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Council for Penological Co-operation
(PC-CP)

Draft Report on Violence in Institutions for Juvenile Offenders

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Bibliography

Literature

Boxberg, V, et al (2011), Gewalt und Suizid im Strafvollzug – Ein längsschnittliches DFG-Projekt im thüringischen und nordrhein-westfälischen Jugendstrafvollzug, in: *Bewährungshilfe* 2011, Vol. 58(2), p. 133-146.

Doreleijers, T.A.H. et al (2006), *Agressie en psychische stoornissen bij meisjes in justitiële jeugdinrichtingen*, Amsterdam: Vrije Universiteit medisch Centrum.

Flipčiči, K & Prelić, D.(2011), 'Deprivation of Liberty of Juvenile Offenders in Slovenia', *The Prison Journal* 2011, Vol. 91(4), p. 448-466.

Fazel, S. et al (2008), Mental disorders among adolescents in juvenile detention and correctional facilities: a systematic review and metaregression analysis of 25 surveys, in: *Journal of the American Academy of Child and Adolescent Psychiatry* 2008; Vol. 47(9), p. 1010-9*.*

Grennan, S. & Woodhams, J. (2007), The impact of bullying and coping strategies on the psychological distress of young offenders, *Psychology, Crime and* Law 2007, Vol. 13(5), p. 487-504.

Grisso, T. et al (2012), *The Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2): Comprehensive research review.* Worcester, MA: University of Massachusetts Medical School.

Grisso, T. & Quinlan (2005), Massachuesetts Youth Screening Instrument, 2005, Version , in Grisso, T., *Multidimensional Brief screening tools.*

Goldson, B. (2006), Damage, Harm and Death in Child Prisons in England and Wales: Questions of Abuse and Accountability, *The Howard Journal of Criminal Justice* 2006, Vol. 45(5), p. 449-467.

Hanrath, J. (2009), Opvoeden in een gesloten jeugdinrichting: een contradictio in terminis?, *Proces* 2009, Vol. 88(3), p. 182-189.

Haufle, J. & Wolter, D. (2014), The interrelation between victimization and bullying inside young offender institution, in: *Aggressive behavior*, Vol. 9999, p. 1–11.

Heynen, E. et al (2014), Measuring Group Climate in a German Youth Prison: A German Validation of the Prison Group Climate Instrument, in: *Journal of Forensic Psychology Practice* 2014, Vol. 14(1), p. 45-54.

Hirschfield, P. et al (2010), Effects of institutional confinement for delinquency on levels of anxiety and depression among male adolescents, in: *Youth Violence and Juvenile Justice* 2010, Vol. 8(4), p. 295-313.

Homel, R. & Thomson, C. (2005). Causes and prevention of violence in prisons. In: Sean O'Toole & Simon Eyland (Eds.), Corrections criminology (pp. 101-108). Sydney: Hawkins Press

Jongepier, N. (2011), Gesloten residentiele jeugdzorg als veilige haven, *Jeugdkennis* 18 december 2011, online available at http://www.jeugdkennis.nl/jgk/Artikelen-Jeugdkennis/Gesloten-residentile-jeugdzorg-als-veilige-haven?highlight.

Kuanliang, A. (2008), 'Juvenile inmates in an adult prison system', *Criminal Justice and Behavior* 2008, Vol. 35(9), p. 1186-1201.

Liefaard, T. (2008*), Deprivation of Liberty of Children in Light of International Human Rights Law and Standards*, Antwerp/Oxford/Portland: Intersentia 2008

Neubacher, F. et al.(2011), Gewalt und Suizid im Strafvollzug, in: Bewährungshilfe, Soziales · Strafrecht, Kriminalpolitik 58 (2011), Heft 2, S. 133–146, online available at http://www.kriminologie.uni-koeln.de/fileadmin/sites/kriminologie/Dokumente/DFG-BewHi_2_2011.pdf.

Schmidt, H. (2013), Er war halt der Meinung, er kann mich vollquatchen''- Gewaltkarrieren junger Strafgefangener vot un wahrend des Freiheitsentzuges, in*: Soziale Probleme* 24, Heft 2, S. 175-212.

Steckley, L. & Kendrick, A. (2008), Physical Restraint in Residential Child: The Experiences of Young People and Residential Workers, in: *Childhood* 2008, Vol. 15(4), p. 552-569.

Steckley, L. (2010), *Containment and holding environments: Understanding and reducing physical restraint in residential child car*e, in: Children and Youth Services Review 2010, Vol. 32(1), p. 120–128.

Steckley, L. 2012, Touch, Physical Restraint and Therapeutic Containment in Residential Child Care, in: *British Journal Of Social Work* 2012, Vol.42(3), p. 537-555.

Sykes, G. M (1958), *The Society* of *Captives:* A *Study* of a *Maximum Security Prison* , Princeton University Press

Van der Helm, G.H.P. (2011), *First do no harm. Living group climate in secure juvenile correctional institutions* (diss. Vrije Universiteit Amsterdam), Amsterdam: SWP 2011.

Van der Helm. G.H.P. et al (2012), Group Climate, Personality and Self-reported Aggression in Incarcerated Male Youth, *The Journal of Forensic Psychiatry & Psychology* 2012, Vol. 23(1), p. 23–39.

Van der Helm, G.H.P. & Stams, G.J.J.M (2012), Conflict and coping by clients and group workers in secure residential facilities, Oei, K.T.I. & Groenhuizen, M.S. (Eds.), *Progression in forensic psychiatry: About boundaries*), Deventer: Kluwer 2012, p. 553-564, http://www.hsleiden.nl/aems/lectoraatResidentieleJeugdzorg/Conflictcoping.pdf.

Van der Laan, A. et al, (2008), *Being Inside, an explorative study into emotional reactions of juvenile offenders to custody*, Den haag: WODC.

Van der Laan, A. & Eichelsheim, V. (2013), Juvenile adaptation to imprisonment: Feelings of safety, autonomy and well-being and behaviour in prison, in: *European Journal of Criminology* 2013, Vol. 10(4), p. 424-443.

Van der Laan, P., et al, (2007), *Veiligheid en continuïteit van zorg in justitiële jeugdinrichtingen* 2007, Amsterdam/Leiden: Inspectie Jeugdzorg http://www.inspectiejeugdzorg.nl/documenten/Extern%20onderzoek%20naar%20veiligheid%20en%20continuteit%20van%20zorg%20in%20justitiele%20jeugdinrichtingen%202007.pdf

Teplin, L.A. et al (2002), Psychiatric Disorders in Youth in Juvenile Detention, *Arch Gen Psychiatry.* 2002;59(12):1133-1143.

UN Documents

United Nations General Assembly (2006), '*Report of the independent expert for the United Nations study on violence against children*, *A/61/299* 2006.

Joint report of the Office of the High Commissioner for Human Rights, the UNODC and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system, *A/HRC/21/25* 2012.

UNICEF Regional Office for CEE/CIS (2009), O'donnel, The development of juvenile justice systems in eastern Europe and central Asia, Online available at http://www.unicef.org/ceecis/UNICEF_JJSynthesis08.pdf

UNICEF Regional Office for CEE/CIS (2013), Juvenile justice in the cee/cis region : progress, challenges, obstacles, and opportunities, O'donnel, D., Geneva: UNICEF Regional Office for CEE/CIS, online available at http://www.unicef.org/ceecis/EU_UNICEF_Juvenile_Justice_in_the_CEECIS_Region.pdf.

UNICEF (2010), Amdzhadin, L. & Honcharuk, O., *Social practices and legislation in the area of juvenile delinquency*, Kyiv: UNICEF/ Centre of Social Expertise of the Institute of Sociology of NAS of Ukraine, online available at http://www.unicef.org/ukraine/English1.pdf.

Sérgio Pinheiro, P. (2006), *World Report on Violence against Children,* the United Nations Secretary-General's Study on Violence against Children, online available at http://www.unicef.org/violencestudy/reports.html.

European documents

Council of Europe (2012), Kilkelly, U., Children's rights and the European Committee for the Prevention of Torture, online available at http://www.coe.int/t/dg3/children/publications/CPTReport_en.pdf

European Commission, (2014), Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Commission.

Other reports

Child Care Residential Units (2006), Best Practice Guidelines in the Use of Physical Restraint, Dublin: Special Residential Services Board, online available at http://www.caab.ie/getdoc/9246779b-835d-40f5-a4d6-dddc2c4aa3fc/Best-Practice-Guidelines-in-the-Use-of-Physical-Re.aspx.

Children's Rights Alliance for England (2013a), *State of Children's Rights in England, Review of Government action on United Nations' recommendations for strengthening children's rights in the U*K, online available at http://www.crae.org.uk/media/64143/CRAE_England_Report_WEB.pdf, (United Kingdom).

Children's Rights Alliance for England (2013b), *Submission to the UN Committee Against Torture*, http://www.crae.org.uk/media/59607/CRAE-submission-to-UN-Convention-against-Torture-and-Other-Cruel.pdf, (United Kingdom).

Children's Rights Alliance for England (2012a), *Ending Violence against Children in Conflict with the Law, London: Children's Rights Alliance for England 2012*, London: Children's Rights Alliance for England, online available at http://www.violencefreecustody.org.uk/site/assets/files/1264/speaking_freely_ending_violence_against_children_in_custody_european_research_report_final.pdf.

Children's Rights Alliance for England (2012b), Willow, C. & Foussard, C., Ending Violence against Children in Custody, Comments from European and international monitoring bodies on violence against children in custody in European states, online available at http://www.violencefreecustody.org.uk/site/assets/files/1152/ending_violence_against_children_in_custody_-_comments_from_european_and_international_monitoring_bodies_final.pdf.

Children's Rights Alliance for England (2012c), *State of Children's Rights in England 2012*, *Review of Government action on United Nations' recommendations for strengthening children's rights in the UK,* London: CRAE 2012, online available at http://www.crae.org.uk/media/64143/CRAE_England_Report_WEB.pdf (United Kingdom).

Covell, K. & Becker, J. (2011), *Five years on: global update on violence against children*, New York: NGO Advisory Council for Follow-up to the UN Study on Violence against Children 2011, online available at http://www.childhelplineinternational.org/media/80438/five_years_on-_a_global_update_on_violence_against_children.pdf.

Criminal Justice Inspection Northern Ireland (2011), *An announced inspection of Woodlands Juvenile Justice Centre*, Belfast: Criminal Justice Inspection Northern Ireland, online available at - http://www.cjini.org/CJNI/files/c1/c1f1690b-190f-4788-90b8-5d1b48578f57.pdf (Ireland).

Defence for Children International (2010), Volz, A., *Stop the Violence! The overuse of pre-trial detention, or the need to reform juvenile justice systems*, Geneva: Defence for Children International, online available at http://resourcecentre.savethechildren.se/sites/default/files/documents/2794.pdf

Defence for Children , the Netherlands (2008), Detrick, S., Violence against Children in Conflict with the Law, *A Study on Indicators and Data Collection in Belgium, England and Wales, France and the Netherlands*, Leiden: Defence for Children, online available at http://www.defenceforchildren.org/files/Violence-Against-Children-in-Conflict-with-the-Law-EN.pdf.

Defence for Children, the Netherlands (2012), *Een einde aan geweld en misbruik in justitiële jeugdinrichtingen,* Leiden: Defence for children, online available at http://www.violencefreecustody.org.uk/site/assets/files/1266/een_einde_aan_geweld_en_misbruik_in_justitiele_jeugdinrichtingen.pdf (Netherlands).

Defence for Children, the Netherlands (2011), Berger, M. & van der Kroon, C., *Spending a couple of nights in a police cell* (summary report), Leiden: Defence for Children 2011, online available at https://www.defenceforchildren.org/images/stories/Spending_a_couple_of_nights_abstract.pdf (Netherlands).

Délégué général aux droits de l'enfant (2012), *Le regime disciplinaire de la section des dessaisis du centre federal ferme de saint-hubert : une analyse comparative* (Belgium).

Inspectie Jeugdzorg et al (2007), *Veiligheid in justitiële jeugdinrichtingen, risico's aangepakt maar kwetsbaar*, Utrecht: Inspectie Jeugdzorg et al, online available at http://www.inspectiejeugdzorg.nl/documenten/Onderzoek%20naar%20het%20leef-%20werk-%20en%20behandelklimaat%20in%20JJIs%202007.pdf

Inspectie Jeugdzorg et al (2010), *Veiligheid in justitiële jeugdinrichtingen, risico's aangepakt maar kwetsbaar*, Utrecht: Inspectie Jeugdzorg et al, online available at http://www.inspectiejeugdzorg.nl/documenten/Onderzoek%20naar%20het%20leef-%20werk-%20en%20behandelklimaat%20in%20JJIs%20september%202010.pdf (Netherlands).

Inspectie voor de Sanctietoepassing (2012), Forensisch Centrum Teylingereind, *inspectierapport doorlichting,* Den Haag : Inspectie voor de sanctietoepassing, online available at https://www.ivenj.nl/actueel/inspectierapporten/inspectierapport-forensisch-centrum-teylingereind.aspx (Netherlands).

HM Inspectorate of Prisons & Youth Justice Board, Murray (2012), *Children and Young People in Custody (2011-12), An analysis of the experiences of 15-18 year-olds in Prison*, , London: The Stationery Office Limited 2012, (United Kingdom).

The Howard League for Penal Reform, *Submission to the Justice Committee inquiry into the youth justice system,* online available at http://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Consultations/Howard_League_response_to_the_justice_select_committee_s_inquiry_into_the_youth_justice_system.pdf, (United Kingdom).

The Howard League for Penal Reform (2013), *Statement submitted by the Howard League for Penal Reform, a non-governmental organisation in consultative status with the Economic and Social Council to the UN Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 5th Periodic Review of the United Kingdom of Great Britain and Northern Ireland,* London The Howard League for Penal Reform, online available at http://www.cypnow.co.uk/digital_assets/Howard_League_submission_to_the_UN_CAT_5th_period_review_of_the_UK.pdf (United Kingdom).

The Howard League for Penal Reform (2010), *Life inside, an unique inside into the day to day experiences of a 15-17 year old males in prison*, London: The Howard League for Penal Reform https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Life_Inside_2010.pdf (United Kingdom).

The Howard League for Penal Reform (2011), *Twisted: the use of force on children in custody*, London: The Howard League for Penal Reform, online available at http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/Restraint.pdf (United Kingdom).

The Howard League for Penal Reform (2012*) Future insecure: secure children's homes in England and Wales,* London: The Howard League for Penal Reform http://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Future_Insecure.pdf (United Kingdom).

Irish Youth Justice Service (2012*), CPI Behaviour Management Policy and Procedures For Children Detention Schools*, online available at

http://www.iyjs.ie/en/IYJS/Behaviour%20Management%20Feb%202013.pdf/Files/Behaviour%20Management%20Feb%202013.pdf (Ireland).

Inspectie Jeugdzorg et al, (2010), *Veiligheid in justitiële jeugdinrichtingen, risico's aangepakt maar kwetsbaar*, Utrecht: Inspectie Jeugdzorg et al, online available at http://www.inspectiejeugdzorg.nl/documenten/Onderzoek%20naar%20het%20leef-%20werk-%20en%20behandelklimaat%20in%20JJIs%20september%202010.pdf (Netherlands).

Intermetzo (2014), Jaarverslag 2013 JJI Lelystad, online available at http://www.rijksoverheid.nl/documenten-en-publicaties/wob-verzoeken/2014/07/21/jaarverslag-2013-jji-lelystad.html (Netherlands).

Joint Committee on Human Rights, House of Lords & House of Commons, (2008), *The Use of Restraint in Secure Training Centres. Eleventh Report of Session 2007-2008*, London: The Stationary Office Limited, online available at http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/65/65.pdf, (United Kingdom).

Ombudsman for Children and Young people Ireland, (2011), *Young people in St. Patricks Institution, Ombudsman for Children's office,* online available at http://www.oco.ie/wp-content/uploads/2014/03/St-Pats-Report.pdf (Ireland).

Kinderrechtencommissariaat (2009), Rom, M. & Herbots, K., *De rechtspositie van jongeren in detentie in een (intern) nationaal perspectief*, Kinderrechtencommissariaat, Leuven: Universiteit Leuven, http://www.law.kuleuven.be/isr/onderzoek/onlinerapportenbijlagen/Eindrapport-%20jongeren%20in%20detentie-2009%20beveiligd.pdf (Belgium).

Kinderrechtencommissariaat (2010), *Binnen(ste) buiten. Rechtswaarborgen voor minderjarigen in detentie doorgelicht*, Brussel: Drukkerij Artoos, online available at http://www.kinderrechtencommissariaat.be/sites/default/files/bestanden/dossier_detentie_binnenste_buiten_04_2010.pdf (Belgium).

Restraint Advisory Board (2011), Ministry of Justice United Kingdom, *Assessment of Minimising and Managing Physical Restraint (MMPR) For Children in the Secure Estate*, https://www.justice.gov.uk/downloads/youth-justice/custody/mmpr/mmpr-restraint-advisory-board-report.pdf (United Kingdom).

Prison Reform Trust & INQUEST (2012) *, Fatally Flawed: Has the state learned lessons from the deaths of children and young people in prison?,* London: Prison Reform Trust 2012 http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fatally%20Flawed.pdf(United Kingdom).

Robison, M. (2013), *End Violence Against Children in Custody*, Project Evaluation Report, online available at http://www.violencefreecustody.org.uk/site/assets/files/1267/final_evaluation_report_for_children_and_young_people_updated.pdf.

UK Aid & Penal Reform International (2012), *A review of law and policy to prevent and remedy violence against children in police and pre-trial detention in eight countries*, http://www.ipjj.org/fileadmin/data/documents/reports_monitoring_evaluation/PRI_ReviewViolenceAgainstChildren8CountryReports_2012_EN.pdf.

The Ombudsman for Sweden (2013), *From the Inside, children and young people on life in police cells and remand prisons*, Stockholm: The Ombudsman for Children in Sweden, online available at http://www.barnombudsmannen.se/Global/Publikationer/From%20the%20inside.pdf, (Sweden),.

Youth Justice Board & National Children's Bureau, (2008), *A review of safeguarding in the secure estate* 2008, online available at http://www.justice.gov.uk/downloads/youth-justice/improving-practice/AReviewofSafeguardingintheSecureEstate2008FullReport.pdf, (United Kingdom)

Youth Justice Board, (2013), *Review of Full Searches in the Secure Estate for Children and Young People*, online available at https://www.justice.gov.uk/downloads/youth-justice/improving-practice/Review-of-Full-Searches-in-the-Secure-Estate-forChildren-and-Young-People.pdf, (United Kingdom)

1. Components of the study

1.1 Objectives and focus of study

Resulting from the concerns with regard to violence in places of detention for juvenile offenders that were expressed at the 16th Conference of Directors of Prison Administration (CDAP) held in Strasbourg in 2011, the CDPC instructed the Council for Penological Co-operation (PC-CP) to examine the situation and prepare a report on the subject. The PC-CP held a discussion during three consecutive sessions (in March, June and September 2013). It listened to four presentations given by Prof Dr Ton Liefaard, UNICEF Chair in Children's Rights at Leiden University and expert on violence within the juvenile justice system for juveniles, Mr Fabrice Kellens, Deputy Executive Secretary of the European Committee for the Prevention of Torture (CPT), Ms Danièle Laborde, responsible for the Rights of the Child at the Ombudsman's Office, France, and Prof Dr Frank Neubacher, University of Cologne, Germany. The PC-CP agreed that most cases of violence involving juveniles happened when they were deprived of their liberty for varying reasons (as a result of administrative, civil or penal law proceedings and decisions).

It was decided that in order to draft a report reflecting the situation in Europe, a questionnaire had to be sent out. This would allow for a better understanding of the problem to be gained, as it would include the different Council of Europe Member States and would also seek and promote best practices regarding how to reduce and deal with such cases of violence.

The study focused on violence involving juveniles in conflict with the law who are deprived of their liberty in different institutions within the framework of the criminal justice system (inter alia, police detention, pre-trial detention and deprivation of liberty after conviction or sanctioning). Deprivation of liberty has been defined as 'any form of placement in an institution by decision of a judicial or administrative authority, from which the juvenile is not permitted to leave at will' (rule 21.5 European Rules for juvenile offenders subject to sanctions or measures). It was decided to leave the term 'institutions for juvenile offenders' as general as possible because depending on the legal system in place, juvenile offenders may be placed in different types of closed institutions, which may in turn fall under the responsibility of different ministries. In addition, it was decided that the study concerned institutions in which juveniles in conflict with the law are deprived of their liberty. These will be referred to as institutions for juvenile offenders (or institutions).

Along with the findings of the United Nations (UN) Study on Violence Against Juveniles by Paulo Sérgio Pinheiro, Independent Expert for the United Nations Secretary-General's Study on Violence against Juveniles in 2006 (hereinafter UN Violence Study), and the Joint Report of the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence Against Juveniles on prevention of, and responses to, violence against juveniles within the juvenile justice system in 2012 (hereinafter: Joint Report 2012), this study aimed to cover different forms of violence. This include physical, sexual, verbal and psychological violence against juveniles by staff; against juveniles by other inmates (juveniles or adults) and self-inflicted violence including self-harm and suicide.

1.2. Methodology

The study underlying this report consists of both an extensive literature study as well as an empirical study among all Member States of the Council of Europe.

1.2.1 Literature study

The literature study is based on academic and non-academic publications and reports concerning the issue. The primary focus of the literature study has been on Europe, although relevant academic literature from outside Europe, e.g. from the United States, has been consulted as well. Moreover, observations of *The Commissioner for Human Rights of the Council of Europe*, concluding observations and recommendations of *The UN Committee of the Rights of the Child (hereinafter also CRC Committee)* towards the Member States of the Council of Europe, and reports of *The European Committee for the Prevention of Torture and Inhuman*

or Degrading Treatment or Punishment (CPT) have been included in the study. Reports on the perspective of juveniles themselves have also been included (see e.g. Children's Rights Alliance for England, 2012a). Furthermore, a request has been sent out to all *Ombudspersons for Children's Rights* to provide relevant reports published on this topic. Various reports have been received and have been included in this study. Despite the intensive data research, it should be acknowledged that publications might have been missed due to language restraints or other issues that may stand in the way of their accessibility. As part of the questionnaire, Member States were invited to provide publications or other relevant documents that they considered relevant for this study.

1.2.2. Empirical Research

In addition, a quantitative study has been carried out among all Member States of the Council of Europe. Empirical data were collected to gain in-depth information on the issue of violence in institutions for juvenile offenders in the different Council of Europe Member States. A questionnaire, consisting of questions on several important aspects related to the issue has been sent by email to all Member States. Thirty-seven countries have replied to the questionnaire and ten countries have not. This questionnaire is the first with such a high amount of replies for the Council of Europe. Ten countries have filled in more than one questionnaire. The total number of respondents is fifty-seven. The questionnaires have either been filled in at the national level by representatives of ministries, or at the local level by representatives of prisons. The majority of the questionnaires have been filled in by representatives of departments of the Ministries of Justice, including departments on the administration of prisons or on child protection. The individuals responsible for filling in the questionnaires were often senior level employees, such as directors of the respective departments. In the countries that have returned more than one questionnaire, different departments of Ministries were involved. In the case of Germany, Ministries of different States ('Länder') and different prisons have been involved.

Table 1. Member States (47) and responses questionnaires

Response (37) Member States that have responded:		Non-response (10) Member States that have not responded:
Albania	Lithuania	Armenia
Andorra	Malta	Bosnia and Herzegovina
Austria	Macedonia	Cyprus
Azerbaijan (2)	Moldova	England and Wales (UK)
Belgium (2)	Monaco	Iceland
Bulgaria	Montenegro	Liechtenstein
Croatia	Netherlands	Northern-Ireland
Czech	Norway (2)	San Marino
Denmark (3)	Poland	Turkey
Estonia	Portugal	Ukraine
Finland (2)	Romania	
France (2)	Russia	
Georgia	Scotland (UK)	
Germany (10)	Serbia	
Greece	Slovenia	
Hungary (5)	Slovakia	
Ireland	Sweden (2)	
Italy (2)	Switzerland	
Latvia		

Numbers between (): number of responses from this member state.

1.3. Structure of the report

The report starts by briefly introducing the issue of violence in institutions for juvenile offenders (chapter 2). It subsequently elaborates upon the prevalence of (1) violence by inmates, including violence among juveniles, by adult inmates and against staff, (2) by staff including police, and (3) by juveniles against themselves resulting in self-harm including for example suicide (chapter 3). The following two chapters (4 and 5) focus on the systemic factors causing violence and are relevant to prevent or redress it. The last chapter (6) presents a discussion on the findings of the questionnaires and the literature study and provides recommendations for further research.

2. Introduction to violence in institutions for juvenile offenders

It has been estimated that there are at least one million juveniles deprived of their liberty globally (UN Violence Study 2006, p. 94; Joint Report 2012, p. 4). Juveniles deprived of their liberty in various kinds of institutions are at a particular risk of being subjected to violence (UN Violence Study 2006, p. 191). The UN Violence Study has identified various forms of violence against juveniles in institutions, both in industrialised as well as developing countries, including violence as a sentence, violence by adult detainees, and violence by other juveniles and self-harm, including self-mutilation and suicidal behaviour (UN Violence Study 2006, p. 191). In addition, it has pointed out that juveniles are under serious threat of violence while in police custody or under the custody of security forces. The study has also stressed that the occurrence of violence against juveniles in conflict with the law is more prevalent than violence against juveniles who are placed in closed institutions for other reasons. Juveniles in juvenile justice institutions are considered as anti-social and criminal and are therefore subjected more to physically and psychologically impunity (UN Violence Study 2006, p. 190). The UN Violence Study states that ´all the prejudices and discriminations attached to

unwanted or family-fewer juveniles are reinforced where the child is seen as a social nuisance, or worse´ (UN Violence Study 2006, p. 190-191).

However, the study has also noted that there is little information on this phenomenon to be found. This has also been observed by the UN Committee on the Right of the Child, which has in its concluding observations often expressed concerns on the lack of disaggregated statistical data on the treatment of juveniles in conflict with the law, including juveniles in institutions (Defence for Children, 2008, p. 7). The UN Violence Study has further underscored the need to take action to reduce violence within institutions, with emphasis on staff selection; training and remuneration; conforming to international standards; registration; and monitoring and investigation and complaint mechanisms.

In 2012, the findings of the UN Violence Study have been confirmed by the Joint Report 2012; violence against juveniles in conflict with the law is a significant problem and concerns violence while in custody of police and security forces and pre-trial detention, violence as a sentence, undertaken by staff, by peer detainees and self-harm including self-mutilation and suicide (Joint Report, 2012, p. 4).

Violence against juveniles in institutions has also been dealt with in legal standards at the international (UN), European and national level (see Liefaard, 2008). All juveniles, including those in institutions are entitled to be protected against violence (see art. 37 (a) and 19 CRC; art. 3 ECHR) and international standards provide special provisions that aim to protect juveniles deprived of their liberty against unlawful or arbitrary treatment, including violence. At the European level, the European rules for juvenile offenders subject to sanctions or measures (hereinafter: European Rules for juvenile offenders) offer detailed guidance to Member States of the Council of Europe on how to protection juvenile in institutions. They reconfirm and further elaborate upon UN standards as laid down in the UN Convention on the Rights of the Child (CRC; see in particular art. 37 CRC) and the UN Rules for the Protection of Juveniles Deprived of their Liberty, and which are applicable in all Council of Europe Member States. Above all, it is important to note that international standards concerning deprivation of liberty of juveniles are based on the assumption that juveniles should preferably not be incarcerated. The core provision of international human rights law concerning children deprived of their liberty is art. 37 CRC, which recognizes the (negative) impact of deprivation of liberty on children and call for the utmost restraint with regard to the use of deprivation of liberty. Arrest, detention or imprisonment must a measure of last resort and may only be used for the shortest appropriate period of time (Liefaard, 2008).

3. Prevalence of violence in institutions for juvenile offenders

3.1 General observations

This study generally confirms the findings of the UN Violence Study and the Joint Report 2012 and shows that violence in institutions for juvenile offenders is prevalent and that it can be considered an issue of serious concern. Half of the responding Member States has indicated they consider violence in institutions of ‘serious’ or ‘very serious’ concern.

Violence in institutions for juvenile offenders occurs in different ways. This study distinguishes between violence in institutions by inmates, among juveniles, by adult inmates and against staff, violence by adult inmates, violence by staff against juveniles, and self-inflicted violence, including self-harm and suicide.

Violence committed by juveniles is considered as a problem in both literature and the results of the empirical study. In addition, the results of the empirical research suggest that violence among juvenile offenders is considered more as a problem than violence between staff and juveniles (annex 1, table 2). This does not necessarily mean that violence by staff is not a problem. Various reports at the global and European level, including the UN Violence Study, the Joint Report and reports/findings from the Commissioner for Human Rights of the Council of Europe and the CPT indicate that violence by staff, including police personnel should be considered as a significant problem. This includes legally sanctioned violence. Self-inflicted violence, including self-harm and (attempts) of suicide, is considered a serious issue in the literature, but only modestly reported in the survey.

Sexual violence in institutions for juveniles between inmates and/or between staff and inmates have occasionally been reported. Especially girls are a vulnerable group (Defence for Children International, 2010, p. 13-14; Defence for Children Netherlands, 2012, p. 6; UNICEF Regional Office for CEE/CIS, 2013, p. 8). Respondents to the questionnaires claim that sexual violence among juveniles does happen, albeit on a very limited scale. Sexual violence by staff is not really considered as a problem (annex 1, table 2). In addition, it has been marginally reported by juveniles themselves (Defence for Children Netherlands, 2012, p. 6; Children's Rights Alliance, 2012a, p. 6; Boxberg et al, 2011, p. 1). For instance, among five countries sexual abuse was only mentioned once (Children's Rights Alliance, 2012a, p. 6). This could indicate a taboo on sexual violence in institutions and that staff lack experience talking about sexual behaviour (Defence for Children Netherlands, 2008, p. 85; p. 112).

3.2 Violence by inmates (among juveniles, by adult inmates and against staff)

The most common forms of violence among juveniles in institutions are aggression and bullying, which can also be regarded as a form of aggression. Sexual abuse, extortion, racism have also been reported as forms of violence in institutions (Defence for Children, 2010, p. 15; Youth Justice Board & National Children's Bureau, 2008, p. xi; Boxberg et al, 2013, p. 1; Goldson, 2006; Children's Rights Alliance for England, 2012a, p. 6; Haulfe & Wolter, p. 4, 2014). Research in the United Kingdom has showed that young people perceive harm from other inmates as the biggest risk to their safety, (Youth Justice Board & National Children's Bureau, 2008, p. xi), although young people can also experience support and comfort from their peers (Ombudsman for Juveniles and Young People Ireland, 2011, p. 36). Sex offenders are a particularly vulnerable group for bullying, intimidation and threatening (Children's Rights Alliance for England, 2014, p. 32).

In institutions, aggression is often linked to bullying (Haulfe & Wolter, 2014, p. 4). Bullying can be considered a subcategory of aggression. It has different faces e.g. physical, verbal, and coercive forms of aggression, such as threatening and intimidation (Haulfe & Wolter, 2014, p. 4; Children's Rights Alliance for England, 2014, p. 6; Goldson, 2006). One can differentiate between direct aggression (such verbal and physical aggression including name calling and punching) and indirect aggression (such as 'relation aggression e.g. excluding someone, gossiping or spreading rumors'; Haulfe & Wolter, 2014, p. 4). However, bullying can also take place without aggression.

Violence among juveniles seems to be part of the subculture in institutions and related to informal pecking orders (sex offenders and weaker juveniles were the most vulnerable), hierarchy of power, control and intimidation (Goldson, 2006; Children's Rights Alliance for England, 2013, p. 6; Haufle & Wolter, 2014, p. 18). Often young people report being both a bully and victim at the same time, and that victims of bullying indicate using more psychological bullying at a later point (Haulfe & Wolter, 2014, p. 5). Younger inmates tend to use more physical bullying whereas older inmates tend to use more indirect forms of bullying (Haulfe & Wolter, 2014, p. 5). Juveniles use aggression as a response to their fear of being victimized; a fear motivated, reactive form of aggression which is used to protect themselves and to affirm their status. (Haulfe & Wolter, 2014, p. 5; Children's Rights Alliance for England, 2012a, p. 6). Aggression as well as victimization occurs on a daily basis in juvenile institutions (Haulfe & Wolter, 2014, p. 3).

The forms of violence mentioned above can easily occur at places where there is little surveillance, such as gyms and showers. Especially, sex offenders turn out to be vulnerable in places like showers (Children's Rights Alliance for England, 2012a, p. 31). In addition, much remains unreported out of fear of being labelled as 'grassing' (i.e. juveniles can be labelled a 'grass' if they report violence) or due to a lack of trust in staff. Juveniles can be afraid to be beaten up after reporting an incident. They choose to solve problems informally often with physical retaliation (Goldson, 2006; Children's Rights Alliance for England, 2012a, p. 40; Ombudsman for Juveniles and Young People Ireland, 2011, p. 54; Grennan & Woodhams, 2007, p. 488; Youth Justice Board & National Children's Bureau, 2008, p. xi; Homel & Thomson, 2005, p. 6). It is observed that victims are placed on protection, which makes the victims more hesitant to report bullying out of fear being stigmatised (Juveniles and Young People Ireland, 2011, p. 54).

Finally, it is important to mention that there might be difficulties in identifying bullying in the context of adolescent behaviour. For example, staff might misjudge when young people are fighting in a play situations. In addition, staff tends to punish with sanctions rather than tackling the root causes of bullying (Youth Justice Board & National Children's Bureau, 2008, p. xi; Ombudsman for Juveniles and Young People Ireland, 2011, p. 54; Children's Rights Alliance for England, 2012a, p. 39).

In the reports regarding institutions of juvenile offenders, one will not find much information on violence by *adult inmates* towards juveniles; likewise the respondents have not indicated that this is an issue of concern. This is related to the separation of adults from juveniles, as also provided by article 37 (c) CRC, and the establishment of specific facilities for juveniles. At the same time, non-segregation has been observed in several Member States, including by The Commissioner for Human Rights of the Council of Europe, the UN Committee on the Rights of the Child and the CPT (Children's Rights Alliance for England, 2012b; Children's Rights Alliance for England, 2012a, p. 45; Council of Europe, 2012, p. 15). Particularly sixteen and seventeen year olds might very well end up in (young) adult facilities (e.g. if transferred to adult court if they committed a serious offence) (Ombudsman for Juveniles and Young people Ireland, 2011, p. 28; Kinderrechtencommisariaat, 2009, p. 188; Kuanliang, 2008, 1187). Juveniles run the risk of being subjected to violence by adult inmates in these facilities. Non-segregation of juveniles and adults can have serious consequences for the safety of juveniles and their well-being (The Joint Report, 2012, p 10; Kinderrechtencommisariaat, 2009, p. 88).

This is particularly an issue with regard to girls, including for pre-trial detention. This has mainly to do with the fact that girls are often less incarcerated or there are only places for boys because they are larger in number (Defence for Children International, 2010, p. 18; UNICEF Regional Office for CEE/CIS, 2009*,* p. 27); UNICEF Regional Office for CEE/CIS 2013, p. 8).

Most of the available research in Europe concerning violence by juveniles concerns violence among juveniles. There is much less information on violence by juveniles *towards staff members*. However, it is important to note that staff could also be vulnerable to violence (Van der Helm, 2012, p. 24; p. 79; Van der Laan, 2007, p. 5). For example, one juvenile institution in the Netherlands reported 64 incidents of violence towards staff in 2013 (Intermetzo, 2014, p. 21).

The outcomes of the questionnaires show that respondents are concerned about violence among juveniles. Often aggressive behaviour and bullying has been indicated as a cause of violence. Respondents rate 'verbal violence' as the most serious type of violence among juveniles (annex 1 table 2). Physical violence is regarded as a less significant problem (annex 1, table 2), which corresponds with the outcomes of the literature study.

3.2 Violence by staff

The use of violence by staff has been a concern (The Joint report 2012, p. 9 and see below). At the same time there is limited information available on violence by staff towards juveniles. There is a lack of (public) data (e.g. via registration mechanisms or complaints procedures) and transparency with regard to violence by staff (Youth Justice Board & National Children's Bureau, 2008, p. xii and xiii, Defence for Children Violence Netherlands, 2008, p. 85; UK Aid from the British People & Penal Reform International (2012), p. 91; UNICEF Regional Office for CEE/CIS 2013, p. 8; Defence for Children Netherlands, 2011, p. 4). This section distinguishes between several aspects of the use of violence by staff, including abuse of power, (excessive) use of force and restraints, disciplinary measures, solitary confinement and searching. It is important to note that not all forms of violence are necessarily unlawful (see e.g. Liefaard, 2008 and below).

3.2.1 Abuse of power

Most challenging seems to be staff members abusing their powers and not responding appropriately or even unlawfully to juveniles in particular situations. Sometimes staff members deliberately bully and threaten juveniles and as a consequence juveniles may even be afraid of being on their own in the cell (Ombudsman for Juveniles and Young people Ireland, 2011, p. 55). Incidents have been reported in which staff members

were making fun of the juveniles or switching on and off the light in (isolation) cells or after searching staff left the cell in chaos (Ombudsman for Juveniles and Young people Ireland, 2011, p. 55; Defence for Children Netherlands, 2012, Youth Justice Board & National Children's Bureau, 2008, p. 23*)*. In addition, abuse of power can also manifest itself in the application of measures or sanctions, sometimes with the aim to show their power (Robinson, 2013, p. 9). The line between legally and illegally sanctioned measures is very thin (The Joint Report 2012). It has been reported that staff easily use violence, instead of talking first to the young people. This could easily deteriorate the situation and sometimes even encourages violence (Robinson, 2013, p. 9).

3.2.2 The use of force and restraints

According to the European Rules for juvenile offenders, the use of force against juveniles shall not be used, unless as a last resort, in self-defence or in cases of attempted escape, physical resistance to a lawful order, direct risk of self-harm, harm to others or serious damage property (rule 90.1).The use of instruments of restrains must be specific in national law and may not be applied longer than strictly necessary (rule 91.3). Some forms of restraints, such as chains and irons must be prohibited (rule 91.2).

There are different reports indicating that the use of (excessive) force and restraints is problematic in institutions for juvenile. Violence by the police is clearly reported as the most problematic. Juveniles in police custody tend to be subjected to different forms of police brutality, including unlawful use of force or restraints and coercion (e.g. psychological torturing such as holding a gun to the head of a young person), according to various reports, including the observations of the CPT, the Commissioner for Human Rights of the Council of Europe and the UN Committee on the Rights of the Child (see also Children's Rights Alliance for England, 2012b; Defence for Children International, 2010; Robinson, 2013, p. 9; UNICEF Regional Office for CEE/CIS 2009, p. 31; UK Aid from the British People& Penal Reform International 2012, p. 91; UNICEF Regional Office for CEE/CIS 2013, p. 8; Children's Rights Alliance, 2012, p. 33). This is especially the case when police personnel has not been trained on investigating juvenile cases, including interrogation of juveniles (UNICEF Regional Office for CEE/CIS 2009, p. 31).

Yet, there is not that much research available on the use of force and restraints and the techniques used by staff in institutions. Maltreatment by institutional staff has been reported, but public data is limited available (Council of Europe, 2012, p. 20-21; Children's Rights Alliance for England, 2012a). It has been observed that staff behave too aggressively by the juveniles themselves (Children's Rights Alliance for England, 2012a, p. 34). Some reports point at the inappropriate use of force and restraints, including the infliction of pain (i.e. a short infliction of pain to the nose, rib or thumb to distract the person who is a danger to him/herself or others (Joint Committee on Human Rights 2008, p. 11; Children's Rights Alliance for England 2013a, p. 37; Children's Rights Alliance for England, 2012a, p. 34).

In 2013, The Howard League reported about complaints from juveniles that they were assaulted, slapped and strangled during restraint scenarios by institution staff (The Howard League, 2013). In addition, incidents are known where the use of force resulted in serious injuries among others loss of consciousness, feeling sick or vomiting, damage to internal organs and respiratory arrest (The Howard League, 2013, para 2; Steckley, 2012, p. 547; Council of Europe, 2012, p. 20; Joint Committee on Human Rights, 2008, p. 14, Children's Rights Alliance, 2013a, p. 37). Mechanical restraints, including handcuffs and escort chains especially during transport or apprehension have also been reported (Children's Rights Alliance for England, 2013, p. 26; The Ombudsman for Sweden, 2013, p. 47). A report from the Netherlands indicates that since a few years, holding techniques have been used less frequently, except in case of extreme aggressive behaviour (Defence for Children Netherlands, 2012, p. 9).
Young people stress that the use of force by police was perceived as having more impact than the use of force by staff in institutions (Robinson, 2013, p. 9).

The respondents to the questionnaires hardly have concerns about the (excessive) use of force in institutions. Some respondents have underscored that force will only be used as a last resort and that, for instance, only specialized and trained staff, rather than staff in general, is competent to use force, and only if safety is at stake and there are no other less severe options. Much information is provided on the policies

and procedures developed on the use of force and restraints. Apparently many Member States have some form of regulation with regard to the use of force and restraint. Grounds for the use of force and (physical) restraints that are mentioned include the protection of juveniles against self-harm, the protection of juveniles against each other, the protection of property or general safety in the facility or self-defence (by staff). Escapes or the use of narcotics or alcohol have been as possible grounds for the use of force or restraints as well.

Not much information has been made available on the techniques regarding the use of force and restraints. More information has been provided with regard to the use of mechanical means, particularly the use of handcuffs. Some respondents indicate that chains, belts, straps for hands and feet and other mechanical fastening have been prohibited explicitly. Others refer to isolation as a form of restraint (see further below). Two respondents have referred to means such as a bat, a truncheon, gas/pepper spray, shock gas and electric paralyser as allowed means in extreme cases except for passive resistance. Another respondent has indicated that the use 'shackling chain, shackles, handcuffs, shackling belt, shackling straps, means for prevention of spatial orientation or physical identity secrecy' can be used in extreme circumstances. The most common grounds for mechanical restraints are, among others: the prevention of escape during a transfer, prevent self-harm or harm by others and/or to prevent serious damage to property.

These examples point out that there are different perceptions with regard to what should be allowed in terms the use of force and restraint, including the use of mechanical means. What some consider as allowed, might be considered as a form of unlawful violence by others. The use of means such as shackles, bats, truncheons etc., for example, has been rejected by different international and European standards or in recommendations from international bodies and can be regarded as highly problematic and contrary to international and European consensus. More research in this particular area is highly recommendable.

3.2.3 Disciplinary measures

The European Rules for juvenile offenders provide that disciplinary procedures shall be used as a last resort (rule 94.1) and that only 'conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence' (rule 94.2). Disciplinary punishments should preferably be selected for their education impact and be proportionate to the seriousness of the offence (rule 95.1). In accordance with UN standards and recommendations by the UN Committee on the Rights of the Child and with article 3 of the European Convention on Human Rights, the European Rules clearly reject the use of collective punishment, corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman and degrading punishment (rule 95.2). It also stipulates that '[s]olitary confinement in a punishment cell shall not be imposed on juveniles' (rule 95.3).
Member States should provide disciplinary procedures with a legal basis in national law (i.e. grounds for application and procedural rules, incl. rules with regard to the competent authority; rule 94.3).

It can be assumed that the use of disciplinary measures in institutions is widespread within Europe. In many Member States, disciplinary measures are to a certain extent regulation. It can be assumed that there are stark differences in the level of sophistication of these regulations. Disciplinary measures can be used as instruments of repression and deterrence, easily at the cost of an educational or pedagogical approach towards juveniles, and -again- the line between lawful and unlawful or arbitrary punishment is very thin. It has been indicated that juvenile's feel that they are provoked into aggressive behaviour which leads to punishment (Children's Rights Alliance, 2012, p. 34). Moreover, young people are not always adequately informed about the reasons of the restrictions imposed on them (The Ombudsman for Sweden, 2009, p. 27; Kinderrechtencommissariaat, 2010, p. 112), which could be experienced as unfair by these juveniles.

Much more research needs to be done on these issues, but the literature survey confirmed that corporal punishment and the use of solitary confinement (see below para. 3.2.4) should be considered a problem. The Commissioner for Human Rights of the Council of Europe, the UN Committee on the Rights of the Child and the CPT have expressed their grave concern about the practice of corporal punishment in a significant number of Member States (Children's Rights Alliance for England, 2012b; Council of Europe, 2012, p. 6). In addition, limitation of family contact as a form of disciplining juveniles has been reported (also on other

grounds; cf. art. 37 (c) CRC and Liefaard, 2008), as well as forms of group sentencing (Defence for Children Netherlands, 2012, p. 8).

The results of the empirical research reveal that disciplinary measures such as verbal warnings, reprimands, financial measures, including a reduction of salary (i.e. assuming that juveniles work and receive some form of salary; in some countries juvenile receive pocket money, which could be confiscated as a form of discipline; see e.g. Liefaard, 2008), restricted work or shopping opportunities inside the institution, or a fine. Some disciplinary measures include limitation of leisure time or entertainment (e.g. TV entertainment), denial of (recreational or social) activities, limitations of visits, rejection or denial of leave arrangements or early release. Disciplinary confinement has also been mentioned as a form of punishment. Many different forms and names are used: separation from other juveniles (i.e. placement in cell or room), room separation (e.g. up to 7 days,) and placement in a secured room without personal items for up to 24 hours or to a special department with increased supervision. This could easily be characterised as a form of solitary confinement (see below), which is on strained terms with international and European standards.

The grounds for disciplinary measures tend to be related to criminal or administrative offences, violation of the rules in the institution, violence against other persons, both verbally and physically; destroying or damaging food or property of others; refusing to perform assigned work; bringing prohibited items (contrabands) into the institution; possessing such items; escape or attempted escape; substance abuse, and disrupting the order in the institution.
Some respondents have answered the question of the questionnaire which body was authorised to impose the sanction. Most respondents have indicated that the head of the institution is responsible to impose the disciplinary measure. However, more research can be done in this field.

It is furthermore interesting to note that many respondents have indicated that they consider the use of sanctions effective to prevent violence by juveniles. This corresponds with the findings in some reports that staff tends to respond to for example bullying with sanctions rather than tackling its root causes (Youth Justice Board & National Children's Bureau, 2008, p. xi; Ombudsman for Juveniles and Young People Ireland, 2011, p. 54; Children's Rights Alliance for England, 2012a, p. 39).

3.2.4. Solitary confinement

As mentioned in the previous paragraph, international (UN) and European standards reject the use of solitary confinement regarding juveniles for disciplinary measures. The European Rules leave the door open for segregation in exceptional circumstances and under strict procedural safeguards or in case of a serious security threat (e.g. if the juvenile is a threat to him- or herself or to others; rules 95.4 and 93.1).

Solitary confinement is widely used in Europe, as a form of restraint (time out; measure of order; protective measure) or as disciplinary measure. Solitary confinement generally comes with deprivation of education, of visits and contact with family of fresh air and/or the possibility to go outside (Defence for Children International, 2012, p. 9; Kinderrechtencommissariaat, 2009, p. 115; Children's Rights Alliance for England, 2010, p. 37). Several reports and in the observations of the CPT, the Commissioner for Human Rights of the Council of Europe and the UN Committee on the Rights of the Child concerns have been raised on the use of solitary confinement (Children's Rights Alliance for England, 2012b; Council of Europe, 2012, p. 5). Solitary confinement is used during detention on remand (pre-trial detention; The Ombudsman for Sweden, 2009, p. 34) or as a general measure upon arrival in order to assess the needs of the juvenile (see also Kinderrechtencommissariaat, 2009, p. 111). It is also reported that juveniles are quite easily (i.e. not in exceptional cases or as a last resort) placed in solitary confinement as a form of punishment or for protection purposes (Defence for Children, the Netherlands, 2006, p. 105; Defence for Children, the Netherlands, 2012, p. 9). It has also been reported that juveniles are too easily placed in special observation cells for approximately 23 hours per day if they shared their feelings of anxiety or plan to commit suicide. As a consequence, juveniles feel hesitant to talk about their feelings (Ombudsman for Juveniles and Young people Ireland, 2011, p. 36).

Solitary confinement can have serious, particularly negative consequences for the mental health of juveniles, such as self harm including suicide. It has been stated that the longer the solitary confinement goes on, the higher risk to an adverse impact on the mental health (The Ombudsman for Sweden, 2009, p. 33-34*).* Therefore, it is of great concern to note that the length of solitary confinement can sometimes last for months (Howard League, 2013; Defence for Children Netherlands, 2012, p. 9; Youth Justice Board & National Children's Bureau, 2008, p. xvi).

The respondents of the questionnaires have not shown to be particularly concerned about the use of solitary confinement. There seem to be different reasons for its use, either as a form of restraint or as a disciplinary measure: protection of the juvenile against him- or herself (e.g. danger of self-harm or suicide), protection of others (juveniles, staff) and property, prevention of escape, or the observation of the child in case of mental health issues or drug or alcohol abuse. Although, most of the respondents underscored that it is important to use solitary confinement only for the shortest period of time, there seems to be large variety in terms of duration. According to the respondents solitary confinement can last from 24 hours to 30 days. It remains unclear to what extent it can be prolonged or if this is limited, for example by law.

3.2.5. Searching

The European Rules provide specific rules with regard to searching and calls upon Member States to develop detailed procedures regarding searching of juveniles, staff, visitors and premises (rule 89.1). Searches should always respect the dignity of juveniles and as far as possible their privacy as well. This means, among others, that juveniles should be searched by trained staff of the same gender (rules 89.2 and 89.4)

There is particular concern about the disproportionate use of strip searching, including upon arrival and during visits or cell-searches (Defence for Children Netherlands, 2012, p. 9; Youth Justice Board & National Children's Bureau, 2008, p. xii; Kinderrechtencommissariaat, 2009, p. 118; Council of Europe, 2012, p 20; The Howard League for Penal Reform, 2013). Moreover, automatic strip searching practices are widespread. It has been argued that this could result in inhuman and degrading treatment (e.g. if a juvenile has to remove his or her clothes) and should therefore only take place in a proportionate and rigorous risk-based approach with the aim to provide safety for juveniles and staff (The Howard League for Penal Reform, 2013). Particularly in case of victims of sexual abuse, strip searches can be damaging. The position of girls is also of great concern in this regard (Goldson, 2006; see also Liefaard, 2008).

The respondents of the questionnaires have not expressed any concern about searching methods. Different Member States have developed special regulations in this regard.

3.3 Self-inflicted violence

Juveniles in institutions are particularly at risk to commit self-inflicted violence, self-harm or even suicide (Goldson, 2006; Youth Justice Board & National Children's Bureau, 2008, p. 18, 20; Prison Reform Trust & Inquest, 2012, p. 7; Council of Europe, 2012, p. 22; Van der Laan & Eichelsheim, 2013, p. 425; Doreleijers et al, 2006, p. 5-6; Neubacher, et al, 2011, p. 136). Self-inflicted violence ranges from cutting oneself to strangling or hanging. Self-harm seems to be a coping mechanism, especially for girls (Youth Justice Board & National Children's Bureau, 2008, p. 18 and 20). It has been stressed that self-harm, violence and suicide are most prevalent during the pre-trial detention or the first phase of stay, because of various reasons such as anxiety about their trials and increased insecurities about the unfamiliar jail environment (Defence for Children, 2010, p. 17; Ombudsman for Sweden, 2013; Inspectie Jeugdzorg, 2010, p. 21). This requires special attention by staff (Inspectie Jeugdzorg, 2010, p. 21). It must also be noted that bullying and the use of force and restraints, such as solitary confinement, by staff may lead to self-inflicted violence (The Prison Reform Trust & INQUEST, 2012).

Self-inflicted violence, attempts to commit suicide and self-harm have not been indicated as a concern by the Member States. The rating of self-harm including suicide scored relatively low 2 with average ratings

(median of: 1 (*no issue of significance*)-10 (*top priority*)) of all countries on seriousness of different types of violence in institutions for juvenile offenders.

4. Data on systemic factors causing violence

This chapter addresses relevant systemic factors causing violence in institutions for juvenile offenders. It distinguished between two categories of factors. The first group of factors concerns *importation factors* relating to the characteristics of the juveniles (i.e. personality and background), including a propensity to behave aggressively. The second category concerns *deprivation factors*, explaining that poor coping to the deprivation of liberty is related to factors inherent to the incarceration itself (Van der Helm, 2011, p. 79; Van der Laan & Eichelsheim, 2013, p. 426, 2008; Schmidt, 2013, p. 2). These factors include the 'pains of imprisonment' (i.e. 'loss of liberty or control, loss of contact with family and friends, or loss of heterosexual relations'; Sykes, 1958; see also Van der Laan & Eichelsheim, 2013, p. 426), the prison environment, social interaction among peers and staff and justice (Van der Laan & Eichelsheim, 2013, p. 426). Poor coping may result in feelings of anger, depression and anxiety and possible hostility towards staff may arise (Van der Helm et al, 2012, p. 4-5; Van der Laan & Eichelsheim, 2013). The importation factors also play a role to this adjustment (Van der Laan & Eichelsheim, 2013, p. 426). It must also be acknowledged that there is a certain overlap between both categories of factors.

This chapter shall first discuss the importation factors: mental health and background. Subsequently, it addresses the deprivation factors: adjustment to the incarceration (including social interaction among peers), climate (including social interaction among juveniles and staff and conditions in the institution) and justice (i.e. the existence of clear policies and procedures, an efficient monitoring system and complaint mechanisms).

4.1 Importation factors

4.1.1. Mental health

Much research is available with regard to the mental state of young people in relation to violence institutions. Mental health problems during a juvenile's stay in an institution can have different causes, such as psychiatric (history) issues and personality threats and substance abuse.

Juveniles may have behavioural problems or suffer from psychiatric disorders prior to detention or may develop these during the detention (Prison Reform Trust & INQUEST 2012, p. 51; Doreleijers et al, 2006, p. 6; Teplin, 2002; Neubacher et al, 2011, p. 134). Problems and disorders prior to the detention are often undiagnosed and untreated (Fazel et al, 2008, p. 1009-1010; Heynen et al, 2014, p. 17-21). An American research has researched that almost the half of the boys and girls in detention (among 13,778 boys and 2,972 girls (from 10 to 19 years) have been diagnosed with a conduct disorder (Fazel et al, 2008, p. 1009). Depressions have also been observed, especially among girls (Fazel et al, 2008, p. 1009; Doreleijers et al, 2006, p. 6).
Furthermore, it has been shown that detained young people have unstable personality threats which were associated with antisocial personality disorder (Van der Helm, 2011, p. 80). As a consequence they tend to act in a hostile manner (Van der Helm, 2011, p. 80).

Substance abuse and drug addiction is also a serious concern in institutions (Doreleijers et al, 2006, p. 5; Criminal Justice Inspection Northern Ireland, 2011, p. 23; Neubacher et al, 2011, p. 137). It affects the mental health of juveniles and may cause mental health issues (Criminal Justice Inspection Northern Ireland, 2011, p. 23; Teplin, 2002). A high level of substance abuse turn out to increase the risk of self-harm, such as attempts to hanging, overdoses and deep cutting (Criminal Justice Inspection Northern Ireland, 2011, p. 23). Hence, the on-going opportunity to access drugs including 'legal high' drugs is worrisome (Ombudsman for Juveniles and Young people Ireland, 2011, p. 27; Criminal Justice Inspection Northern Ireland, 2011, p. 41).

In the questionnaires mental health issues have been reported as a main cause of violence among juveniles. The mental health of juveniles has turned out to be of concern among almost half of the respondents of the survey (annex 2 Table 3).

4.1.2 Background

A second systematic importation factor concerns the background of the young person, which includes aspects related to ethnicity, geographical area, (low) socio-economic status, (low) linguistic skills and family situation and a history of violence (Ombudsman for Juveniles and Young people Ireland, 2011, p 15*;* Kinderrechtencommissariaat, 2009; Children's Rights Alliance for England, 2012a, p. 6; Schmidt, 2013, p. 2- 4; Neubacher et al, 2011, p. 137). This can relate to violence for several reasons. With regard to the family situation, it can be defended that having experienced violence in the past can have consequences for the perception of violence later (Children's Rights Alliance for England, 2012a, p. 6; Schmidt, 2013, p. 4). It has been observed that juveniles tend to bring their street attitudes to the institution as a consequences their background is being reflected in the subculture of the institution (Van der Laan & Eichelsheim, 2013, p. 426; Neubacher et al, 2011, p. 137) In addition, conflicts of gangs or neighbourhoods are being solved in prison, this has also been confirmed by the CPT in several Member States (Children's Rights Alliance for England, 2012a, p. 6; Council of Europe, 2012, p. 21).

Almost half of the respondents rated 'background' as a main cause to violence (annex 2, Table 3), e.g. family background, disputes over geographical identity such as rural/urban divide, broken home situations, ethnical reasons (e.g. conflict of identity, migration background, influences of religion), . Overall, the results from the survey confirmed that importation factors played an important role in problems with violence in youth institutions.

4.2 Deprivation factors

Deprivation factors are inherent to the incarceration. The first subparagraph elaborates on adjustment of the juvenile to incarceration. The second addresses the influence of the institutional climate including the social interaction between staff and juveniles and the conditions in institutions. The final subparagraph highlights the significance of justice mechanisms, that is: the existence of clear policies and procedures, an efficient monitoring system and complaint mechanisms.

4.2.1 Adjustment

Juveniles respond differently to the incarceration, also depending on the deprivation factors. It goes beyond the scope of this report to discuss the different coping mechanisms of the young people, but it can generally be concluded that these can influence his/her behaviour positively or negatively. If a child adjusts negatively to the new institutional environment this may result in feelings of safety, fear and anxiety, which increases the chance of self-harm, (attempted) suicide and aggressive behaviour with adverse impacts for peers and staff (Van der Laan & van Eichelsheim, 2013, p. 425).

It must be acknowledged that importation factors as the ones mentioned above also play a role in how the juvenile adjusts to the incarceration, which can influence violence. In addition, the factors of social interaction among peers, the climate including the social interaction between juveniles and staff, and the conditions of the prison environment and justice, also affect the adjustment. As indicated earlier, negative social interaction among peers could result in bullying, could provoke distress, including depressions, for both the victims and bullies (Grennan & Woodhams, 2007, p. 500 – 502). Further, the existence of subculture resulted in anger as a common behavioural strategy, which is essential to protect the position in the group as a response of the fear of being victimised (Haufle & Wolter, 2014, p. 3; Robinson, 2013, p. 9). The factors of climate and justice will be discussed in the next paragraph.

Adjustment to the new environment is especially relevant in the earliest stages of police custody, remand or sentencing (Van der Laan et al, 2008, p. 11; Van der Laan, 2007, p. 21) It is worrisome to note that many reports show the use of long periods of pre-trial detention or even custody in a police cell, which could result

in increased psychological distress levels (Van der Laan, A et al, 2008, p. 13; Filipcici, 2011, p. 455; Children's Rights Alliance England, 2012a, p. 93; Defence for Children International, 2010, p. 4). As a consequence, young people may experience the incarceration as disproportional for their offense which results in feelings of anger and shame (Van der Laan et al., 2008, p. 7).

The empirical study shows that negative adjustment to the system by juveniles resulting in feelings such as anger, frustration, boredom, negative interaction among juveniles including bullying and subculture is considered a direct cause for violence by almost 45 (83 %) of the 57 respondents of the questionnaire (see annex 2 table 3).

4.2.2. Climate

The institutional climate, including the social interaction between juveniles and staff and the conditions of institutions can influence the adjustment of the juvenile. These factors shall be discussed in the next paragraphs.

4.2.2.1 Interaction among staff and juveniles

The attitude of staff towards juveniles can be regarded as crucial for feelings of safety, fair treatment and trust in staff (e.g. relevant with regard to consultation of staff or the lodging of a complaint), but also for the prevention of emotional stress (anger and fear), which can have a negative impact on the way juveniles behave. A repressive group climate can be explained by distrust between juveniles and staff and among each other, resulting in an hostile intend towards each other. Further, hostility among juveniles is associated with aggression and violence as a means to control. This results in repression by staff with the aim to control, however this can have an aggravating effect on the aggression of the juveniles. (Van der Helm et al, 2012, p. 6; Children's Rights Alliance for England, 2012a, p. 35; Council of Europe, 2012, p. 6). A repressive approach towards juveniles, lack of adequate/trained staff and low staff/child ratios also contribute to a negative climate. In one report, young people confirmed that their establishment would be safer if there were more staff and fewer young people (Youth Justice Board & National Children's Bureau, 2008). However, in practice, many institutions suffer from a low staff/child ratio.

In many institutions, the climate is determined by regimes that are primarily aiming at repression, control and security at the cost of a pedagogical climate with education and reintegration as its main objectives (Flipčiči, 2011, p. 458-460; The Howard League for Penal Reform, para 17*).* Rigid prison systems can contribute to emotional instability and poor health (Van der Helm et al, 2012, p. 82). It must be noted that there are countries with specialised institutions with specifically trained staff and staffing ratios that can address the holistic needs of young people (Youth Justice Board 2008, p. 92). In the Netherlands, for example, there are specialized youth institutions, but there are nevertheless many challenges with regard to the pedagogical climate (Van der Helm, 2012; Hanrath, 2009; Liefaard 2008).

Another challenge concerns the lack of adequate and continuous motivated staff, including a high staff turnover and high rates of sick leave (Criminal Justice Inspection Northern Ireland, 2011, p. 21; Defence for Children Netherlands, 2008, p. 112; Inspectierapport et al, 2007, p. 5; Intermetzo, 2014, p. 21-22; Council of Europe, 2012, p. 24). Violence towards staff may very well influence the staff turnover (see e.g. Intermetzo, 2014, p. 21).

Several studies indicate that staff lack adequate training e.g. to respond to aggression including bullying, the use of force and restraint and suicide awareness (Youth Justice Board & National Children's Bureau, 2008, xvi; xii; Inspectierapport, 2007, p. 23; The Prison Reform Trust & INQUEST, 2012, p. 2; Children's Rights Alliance, 2012a, p. 46; Defence for Children, the Netherlands, 2008, p. 47; 73; 80). Staff members often felt insecure when they applied force or restraint as a last resort, which could lead to inappropriate usage, e.g. in case of disturbed young people (Youth Justice Board 2008 & National Children's Bureau, p. xiv). For example, in the United Kingdom, a juvenile with mental health problems was restrained with a pain inflicting technique (nose distraction) and subsequently committed suicide. Subsequently, the institution was accused

of running an unlawful regime since its staff was inadequately trained in suicide awareness, behavioural management and the use of restraint (The Prison Reform Trust & INQUEST, 2012, p. 27).

4.2.2.2 Conditions in institutions

The conditions of the institution itself may also result in feelings of frustration, boredom or fear or possibly misconduct (Van der Laan & Eichelsheim, 2013, p. 441; 426; Homel & Thomson, 2005, p. 103). Overcrowded institutions, including lack of one cell housing has been reported as particularly problematic since this increases stress and misconduct (Van der Laan & Eichelsheim, 2013, p. 441; In addition, lack of security or surveillance (e.g. showers) or blind spots due to the architecture increase the risk to poor adaption and violence as noted before ((Van der Laan & Eichelsheim, 2013, p. 439-441; 426; Children's Rights Alliance for England, 2012a, p. 31).

Furthermore, it has been observed that institutional buildings can be depressing (Youth Justice Board & National Children's Bureau, 2008, p. 61).

Another problem is that the conditions in which juveniles have to live are often not of good quality. Dirty mattresses, unsanitary conditions, non-smokers held with heavy smokers and lack of sunlight have been reported. This seems particularly true for pre-trial detention settings and police cells which can cause anxiety according the young people themselves (Children's Rights Alliance for England, 2012a; Filipcici, 2011, p. 455; The Ombudsman for Sweden, 2013, p. 62; Council for Europe, 2012, p. 5). Moreover, cells might not be safe for people with suicidal behaviour. It has been observed that young people could then better be placed in a 'safer' cell: 'that is to say a cell without ligature points or furniture/fittings that could be used to self-harm, although staff often pointed out flaws in design' (Youth Justice Board & National Children's Bureau, 2008, p. 19), although this may amount to a form of isolation (see above).

Another challenge is a lack of structured and routine activities including recreational and education activities with the aim to activate the senses. A lack of these activities, especially in combination with large groups, may lead to negative adaption, which may also result in forms of violence (Van der Laan & Eichelsheim, 2013, p. 428, Kinderrechtencommissariaat, 2009).

The respondents to the questionnaires do not seem to consider the institutional climate as a major cause of violence, that is: only 16 (13%) of the respondents answered that he or she does consider this a factor of relevance (see table 2). If the respondents referred to climate as a cause to violence, this was often done in the context of a lack of training and/or quality of staff. Not much attention has been given to the conditions in the institution.

4.3. Justice

Justice entails the existence of clear policies and procedures, an efficient monitoring system and complaint mechanisms. The absence of effective justice mechanisms can contribute to feelings of unfair treatment. In addition, it denies that juveniles deprived of their liberty are entitled to be treated in a fair and just manner, which calls for adequate information and legal safeguards (see also chapter 5). Literature suggests that experienced legitimacy of authorities, in this context the staff, influences the adjustment of the juvenile to the incarceration. Fair treatment means that young people should more easily accept rules or even sanctions, knowing that information will be better distributed and trust and well-being accordingly increased (Van der Laan & Eichelsheim, 2013, p. 426; Robinson, 2013, p. 9; Steckley, 2012). This was also confirmed by juveniles themselves (Children's Rights Alliance, 2012a, p. 46)

However, in practice a lack of consistent policies, specifically on the use of force and restraints and treatment of juveniles is observed. There often is an inconsistent approach internally and among other institutions (Children's Rights Alliance, 2012a, p. 46-47). It seems that the policies are derived from adult policies and are not specified to a child specific context (European Commission, 2014, p. 24).

Second, in many countries there seems to be a monitoring system in one way or the other. At the same time, there is little information on the effectiveness of these systems. There is a high demand for transparent data collection and publication of monitoring activities.

Third, in general, many institutions have a complaint mechanism, although police settings require more attention (UNICEF Regional Office for CEE/CIS 2012, p. 8). In relation to this, there is a demand for more supervision of juveniles in police cells, e.g. by cameras. In addition, it has been argued that more attention should be paid to cases of violence by staff. Research indicates that young people felt that the complaints related to member of staff were not sufficiently addressed and would be useless (UNICEF Regional Office for CEE/CIS 2009, p. 8). Despite the presence of complaint mechanisms, in practice lodging complaints and remedy unlawful or arbitrary treatment in an effective way remains challenging. The study on Ending Violence Against Juveniles in Custody indicates that juveniles often do not know where to go to with their complaints (Children's Rights Alliance for England 2012a, p. 35; see also Liefaard 2008). The study observed that: *'there were mixed views from the interviewees of the study on Ending Violence against juveniles 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.'*

Justice mechanisms have hardly been mentioned as an important factor that might influence the occurrence of violence by the respondents of the survey, only in two occasions (see table 2).

5. Systematic factors preventing violence

In accordance with the systematic factors causing violence, this section shall provide an overview of strategies to prevent violence based on the literature study and the questionnaires. Like chapter 4, this chapter distinguishes importation factors and deprivation factors.

5.1. Importation factors

With regard to mental health as one of the importation factors causing violence in institutions one could consider strategies related to the mental health history of the juvenile, screening and monitoring mechanisms and individual treatment. Early treatment and diagnoses avoid prolonged psychiatric problems, less violence, crime reduction and in general public health benefits (Fazel et al. 2008, p. 1017).

5.1.1 Mental health

5.1.1.1 Mental health history

States should take special measures to ensure protection for those who have mental health problems and to ensure their protection in custody, providing the support they need (Council of Europe, 2012, p 21; Kinderrechtencommissariaat, 2009, Prison Reform Trust & INQUEST, 2012). In practice, it turns out that the systems which are meant to safeguard them from harm often fail (Prison Reform Trust & INQUEST, 2012, p 1.). Juveniles with serious mental health issues must be diverted to a specialised institution, since placement in a general (i.e. non-specialised) institution can have serious consequences for the mental health of those juveniles. Communication between specialised institutions and the general institutions within the criminal justice system should be improved in order to avoid a lack of insight in the mental health history of the young person (Prison Reform Trust & INQUEST, 2012).

It must be noted that several Member States of the European Commission have adopted special policy measures in order to address the needs of physical and mental disabilities in the first phase of the criminal proceedings, including police interrogations in the presence of a social worker, child protection officer or child psychologist (European Commission, 2014, p. 17). This aims to contribute to the detection of mental health problems at an early stage of proceeding and prevent young people with mental health issues, more suitable

for psychiatric institutions, from being placed in general detention centres (Fazel et al, 2008, p. 1010). Insight in the mental health history can also assist the competent authorities to impose an appropriate sentence (if needed), that is: a sentence in which the therapeutic needs of the juvenile are taken into account.

5.1.1.2 Screening and monitoring

It is also recommended that all young people placed in institutions are screened on mental health issues (and self harm risk) before entering the custody service (Fazel et al, 2008, p. 1010; Doreleijers et al, 2006, p. 6). Such a screening is important generally, but particularly in the earliest stages, immediately after the arrest by the police, also in light of the limited communication and detection of mental health problems in the first phase of the criminal proceedings (see above). Medical and psychiatric screening of young people, including on their history of mental health, remanded to institutions is also essential to trace mental health problems (Prison Reform Trust & INQUEST, 2012; Criminal Justice Inspection Northern Ireland, 2011, p. 41; Grisso & Barnum, 2006; Grisso et al, 2001; Doreleijers et al, 2006, p. 6). An example of a self-report tool is the Masachusetts Youth Screening Instrument Version 2 (MAYSI-2) (Grisso & Barnum, 2006; Grisso et al, 2001). This is a brief mental health screening tool for routine administration upon entry to any juvenile justice facility or service and has the purpose of identifying juveniles who may need immediate attention regarding possible suicide risk and emergent mental health and substance use needs. It is not however designed to provide psychiatric diagnoses (Grisso et al, 2012, p. 2).

Subsequently, after initial screening, monitoring on mental health including substance abuse is recommended, especially for those young people where the behavioural problems are less prevalent. (Fazel et al, 2008, p. 1010*;* Grisso et al, 2012, p. 2; Doreleijers et al, 2006*).*

5.1.1.3 Individual treatment

Juveniles with mental health problems should receive adequate support by individual treatment. This has also been indicated by the respondents to the questionnaires as an important step to prevent violence. There should be sufficient multidisciplinary staff, including psychologists and social workers to provide those services, however, it has been observed by various reports that institutions lacked such staff (Prison Reform Trust & INQUEST, 2012, p.1; Inspectie Jeugdzorg, 2010, p. 11). Moreover, juveniles should have the feeling the treatment helps and that they are listened to instead of easily being locked up in an observation cell (Ombudsman for Juveniles and Young people Ireland, 2011, p. 37; The Ombudsman for Juveniles Sweden, 2009). Unfortunately, there often is poor medical care and limited access to therapeutic services, particularly during police custody and remand in custody (pre-trial detention).

In line with the results from the survey (i.e. mental health is considered as one of the main causes of violence) 35 % (19) of the respondents have indicated that they have taken steps to prevent violence caused by mental health problems (annex 2, table 3). The results of the empirical research showed similar steps to tackle mental health problems. Most focus is paid to individual treatment of the young people. Treatment of substance use is rarely indicated. However, in one occasion a best practice was given to involve these juveniles in different programmes and therapies, including yoga.

5.1.2 Background

It is highly recommended to provide education for those juveniles in order to limit the adverse impacts of their often low socio-economic background and to provide a better future (The Ombudsman for Sweden, 2013, p. 55). Furthermore, as stated before it is important to know the family history of the young person in order to know the prevalence of violence and sexual abuse in the young person's history. The use of specific programmes could help to break down barriers between groups in institutions. The section on adjustment (5.2.1) further elaborate upon this.

Seven respondents of the survey have indicated education as a beneficial step to reduce violence (annex 2, table 3). According to one respondents provided an example in which one focuses specifically on the family

background of the young person with the help of a trained social worker, who investigates the juvenile's family background, the schooling background, etc. An holistic report will then be presented in court as part of the motions before sentencing. Such a report can also be used in later proceedings or upon arrival in an institution.

5.2 Deprivation factors

Strategies to address the deprivation factors and their concern adjustment, climate including social interaction between staff and juveniles and the conditions in institutions, and justice mechanisms. The latter can also have meaning for the addressing violence that has already happened and offer effective remedies and redress for the victim (see also art. 39 CRC).

5.2.1. Adjustment

Strategies directed to juveniles for a better adjustment to the system could be distinguished in behavioural change programmes and recreational and sport activities (i.e. a non-exhaustive list).

The literature study has revealed that it is important to teach young people coping mechanisms (Grennan & Woodhams, 2007, p. 488; Council of Europe, 2012, p. 23; Fazel et al. 2008, p. 1017). For instance, in the context of bullying and victimization, it is important to offer the young people others ways of responding and defending themselves, rather than converting to aggression. Communication and conflict resolution could be interesting possibilities, such as anti-violence programmes, anti-aggression communication initiatives and role plays (Haulfe & Wolter, 2014, p. 19). Research shows that better self-reported social problem-solving skills could reduce the negative factors of incarceration (Grennan & Woodhams, 2007, p. 488; Boxberg et al., 2013, p 23). It has been suggested to include these practices in school programmes on a structural base (Criminal Justice Inspection Northern Ireland, 2011, p. 23).

Existing literature also stresses that juveniles need to be able to continue with their life as normal as possible with the aim that their anger and feelings of distress did not accumulate (The Ombudsman for Juveniles in Sweden, 2013). Structured activities, such as work and recreational activities tend to be associated with positive feelings of autonomy, well being and decreased feelings of fear and rule violations (Van der Laan & Eichelsheim, 2013, p. 428). This has also been confirmed by juveniles themselves (Children's Rights Alliance, 2012a, p. 47). In addition, it is important that there is routine. This contributes to the recognition, predictability and safety of the youth (Inspectie Jeugdzorg, 2007, p. 14). Hence, there must be space, infrastructure for recreation and sports and a library (Kinderrechtencommissariaat 2010, p. 32). It must be acknowledged that this should take place in small groups instead of large and/or overcrowded groups with sufficient staff (Van der Laan & Eichelsheim, 2013, p. 428; Children's Rights Alliance, 2012a, p. 47).

Special attention should be given to the possibilities of young people to have contact with the outside world, for example with family. This is also important while a juvenile is in police custody (UNICEF Regional Office for CEE/CIS, O'Donnell, 2009, p. 20; The Ombudsman for Sweden, 2013, p. 27; Children's Rights Alliance for England, 2012b, p. 10; UK Aid from the British People & Penal Reform International, 2012, p. 95). This is in accordance with article 37 (c) CRC which has laid down the right of the juvenile deprived of his or her liberty to maintain contact with his or her family, except for exceptional circumstances (i.e. if his or her best interests require such a limitation; Liefaard 2008). This also provides an opportunity for children to report violence to the outside world (UK Aid from the British People & Penal Reform International, 2012, p. 95; see also Liefaard 2008).

Many respondents (73%) have indicated that strategies directed towards juveniles aim to improve their ability to adjust with the array of factors addressed, through programmes on behavioural change and recreational and sport activities. Many respondents have indicated that the focus often lies on anti-aggression or anti-bullying programmes. Pro-social modelling by chaplains and psychologists to break down barriers between groups have also been mentioned. An individual approach in which the juveniles feel heard and can develop their strengths and competences (including taking part in the decision-making) has been particularly stressed. Sanctions as a response to violence have also been mentioned by respondents, which is based on

a different philosophy. Recreational activities have been mentioned frequently in this regard, although no concrete examples have been given.

5.2.2 Climate

5.2.2.1. Social interaction between staff and juveniles

It is especially important that there is a climate, in which juveniles feel safe and which positively influence the amount of violence. This can be created by sufficient specialised institutions providing an open institutional climate. This climate entails rules and routine, adequate communication, support, and some discretion from staff members. Such a climate provides opportunities for growth, connection with each other, to behave emphatically and understand someone else's view. (Van der Helm et al, 2012, p. 6; Jongpier, 2011). Therefore, staff should be able to give individual attention. Hence, a high staff/child ratio is recommended (Youth Justice Board & National Children's Bureau, 2008; the Joint Report, 2012). As a result of a better relationship between staff and the young person, sanctions are better accepted (the Ombudsman for Sweden, 2013, Steckley, 2009; Children's Rights Alliance for England, 2012a). To study the living group climate quality, the Prison Group Climate Instrument (PGCI) could be an interesting example. This instrument stems from other existing instruments which measure prison climate and are customized to a living-group level (Van Heynen et al, 2014, p. 46).

Staff should be carefully selected, this is also emphasized by the juveniles themselves (Children's Rights Alliance, 2012a). The CPT recommends: ''The staff called upon to fulfil that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with – and safeguarding the welfare of - this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff should receive professional training, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties'' (The Council of Europe, 2012, p. 25). Moreover, gender mixed staff and a multi disciplinary team approach is also recommended (Council of Europe, 2012, p.25).

Moreover, staff should be better trained, e.g. suicide awareness and aggression and conflict handling strategies including bullying, sanctions. With regard to bullying, staff should be trained on effective interventions focused on behaviour of the juveniles, both as bully and as victim, rather than repress or punish bullying. Mediation approaches are considered to be effective (Youth Justice Board & National Children's Bureau, 2008, p. xii).

In the context of use of force and restraints and disciplinary measures special attention must be paid to the last resort principle and alternative means. Well-trained staff reduces sanctioning resulting in poor behaviour and self-harm. Staff must be trained to apply the theory of written policies and procedures to real-life circumstances. It must be demonstrated and role modelled. This will improve their understanding and skill, which will gives them confidence to apply the procedures in practice and allow for problem solving (Irish Youth Justice Service, 2011, p. 10).

5.2.2.2. Conditions in institutions

The living conditions must be adequate for one's physical, mental, intellectual, ethical and social development. The rooms should be safe for juveniles with mental health issues, the institution must have enough, lighting, ventilation and heating (Kinderrechtencommissariaat, 2010, p. 32). Moreover, the architecture of the juvenile institutions should be adapted to the size of the institution including one cell housing to a situation where a child fits best, including medical services (Kinderrechtencommissariaat 2010, p. 32; Homel & Thomson, 205, p. 103).

83% of the respondents to the questionnaires have indicated the importance of strategies aimed to improve social interaction among staff and juveniles and to improve conditions in the institution (annex 2, table 3). In general, the respondents have referred to recreational and sport activities, as mentioned under adjustment, as important elements of the conditions in institutions. Working with mentors and small groups is considered to be effective. The key body could give specific care to the young people and work closely with family,

which has proven to be very effective. The person gains better insight in the personality of the child and will note early signals of self-harm or bullying. It has been noted in the questionnaires that there is specific focus on training of staff on aggression, self-harm and suicide and sanctions. Among other examples, one example was given by Ireland which demonstrates the effect of trained staff on young people.

''There is a bespoke Behaviour Management Policy ("CPI Behaviour Management Policy & Procedures") in which all staff receives training. This training equips staff to deal with all behavioural issues from verbal escalation to physical restraint and subsequent debriefing of all incidents. This programme was designed with the needs of the Juveniles Detention Schools in mind and complies with national and international best practice in the area of behaviour management of potentially aggressive situations. The development of this bespoke programme is in line with the "Best Practice Guidelines in the Use of Physical Restraint" 2006 developed by the Special Residential Services Board.

With the development of the bespoke behaviour management programme there is a consistency on how staff work with the young people especially in relation to potential incidents. With the emphasis of the training on principals that create a facility where care, welfare, safety and security of the young people and the staff is of paramount importance, every effort is made to intervene in situations early in order to prevent them becoming physical. The focus of the training is on identifying the point of an escalating incident and training staff to intervene in the most appropriate level taking into consideration their knowledge of the particular individual(s) involved. The role of the 'Keyworker' is vital here as well as the development of the 'Individual Care Management Plans' (ICMP). These are developed for each young person based on the information gleaned from assessments, studies and staff meetings.

The actual number of physical restraints and major incidents has dropped considerably over the past seven years and is due in part to staff developing more experience in the work and the on-going training in behaviour management and other areas.''

5.2.3. Justice

As mentioned earlier, clear and consistent rules and fair treatment are essential to create a safe feeling for young people. This can be realised by clear procedures and policies, monitoring bodies and complaint mechanisms. 37% of the respondents have indicated that they have taken (positive) steps to enhance justice in institutions.

5.2.3.1 Procedures/policies

One report acknowledges that training of staff is one component to maintain an intervention programme for young people, whereas clearly defined policies and procedures are vital too (Irish Youth Justice Service, 2010). Clear, consistent rules contribute to feelings of safety (van der Helm 2012; Defence for Children, 2012a). Furthermore, they also contribute to more clarity regarding the competences of staff and the line between lawful and unlawful violence. As a result violence by staff against juveniles could be monitored better. This paragraph aims to provide insight in policies with regard to the use of force and restraints, disciplinary measures and searching, presented together with some best practices as provided in the questionnaires.

Staff should be made aware of the fact that there are inherent risks to the use of physical restraints, while a failure to restrain a juvenile where there is a serious risk of harm could result in a failure in the duty of care (Irish Youth Justice Service, 2010, section 7.5; Prison Reform, 2012).

For example, the Best Practice Guidelines in the Use of Physical Restraint in Ireland provides questions with regard to an assessment whether the restraint has been taken place as a last resort.
When making a judgement about whether to physically restrain a young person, care staff and managers need to take account of relevant factors such as:

- Is there an alternative strategy that carries fewer risks than physical restraint, such as, supervision of the young person from a safe distance or distraction or diversion?
- Are there medical, psychological or other safety warnings to avoid the use of physical restraint with the child in question?
- Is this intervention appropriate to the developmental stage of the young person?
- What has been learned from previous experience, if any, of physically restraining this young person?

(Source: The Best Practice Guidelines in the Use of Physical Restraint, 2006, section 10. 2; Irish Youth Justice Service, 2012, p. 4).

Similar best practices as with the use of force and restraint could be developed for disciplinary measures, including the use of separation / isolation, which should be avoided at all costs, particularly given the impact on the mental health of juveniles and the additional restraints such as deprivation of family contact.
There should also be clear rules with regard to searching mechanisms. Only, in seven of the Member States of the European Commission there are special rules for the police concerning the stopping, searching or detaining of a child (European Commission, 2014). Regarding all the use of violence by staff, national law should provide for detailed guidance with regard to the grounds for its use, the competent authorities and procedural safeguard, including complaints mechanisms.

Respondents to the questionnaires have indicated that there is a need to develop a clear protocol in case of mental health issues, which finds support in the literature. This includes rules with regard to the involvement of medical practitioners and psychiatric expertise.

5.2.3.2 Monitoring

Independent monitoring mechanisms are a very important prevention mechanism. With regard to monitoring, there is a need for better surveillance systems in institutions, especially in places as the shower and gym; at the same one had to be aware of the privacy issues this might cause. Juveniles recommend the use of surveillance cameras in police custody areas (Children's Rights Alliance for England, 2012a, p. 52). Furthermore, it is important that the application of the use force and restraints and disciplinary measures is monitored at the level of the institution and at the national level, particularly in light of the requirement of last resort. Juveniles asked specifically for better regulation of police behaviour. They suggested mandatory attendance of parents, lawyers or independent visitors to have access to the police custody with the aim to check if they are treated adequately or accompany them during the interrogation. There was also a special request for child friendly police officers (Children's Rights Alliance for England, 2012a, p. 52).

This topic could be further explored based on the results of the survey. There seems to be a variety of monitoring mechanisms, including monitoring by surveillance, general monitoring committees (locally and nationally) and the Public Prosecutor. One example has been provided, that a general committee has been set up to monitor e.g. the use of force as last resort.

5.2.3.3 Complaint mechanisms

Complaint mechanisms should be developed and made available to juveniles in institutions. With regard to the effectiveness of complaints mechanisms, there should be trust between staff and juveniles to give confidence to juveniles that they can address their complaints to staff and staff shall be discrete about the confidential information. Complaints must be completed in a specified period of time (Children's Rights Alliance for England, 2012a, p. 52). Moreover, the complaint must be taken seriously. Especially, complaints about violence by staff should be researched and action needs to follow (Youth Justice Board & National Children's Bureau, 2008, p. xv).

All respondents of the questionnaires have indicated that they have some form of complaint mechanism available, either at the local level or national level. Some respondents have explained that they have a general independent committee in place or that the Children's Ombudsman is competent to deal with complaints. In some occasions international and European organisations have been mentioned such as the

CPT. The results of the empirical research also provide information on how the young person subjected to the use of force, restraints and disciplinary measures could be heard and lodge complaints, this could be assessed further.

6. Conclusions and recommendations

This study has aimed to provide insight in the prevalence of violence in institutions for juvenile offenders in the Member States of the Council of Europe and in its causes and possible strategies to prevent and address it. It is important to note that relevant literature, reports etc. publicly available in Member States of the Council of Europe might have been missed due to language limitations or other accessibility issues. In addition, the questionnaires should be read in light of the relative subjective interpretation of the questionnaires by the different Member States and their respondents. However, within these research limitations, this study has tried to provide a comprehensive overview based on relevant European literature, both academic and non-academic, and on the input from respondents of a large proportion of Council of Europe Member States, who generally consider violence as a significant and relevant problem in institutions for juvenile offenders.

Violence in institutions for juvenile offenders is present within and throughout the Council of Europe and has different forms, different perpetrators and different contexts related to the different stages of the criminal justice system. For example, violence by police officials turns out to be particularly problematic and violence among juveniles largely concerns non-physical forms of violence, such as aggression and bullying, although physical and sexual violence has been reported as well. Violence in institutions for juvenile offenders is complex and the various forms of violence that can be distinguished are strongly interconnected, as such and in terms of their causes and their prevention. It is fair to conclude that placement of juvenile offenders in institutions constitutes a form of deprivation of liberty with a significant impact on their lives and development, including the risk of being subjected to a form of violence or of becoming involved in the perpetration of violence in one way or the other. This underscores the need to deprive juveniles only as a measure of last resort and for the shortest appropriate period of time. In addition, every juvenile deprived of his or her liberty must be entitled to be treated in a child specific manner that fully respects their human rights and fundamental freedoms. This approach should be upheld in each and every Member State of the Council of Europe and be of paramount consideration.

The causes of violence in institutions for juvenile offenders are various and can roughly be distinguished between causes related to importation factors, such as the mental health of juveniles and their background, and causes related to deprivation factors, including the capability to adjust to life in an institution, the regime, conditions in institutions and the presence of justice mechanisms. The findings in the literature have been largely confirmed by the respondents to the questionnaires, which indicates that there seems to be a certain awareness of the relevant causes of violence. At the same time, it is questionable to what extent all Member States are fully aware of the complexity of violence in institutions for juvenile offenders (i.e. the different forms of violence and their causes, as well as their strong interrelation) and to what extent they are capable of preventing violence effectively. It is clear that the prevention of violence in institutions for juvenile offenders requires a structural, holistic and multidisciplinary approach that has a firm basis in national (statutory) law and policies and is supported by ongoing activities aiming at the education and training of institutional staff and police officials.

The Council of Europe could support the prevention of violence in institutions for juvenile offenders through the following activities:

- Raising further awareness concerning the European Rules for juvenile offenders subject to sanctions or measures, the Council of Europe Guideline for child friendly justice and relevant international standards and pay particular attention to the rules regarding the use of force and restraint, disciplinary procedure, searching, monitoring and complaint mechanisms and guidelines regarding fair treatment, including adequate information and legal and other appropriate assistance for juveniles;

- Providing further guidance and assistance with regard to the incorporation of European standards (in concrete details) into national (statutory) law and lower regulations and policies;

- Providing further guidance and assistance with regard to the implementation of the above mentioned legislation and policies, including education and training of institutional staff and police officials, as well as child friendly information towards juveniles in institutions;

- Stimulating and conducting further research (data collection and in depth analysis) with regard to:

    - Violence by staff, including the use of legally sanctioned violence such as force and restraint, disciplinary measures and search and screening mechanisms;
    - Violence by juveniles towards staff;
    - Violence against girls;
    - Violence against juveniles in adult facilities;
    - Experiences of juveniles with regard to violence and their opportunities to remedy unlawful and arbitrary treatment effectively;
    - Policies and procedures with regarding to the mental health of juveniles, among other in relation to self-inflicted violence and related causes;
    - Substance abuse of juveniles in the context of institutions;
    - The use of solitary confinement and related forms of isolation;
    - Recruitment of staff, including specialized staff (e.g. psychologists and psychiatrists);
    - Quality of education and training of staff with regard to the use of legally sanctioned violence, including the use of force and restraints and disciplinary measures, with a special focus on their use as a measure of last resort.

ANNEX I

Table 2. Average ratings (median of: 1 (*no issue of significance*) -10 (*top priority*)) of all countries on seriousness of different types of violence in institutions for juvenile offenders.

	Among Juveniles (*median*)	Between Staff and Juvenile (*median*)
Physical violence	4	2
Sexual violence	2	1
Verbal violence	7	2
Psychological violence	4	2

Question completed by 57 countries, with on average 6 missing answers. The median was used to avoid the effect of outliers.

ANNEX II

Table 3. Main causes of violence against juveniles and steps taken to address the issue of violence.

	Number of respondents (n = 57) that considered the category as one of the main causes of violence:	Number of respondents (n = 57) that indicated to have current intervention programming per category:
IMPORTATION		
Mental Health	26 (49%)	19 (35%)
Background	25 (46%)	7 (13%)
DEPRIVATION		
Adjustment	45 (83 %)	40 (73%)
Climate	16 (30%)	44 (80%)
Justice	2 (4%)	20 (37%)

Question completed by 57 countries, average 3 missing answers.