

15 December 2008
For immediate release

Government misses opportunity to protect children in custody

The Government has today ignored its human rights obligations to children in secure training centres (STCs) by endorsing the use of deliberately painful restraint techniques by prison staff on children as young as 12.

The independent review of restraint in juvenile secure settings, published by the Government today together with its response, reports the shocking accounts the review's co-chairs received from children of their experiences of violence and intimidation at the hands of prison staff. One child states: *'I've had staff here lift me off my feet by my head. You fear for your life here, I'm scared they're gonna hurt me.'* The Government's response makes no mention of these statements by children and fails to make clear how it will ensure child prisons and individual staff members are held to account for the unlawful use of force.

Carolyn Willow, CRAE's national co-ordinator, says:

"Ministers would have us believe that children in custody are big and strong and out of control. The harrowing testimonies of children interviewed in private as part of this review show that children are scared, overpowered and hurt during restraint. Some even think they are going to die. This was an opportunity for Ministers to withdraw all forms of restraint which deliberately aim to cause pain, in line with international human rights law and recent UN and Council of Europe recommendations. After all this waiting, what do we get? Staff in young offender institutions, where more than eight out of 10 children are held, can continue to swipe children across the nose during restraint and staff in secure training centres can still bend back children's thumbs and dig under their ribs.

"The Government's response is laden with civil service speak. For example, the independent review recommends that all prison staff working with children should undergo relevant training. The Ministers respond, 'Our objective is to move to a position [where all staff receive this training].' What does this mean? That training will happen next year, the year after or after the next child death?"

"We are still pressing Ministers to release the training manual showing which child restraint methods are in use. The law must explicitly prohibit corporal punishment in all child prisons and prevent Ministers from authorising restraint methods which deliberately hurt children."

Deborah Coles, Co-director of INQUEST, adds:

"How can we have confidence in the government's commitment to meaningful change when at the time the restraint review was delivered to Ministers in July

2008 they were trying to overturn the judgment of the Court of Appeal that the existing rules on restraint were unlawful and exposed children to the risk of inhuman and degrading treatment. Surely we can think of a better solution than hurting children in order to manage them?"

NSPCC head of policy and public affairs Diana Sutton says:

"The NSPCC is disappointed that the Government has not taken the opportunity to protect children completely from pain reliant restraint techniques. These techniques can cause physical and psychological damage to children.

"Children in custody have often experienced violence in their lives and are particularly vulnerable. Our primary concern is their safety and welfare."

More details

Katy Swaine, CRAE Legal director
office: 020 7278 8222 x30; mobile 07771 642 527
kswaine@crae.org.uk

Kate Tilley, NSPCC Policy adviser, youth justice, asylum and social exclusion
office: 020 7825 2742; mobile 07738 669 605
ktilley@nspcc.org.uk

Deborah Coles, INQUEST Director
Office: 020 7263 1111; mobile 07714 857 236
deborahcoles@inquest.org.uk

Notes for editors

1. The Children's Rights Alliance for England (CRAE) is a coalition of over 380 voluntary and statutory organisations committed to the full implementation of the United Nations Convention on the Rights of the Child. The Convention gives children full protection from all forms of violence in all settings.
2. The NSPCC is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children through a combination of community-based projects, national helplines and other work to achieve cultural, social and political change. This is achieved through a combination of service provision, lobbying, campaigning and public education.
3. INQUEST provides an independent free legal and advice service to bereaved families and friends who have come into contact with the inquest system. It offers specialist advice to lawyers, bereaved people, advice agencies, policy makers, the media and the general public on contentious deaths and their investigation. INQUEST worked closely with the families of Adam Rickwood and Gareth Myatt in relation to the inquests into their restraint-related deaths in 2004.
4. CRAE, the NSPCC, INQUEST and other NGOs have called on the Government to abolish the use of deliberately painful restraint techniques on children. Legal

proceedings have revealed that children in secure training centres (STCs) have been subject to unlawful restraint practices over a period of years. The Government has so far failed to hold these privately run child prisons to account.

5. The joint independent review of restraint of children in custody was established by the Government in response to strong opposition to new rules introduced in July 2007 which allowed children in secure training centres (STCs) to be restrained for good order and discipline (the 'Amendment Rules') – effectively authorising corporal punishment. Government received the review's report in June 2008 but refused to publish it until now, contrary to calls from NGOs, families of child victims and the joint select committee on human rights.
6. The Government has published three other documents today relating to the safeguarding of children in prison:
 - A response to the youth justice elements of the Third Joint Chief Inspectors' report on arrangements to safeguard children and young people:
www.dcsf.gov.uk/publications/safeguardingchildrenresponse/
 - Youth Justice Board review of safeguarding in the under-18 secure estate:
www.yjb.gov.uk/safeguarding
 - Updated 'action plan' in response to the recommendations of the coroners following the inquests into the deaths of Gareth Myatt and Adam Rickwood:
www.justice.gov.uk/publications/response-coroners-inquests-dec08.htm
7. In July 2008, the Court of Appeal quashed new rules introduced by the Government a year earlier to allow the restraint of children in secure training centres for purposes of good order and discipline. They were quashed because they violate the prohibition on inhuman and degrading treatment under article 3 of the European Convention on Human Rights. The Government failed to accept the Court of Appeal's ruling but the House of Lords refused their application for permission to appeal in November 2008.
8. Since 1990, 30 children have died in custody. Of these deaths, one was a homicide, one died as a result of restraint in a STC, the other 28 were self-inflicted, including the suicide of 14 year-old Adam Rickwood in a STC in 2004 hours after being restrained. There has never been a public inquiry into any of these deaths.
9. According to figures obtained by the Howard League for Penal Reform through freedom of information requests, children are restrained an average of 670 times a month in the English and Welsh child prisons. Between October 2006 and June 2008, restraint was used 14,076 times on under 18s in custody.
10. Between 1 April 2007 and 29 February 2008, there were 18 injuries resulting in hospitalisation as a result of assault, restraint or self-harm in STCs. Of 52 child

injuries requiring treatment following restraint in secure training centres (30 in one centre alone) between April and October 2007, not one child was taken to hospital.

11. The UK has one of the lowest ages of criminal responsibility in Europe: 8 in Scotland and 10 in the rest of the UK. In 2005, the European Social Rights Committee declared the UK to be in breach of article 17 of the European Social Charter because our age of criminal responsibility is '*manifestly too low*'.
12. The UK locks up more children than most industrialised countries. As at July 2008, 2,938 children were in custody in England and Wales. For every 100,000 children in the population of England and Wales, about 25 are in custody. The equivalent figure for France is 4, for Italy 2, and for Finland 0.2.

ENDS