



No holding back

The government has a duty to protect children held in detention, but its manual on restraint offers a disturbing insight into the violent treatment of young offenders, says **Lucy Corrin**

THE CHILDREN'S RIGHTS Alliance for England (CRAE) recently won its three-year campaign to gain access to the government's 'Physical Control in Care' manual which governs the use of restraint against youths aged 12 to 17 years old in secure training centres. These centres are purpose-built facilities for young offenders run by private firms under government contracts. They house offenders on remand and post-conviction.

The contents of the document were sufficiently frightening to provoke CRAE to investigate legal action into whether the use of restraint and self-defence detailed in the manual contravenes young inmates' rights. In particular their right to protection from torture or degrading treatment guaranteed under article 3 of the European Convention on Human Rights.

"The 119-page manual is deeply disturbing and it's barely believable that former government ministers sanctioned such abusive and violent treatment of children as young as 12," says CRAE spokesperson Carolyn Willow. "Would we allow paediatricians, teachers or children's home staff to be trained in how to deliberately hurt and humiliate children?"

Concerns about the increasing exposure of children to violence in detention have been brewing for many years and have previously been addressed by studies for international and domestic bodies as well as the UK courts.

The UN secretary-general's 'Study on Violence against Children', published in 2006,

concluded that children deprived of their liberty are at great risk of violence by staff in detention institutions, while in the custody of police and security forces, as well as violence by adult detainees and other children, and self-harm – including self-mutilation and suicide. It concluded: "Even though there are many overlaps and similarities (poor conditions, low quality of staffing, etc.), the institutional treatment of children regarded as being anti-social or criminal is likely to be more physically and psychologically punitive than that of other groups or in other environments.

"All the prejudices and discriminations attached to unwanted or family-less children are reinforced where the child is seen as a social nuisance, or worse."

Making progress?

Two organisations joined forces in 2008 to pursue these issues. Defence for Children International and the Howard League for Penal Reform were funded to report on violence against children in custody in 2008, examining the process in Belgium, England, Wales, France and the Netherlands. Shockingly, it noted: "In England and Wales, for example, information obtained in November 2005 revealed frequent use of painful restraints in four privately-run secure training centres, in which children aged between 12 and 17 were imprisoned. Painful restraining holds involving pressure to noses, thumbs and ribs were used 768 times in the year, causing injuries in 51 cases.

"A 2005 report from the chief inspector of prisons and the Youth Justice Board found that 21 per cent of both boys and girls had been hit, kicked or assaulted by another young person. In the United Kingdom, 30 children died in penal custody between 1990 and November 2007. Twenty-eight hanged themselves, the youngest aged 14, and one died while being restrained."

The Court of Appeal declared various physical restraint measures amounted to inhuman and degrading treatment in 2008 but it seems there are many more which are still sanctioned.

International law imposes positive duties on the state, in addition to the protection of the ECHR. The UN Convention on the Rights of the Child obliges state parties to take "all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence... while in the care of parents, legal guardians, or any other person who has the care of the child".

Has progress towards these goals been made? Looking closely at the disturbing details of government-sanctioned techniques

used to inflict pain deliberately on children in detention, it seems that the UK has shamefully not moved forwards.

The manual at the heart of most recent debate, 'Physical Control in Care', published by the HM Prison Service in 2005, was classified as a restricted government document. The manual guides staff on what restraint and self-defence techniques are authorised for use on children as young as 12 in secure training centres.

Controversial measures

According to extracts published in *The Observer* on 18 July 2010, instructions to staff warn that the techniques risk giving children a fracture to the skull, cause temporary or permanent blindness or cause asphyxia. These are just some of the controversial restraint and self-defence measures approved by the Ministry of Justice:

- "use an inverted knuckle into the trainee's sternum and drive inward and upward".
- "continue to carry alternate elbow strikes to the young person's ribs until a release is achieved".
- "drive straight fingers into the young person's face, and then quickly drive the straightened fingers of the same hand downwards into the young person's groin area".

The MoJ's response was: "For young people under 18, the use of restraint is always a last resort. But, where young people's behaviour puts themselves or others at serious risk, staff need to be able to intervene effectively, to protect the safety of all involved."

Despite the MoJ's reassurances, can we trust staff to use their discretion appropriately? A report commissioned by the Youth Justice Board in 2008, 'The Review of Physical Control in Care and Behaviour Management in Secure Training Centres', noted that staff were alleged to "often manipulate an incident" so that they were legally allowed to use force. It also recorded that "30 per cent" of restraint techniques were used to overcome "non-compliance, specifically resistance to going to bed or moving from one location to another".

To use force against children in a case of anything other than a threat to life must be a fundamental betrayal of the state's obligations to protect the welfare of children in their care both in international and domestic law. Secrecy and suppression do nothing to assist children in custody and can only reinforce the use of questionable measures.

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