenile, including his or her mental and/or physical condition.

The study will address the causes of violence in juvenile detention institutions through an analysis of existing data (desk research). Through the questionnaires Council of Europe member states will be invited to provide relevant additional analyses of data concerning causes of violence.

Like with regard to data with regard to the prevalence of violence, it is recommendable to collect available and accessible (local, regional or international) studies and reports on the most common causes of violence in juvenile detention institutions. Similar challenges apply.

4. Strategies to prevent and to remedy

This component of the study aims to define key-elements of effective strategies to prevent and remedy violence in juvenile detention institutions. These elements include both institutional aspects, such as legal framework, conditions of detention (incl. accommodation, medical services, staff numbers (incl. staff-juvenile ratio), daily programme, use of force or restraint, disciplinary measures, division of competences, selection, education and training of staff, complaints procedures and inspection mechanisms, as well as aspects meant to influence individual behaviour of juveniles, such as individual treatment, education and contact with family.

In addition, questionnaires (semi-structured) will be sent out to Council of Europe member states in order to assess to what extent they recognize the key-elements of effective strategies and to what extent they have been able to implement these, both in law and practice.

The data gathered through these questionnaires will be complemented with available reports on the institutional frames as well their implementation (where available and accessible).

The ultimate objective of this component of the study is to find and define best practices. However, it should also provide insight in the implementation and interpretation of relevant parts of the European Rules for juvenile offenders subject to sanctions or measures.

5. Best practices

The fourth and final component of the study is to define best practices and determine the key-priorities for an effective prevention strategy as well as effective mechanisms to remedy violence in juvenile institutions. These best practices will be analysed more in depth.

Planning

June-September 2013

- * PC-CP Meeting in June 2013
- * Gathering of studies, reports etc. on prevalence and causes
- * Preparation of questionnaires

September-January 2013

- * Sending out of questionnaires
- * Gathering of studies, reports etc. on prevalence and causes
- * Analysis of available information on prevalence and causes
- * Analysis of outcomes of questionnaires
- * Defining of best practices

February-April 2013

- * Further analysis of best practices
- * Preparation of draft-report
- * Expert consultation

May-June 2013

- * Preparation of final report