

# Violence, child prisoners and institutionalised impunity

Barry Goldson asserts that violence against children is endemic but largely ignored

Just over a decade ago Paulo Sergio Pinheiro was appointed, at Assistant Secretary-General level, to direct the *United Nations Secretary-General's Study on Violence Against Children*: the most wide-ranging and detailed analysis of its type in history. The final report - published and presented to the United Nations General Assembly in November 2006 (Pinheiro, 2006) - provides abundant and starkly depressing evidence that violence against children is an endemic feature of the global landscape.

Moreover, whilst some forms of violence - including the organised sexual exploitation and trafficking of children, the excesses of child labour and the impact of war on children - have, at least ostensibly, attracted widespread political concern in recent years, 'attention to violence against children in general continues to be fragmented and very limited... largely ignored in current debates in the international community' (ibid). Nowhere is this more evident than in the case of child prisoners.

## Child prisoners as victims of violence

Child prisoners are conventionally conceptualised as purveyors - rather than victims - of violence. Throughout the course of the UN Study, however, a series of 'thematic consultations' - involving leading international experts - were convened in order to provide subject-specific reports. In the *Violence Against Children in Conflict with the Law* report, the Director of the Study observed that 'children in conflict with the law... are one of the *most vulnerable* groups to

the *worst forms of violence*', and he raised particular concerns about what he termed 'the *recurrent and banalised use of institutionalization*' (child imprisonment) (Pinheiro, 2005, emphases added).

Furthermore, the NGO Advisory Panel to the Study stated that: '*impunity and lack of accountability* by law enforcement agents, institutions and staff, [are] some of the key issues that *facilitate violence against children* in the justice system' (NGO Advisory Panel for the United Nations Secretary-General's Study on Violence Against Children, 2005, emphases added). The low level of social value typically afforded to such children makes them particularly prone, either by omission or commission, to violation and violence within socio-political contexts where those responsible - including state agencies - appear to operate with near total

impunity. Indeed, Defence for Children International (no date) has recently urged the United Nations General Assembly to launch a 'global study' specifically focused on 'children deprived of liberty', in recognition of the excessive use of penal detention within youth justice systems in many parts of the world, and the exposure of child prisoners to 'abuse, violence and acute discrimination' (ibid). It would be erroneous to presume that such phenomena are the exclusive preserve of poor countries and/or repressive political regimes where under-developed youth justice

systems prevail, however. Rather penal violence and institutionalised (state) impunity can be found in all corners of the world, including England and Wales.

## Violence and child imprisonment in England and Wales

The 'recurrent and banalised use of institutionalization' casts a long shadow in England and Wales where its history is characterised by persistent failure, misery, scandal, human suffering, abuse, violence and a lack of accountability (Goldson, 2009). The world of the child prison (not unlike the adult prison) is sharply stratified; organised in accordance with both formal and informal hierarchies and pecking orders of power, control, intimidation and subordination. Such stratification is both complex and fluid, creating a permanent sense of insecurity and uncertainty whereby child prisoners are routinely exposed to myriad forms of violence: physical; sexual; psychological; emotional and verbal (name-calling; threats; racist, sexist and homophobic taunting).

Multiple and intersecting expressions of violence perpetuate fear, damage and harm for all child

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prisoners. For many child prisoners the cumulative effects of such violence are too much to bear and self-harm is not uncommon. By way of

illustration, following a recent inspection of Hindley Young Offender Institution in the North West of England - a prison holding over 160 boys mostly aged 16 and 17 years old - Her Majesty's Chief Inspector of Prisons (2014) reported that the institution:

*...struggled to keep the vulnerable boys it held safe. There had been 251 bullying incidents reported in the previous six months. Intimidating shouting out of windows at night remained a problem...On average there was one fight or assault every*

day - slightly more than at the last inspection when we already thought the level was high. We watched CCTV coverage of previous incidents. In one case a boy who appeared to have fallen out with others, meekly "reported" to a side room off the main association area to meet his assailants. While one boy kept watch, others crowded round to punch and kick him. The incident only came to light when the CCTV was viewed later. There had been 167 self-harm incidents in the previous six months, this continued the rise we had noted at the previous inspection... and, as in other YOIs we have inspected, the evidence of this inspection suggests a much more fundamental review is required about how best to hold these boys safely.

For such children the pains of confinement are relieved only on release. For others 'release' takes a fatal form. Between 1990 and 2012, 33 children died in penal custody in England and Wales, 31 in state prisons and two in private jails.

### Acknowledgment and denial

On one level state agencies 'acknowledge' the harmful and violent rhythms of penal regimes and, ultimately, the loss of 33 children's lives. Numerous authoritative research reports, statutory inspections, academic publications, campaign initiatives, televised documentaries, radio broadcasts and investigative journalistic articles have profiled

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such phenomena and, in this sense, it would be absurd to feign ignorance. But 'acknowledgement', such as it is, is conditioned and filtered. The bald 'facts' of the violence, violations, abuses, harms and, ultimately, deaths, are registered but the wider contexts in which they are located, their true meanings and their full implications are - to paraphrase Cohen (2001) - not fully 'digested'; they have 'sunk into consciousness without producing shifts in policy or public opinion' or, just as significantly, without holding those responsible to account. In a deeper and more significant sense, therefore, the violence, even in its fatal form, is denied.

### Resistance and impunity

The tightly circumscribed nature of 'acknowledgment' is such that despite the deaths of 33 children in penal custody, not a single independent public inquiry has been initiated. Indeed, over an extended period

of time the UK government and relevant state agencies have persistently and steadfastly resisted authoritative calls for a transparent, comprehensive and truly independent inquiry into the conditions and treatment endured by child prisoners in general and, more specifically, child deaths in penal custody in England and Wales (Goldson and Coles, 2005). In February 2014, the Ministry of Justice announced that the Independent Advisory Panel (IAP) on Deaths in Custody is to be tasked with reviewing - within narrow terms of reference - self-inflicted deaths of 18-24 year olds in penal custody (see

J M Moore, in this issue). Child deaths are omitted from the 'review'. Instead, the Youth Justice Board (YJB) - the agency responsible for the placement of children in prisons and, as such, an agency that should itself be subjected to rigorous independent scrutiny - produced an utterly inadequate report in which it purportedly assessed the suitability of 'action taken' and presented the 'lessons learnt' (Youth Justice Board, 2014). ■

**Professor Barry Goldson** is Charles Booth Chair of Social Science, Department of Sociology, Social Policy and Criminology, University of Liverpool

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