Ending Violence Against Children in Detention:

Improved Data Collection in the European Union to Achieve SDG 16+ Justice for Children

Working Paper

This Working Paper targets national authorities and policymakers and draws on recent comprehensive research into children's experience of violence in detention facilities across the European Union (EU). It provides an overview of the issues and points to an urgent need for action, including the significant gaps and challenges in data collection and the inconsistency of legal frameworks across EU countries, which violate children's rights, impacts their physical and mental well-being, and hinders effective policy responses. It outlines the particular vulnerabilities of children in detention, especially those from minority groups, and calls for harmonised practices and coordinated efforts to address these issues. Nine recommendations that drive improved data collection compel action.

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Research estimates up to 1 billion children – more than half of all children aged 2–17 years globally – have experienced emotional, physical, or sexual violence in the past year.[1] These statistics are alarming, particularly given that they are often conservative estimates.[2] Despite being highly prevalent, violence against children (VAC) often remains hidden, unseen, or under-reported,[3] including in Europe.[4] VAC is prevalent[5] in many areas, including across criminal justice systems and within detention facilities, where children are virtually unseen. In 2020, an estimated 261,200 children were in detention worldwide on any given day, with Europe accounting for over 10,000 children in criminal justice-related detention.[6] With children hidden from view in detention - and the hidden nature of violence against children – gathering more adequate and transparent data is an important and strategic lever to end violence against children. Data-driven reforms offer the best chance to achieve SDG 16 with, and for, children.[7]

This Working Paper draws on recent comprehensive research on **children's experience of violence when in detention facilities across the European Union (EU)**.[8] It provides an overview of the issues at stake when it comes to **VAC in detention facilities across the European Union (EU)** and points to the evidence suggesting an urgent need for action. It outlines the significant **gaps and challenges in data collection and the inconsistency of legal frameworks across EU countries**, which **violate children's rights, impact their physical and mental well-being, and hinder effective policy responses.** It also highlights the vulnerabilities **of children in detention**, especially those from **minority groups**, and **calls for harmonised practices and coordinated efforts** to address these issues. **Nine recommendations** set down measures to improve data collection on violence against children in detention facilities.

Targeted at national authorities, policymakers across the EU and those working within the EU institutions, **these recommendations should be closely considered and form the basis of action.**

This brief contributes to the goal of ending VAC as part of the **2030 Agenda for Sustainable Development**, the **2023-2030 Strategy to End Violence against Children** by the **Special Representative of the Secretary-General on Violence Against Children (SRSG-VAC)** and the **United Nations Office on Drugs and Crime (UNODC)**, and the **EU Strategy on the Rights of the Child**. It aligns with the objectives set by the **5th World Congress on Justice With Children** – 'Advancing Child-Centred Justice: Preventing And Responding To Violence Affecting Children In Child Justice Systems,'[9] and reinforces the efforts of the **Working Group on SDG16+ Justice for Children.**[10] It is launched in the context of the **First Global Ministerial Conference on Ending Violence Against Children,** organised in November 2024 in Bogota, Colombia, and in anticipation of the **5-year Anniversary of the United Nations Global Study on Children Deprived of Liberty**, organised in December 2024 in Geneva, Switzerland.

1. A closer look: The violence children face in detention facilities across the EU

VAC in EU detention facilities is a significant issue. The available data on the matter frequently suffers from **limited scale and depth**, is often imprecise, and generally **fails to adequately represent children's needs**.[11]

Children deprived of liberty are among the most vulnerable.

When children are deprived of their liberty, they are left in highly vulnerable situations and often face **systemic mistreatment, abuse, violence, harsh treatment, torture, solitary confinement**[12] **and sexual exploitation**.[13] **Children in criminal justice-related detention are especially vulnerable to violence** for several reasons, including the **tendency for violence in closed institutions** to become **'acceptable'**, **'normalised'**, or viewed as a **method for resolving conflicts** and maintaining discipline.[14]

Evidence shows that those **receiving custodial sentences are often from ethnic minority backgrounds,** from other socially marginalised groups, or are involved in particularly challenging cases.[15] This underscores the need for **targeted efforts to prevent detention in the first place and to address the specific vulnerabilities of children in detention**. Additionally, it highlights the importance of **combating the discrimination that marginalised groups often face within the criminal justice system**.

Inadequate data collection on VAC in detention facilities has a direct impact on children's rights and well-being.

Given the holistic impact of justice on children's lives, there is much work to be done to fully grasp the extent and nature of the known justice problems facing children, and to uncover unknown issues.[16] What we do know is that the **impact of violence on children's rights** is **profound** and **long-lasting**, affecting children's **physical and mental health**, **brain development**, **social functioning**, and **educational outcomes**. Economically, the costs are staggering, as violence leads to long-term health issues and **reduces the potential** of affected individuals to **contribute positively to society**.[17] However, children are rarely the focus of global justice data. The **Pathfinders for Peaceful, Just, and Inclusive Societies Working Group on SDG16+ Justice for Children** affirms that *'currently available justice data often does not give the information justice leaders, policymakers, and funders need to drive change'*.[18]

The criminal justice system and detention environments add extra complexity and challenges to monitoring and collecting data on violence against children. These challenges are compounded by **detained children's lack of trust in authorities** and their **unawareness about the available tools** and **mechanisms** to report their experiences. Furthermore, a major limitation in gathering data across all environments is the substantial number of **children who either cannot, do not have the option, do not want to, or do not feel safe reporting their experiences of victimisation**.[19]

Inadequate data collection on VAC in detention facilities not only **hinders effective policymaking and resource allocation** but also **impacts the well-being of detained children**. Without comprehensive and disaggregated data, it becomes difficult to develop targeted policies and interventions that meet the needs of children in these settings, particularly those from marginalised groups, resulting in a lack of solid evidence to support necessary reforms.[20]

Data collection practices differ significantly across the EU. For instance, some countries lack a comprehensive state-level mechanism for collecting data on VAC incidents but ensure continuous detainees' supervision.[21] In contrast others, such as **Ireland,** employ a dynamic security system that supports extensive internal monitoring supported by specialised roles like the Designated Liaison Person and Advocacy Officer, who focus on child safeguarding.[22] While supervision is essential, specialised roles and detailed internal reporting mechanisms greatly enhance a detention system's effectiveness in protecting children.

Thus, this **lack of detailed information** impedes the formulation of protective measures and appropriate care strategies, **compromising** both the **immediate safety** and the **rehabilitation prospects of children in detention**. Consequently, these shortcomings restrict broader efforts to improve justice and care systems, undermining effective violence prevention and child welfare initiatives.

2. Significant EU challenges: Data collection on incidents of violence against children in detention facilities

Data collection on VAC in detention facilities faces significant challenges, leading to **underreporting and incomplete data**.[23] There is a **lack of harmonised and comprehensive data**, with **variations in reporting mechanisms, definitions of violence and cultural factors** that can **contribute to disparities** in the level of disaggregation, and therefore in the analysis and in datasets available.[24]

Reporting mechanisms often **focus only** on **severe incidents**, missing other forms of violence. For instance, a trend that seems to emerge from surveys is that only the most serious incidents, typically those involving physical violence that violate the criminal code and require an official investigation, are officially reported, and have data collected. Minor episodes may tend to be addressed and resolved on the spot with the intervention of the trained prison's staff, which could be an effective way to de-escalate situations.[25]

Inconsistent Data Collection

Gaps in data collection have been identified at all levels: international, European, and national. There are common trends and features of these gaps across countries. Despite commonalities, it is important to pay attention to the diversity and variation of legislation, practices, and systems across national contexts and, as such, solutions and recommendations must take this diversity into account.[26]

Barriers to Reporting

Children often do not report violence due to fear of reprisal, distrust of authorities, and a lack of awareness or availability of reporting mechanisms.[27] Furthermore, they are not properly involved in the data collection process and are rarely informed about the outcomes or resolutions resulting from data analysis. These issues compound the challenge of building trust and engagement. Addressing this requires not only fostering trust between children and staff but also providing accessible, appropriate means for children to report violence.

Groups in Vulnerable Situations

Certain groups, such as girls, LGBTQI+ children,[28] children with disabilities, and neurodivergent children face higher risks and are often overlooked in data collection practices. The absence of specific analysis regarding children in the most vulnerable situations in detention is a significant gap. Marginalised groups require specific prevention measures and responses, which are often lacking. For example, LGBTQI+ children face risks of being misplaced or put in isolation for protection, which can harm their mental and emotional well-being.[29] Neurodivergent children, including those with autism, face unique challenges in detention due to communication differences that are often misunderstood.[30] This can lead to bullying by peers or staff, and the misinterpretation of behaviours such as intense reactions of children with autism which may result in unnecessary restraint or force. Additionally, some de-escalation methods can unintentionally increase stress for these individuals, compounding their situational vulnerability and marginalisation.[31]

Gaps in Monitoring

The data gap has, to date, been exacerbated by experts' and researchers' legitimate concerns about ethical considerations and safeguarding children's rights during data collection. Developing child-centred methodologies, forming new partnerships, and acquiring the necessary skills for effective data collection will take time, but are essential.[32]

3. An international priority: End violence against children in detention

United Nations (UN) rules and mechanisms require states to protect children from violence and ensure their rights while in detention, including but not limited to their best interests within the justice system. These are provided in following list, which is focused on VAC in detention and is not exhaustive. **'Monitoring violence against children in criminal justice detention:** *A* compendium of international standards and practices,' offers yet more comprehensive information.[33]

- The **UN Rules for the Protection of Juvenile Deprived of their Liberty** (The Havana Rules) set minimum standards for the protection of children deprived of their liberty, encouraging alternatives to detention, and focusing on reducing its negative impacts and promoting social integration.

- These international standards align with the **UN Sustainable Development Goal 16**, which aims to end violence against children, ensure justice, and establish accountable institutions.

- Furthermore, the **UN Convention on the Rights of the Child** (UNCRC) emphasises protecting children from violence, with Article 19 mandating protection from all violence, Article 34 targeting sexual exploitation and abuse, and Article 39 ensuring the right to recovery and reintegration for child victims of violence.

- The **Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure** allows children to bring individual claims of rights violations, including those related to violence against children (VAC) in detention, if national systems fail to address them effectively. **UNCRC General Comment No.2** emphasises state responsibility to establish mechanisms for monitoring human rights in detention facilities, including for children and **UNCRC's General Comment No. 13**, includes preventing violence in detention and respecting children's rights. More recently, the **UNCRC General Comment No. 24** focuses on preventing children from entering the justice system and recommends data collection on disciplinary measures.

- At regional level, the **European Convention on Human Rights** (ECHR) safeguards children's rights across its 46 member states, including protections against torture and discrimination.

- The Council of Europe (CoE), recommends in different rules and text to ensure the well-being of children in detention, emphasising strategic monitoring and evaluation.[34] For instance, the CoE **European Rules for Juvenile Offenders Subject to Sanctions and Measures** (ERJO) provide comprehensive standards for the treatment of children in detention, aligning with UN guidelines and the **Recommendation CM/Rec(2023)8 from the Committee of Ministers to Member States on strengthening reporting systems on violence against children** focuses on strengthening reporting systems for violence against children, offering guidelines for data collection, reporting, and monitoring.

- The **Organisation for Economic Co-operation and Development (OECD) Child-Friendly Justice Framework** outlines elements of a government-wide strategy to strengthen child-friendly justice practices.[35] It focuses on four pillars: tailored justice services, sound governance, rights awareness, and evidence-based reforms.[36]

- The forthcoming [37] may also offer additional insights into the responsibilities of states to combat inequalities and challenging discriminatory practices which contribute to an overrepresentation of children in detention.

4. Enhancing data collection: Implement effective data strategies on violence against children in detention facilities.

The European Study on Data for Monitoring the Safety of Imprisoned Children showcases various effective strategies implemented in EU member states to draw inspiration from. However, there is still a significant **lack of systematic data collection within criminal justice systems**, impacting the development of effective policies to eradicate VAC. While some EU countries have implemented VAC monitoring in child detention facilities, more comprehensive tools are needed.[38] Consider the following examples:

- Some jurisdictions (such as **Romania** and **Ireland**) have established monitoring bodies that not only track violations but also gather **detailed data to inform targeted interventions and preventive strategies**.[39]

- Child detention facilities in **Bulgaria**, **Ireland**, and **Romania piloted** the **Data for Monitoring the Safety of Imprisoned Children (Data MOSAIC) Tool in late 2024.**[40] This data-driven tool enables facilities to better monitor all forms of VAC incidents and trends, understand, and address specific VAC trends targeting marginalised groups, and enhance their response and care systems.[41] **Children** in targeted facilities **were consulted** through focus group discussions. In Ireland, children at the **Oberstown** facility reported **feeling heard and aware of their rights and complaint mechanisms** but noted **a lack of follow-up on incidents**, which **demotivated them from reporting**. Interestingly, they were **unaware of the recorded data** on them or incidents they were involved in and **did not know how to access such data**.[42]

- The **Netherlands** has shown a strong commitment to protecting children from violence in detention through its legislative framework and efficient, digitalised data collection process. This approach enhances the accuracy, accessibility, and real-time information reporting, allowing for centralised evaluation and data-driven responses.[43] Yet, this promising practice is currently under pressure due to shortages in staff and resources.

- **Belgium** demonstrates promising data collection in children's detention facilities through its specialised justice system, featuring child prosecutors, child courts, and dedicated social services. These institutions prioritise protection over punishment for children in contact with the law.[44]

- **Lithuania** and **Romania** offer EU examples of tools to identify and support for marginalised children in detention. **Lithuania** systematically monitors more marginalised groups like LGBTQI+ individuals, persons with disabilities, and migrants during initial psychological assessments. In **Romania**, individuals can be identified as in vulnerable situations at the institutional level, based on requests from either the detainees itself or penitentiary staff, ensuring tailored support for those most in need.[45]

- In **Latvia**, detention centre officials conduct around-the-clock monitoring and report violent incidents, detailing the type, timing, location, and the relationship between involved parties. However, despite these protocols, **Latvia, as other EU Countries,** lacks a comprehensive state-level data collection system on VAC in detention facilities.[46]

5. The way forward: Improving data collection to better protect children deprived of liberty

The diverse practices in monitoring VAC in detention evidenced across EU member states reveal some promising practices, but also critical areas where action is needed. that ensure safety and uphold children's rights in detention facilities.

The following key actions should be undertaken urgently.

1. End detention for children.

Ending detention of children remains the top priority for child rights advocates and child justice authorities globally. To achieve this, it is crucial to be innovative in implementing diversionary and non-custodial measures that are centred on the specific needs of children who are at higher risk of ending up in detention. Ending or significantly reducing the number of children in detention will also facilitate the adoption of effective practices for the safeguarding of children, such as relational and dynamic security and restorative practices.[47]

2. Enable holistic collaboration between child justice and child protection agencies.

Encourage and promote meaningful cooperation between different agencies, including child protection and child justice agencies. A collaborative effort is crucial for protecting children in the criminal justice system. Knowledge-sharing and joint initiatives must be encouraged, including training and sensitisation on the critical components of a collective effort in addressing VAC in detention.[48]

By actively engaging national and regional child justice stakeholders through targeted knowledge-sharing and advocacy activities, stronger and more effective partnerships are fostered.[49][50]

3. Strengthen capacities.

Multi-sectoral training on violence prevention, data collection, and response mechanisms are recommended to enhance the capabilities and awareness of child justice and child protection professionals across member states. This includes training of staff on addressing VAC in detention. This involves continuous training and coaching of detention facilities' staff to motivate and support their professional growth, thereby preventing violence and improving care.[51]

4. Develop harmonised monitoring and data collection practices and coordinated efforts.

Establishing clear, harmonised operating procedures and guidelines for children in each national detention facility's system for monitoring and data collection of VAC is essential. Creating these protocols is crucial for understanding how injustice affects children's lives. The protocols should capture both individual and structural justice needs by considering children's perspectives.

New methodologies are needed to gather accurate evidence on children's justice needs, which requires partnerships with experts in child-centred methodologies and participatory research. Additionally, involving data protection experts, civil society, policymakers, and supporters is essential for maintaining data integrity and confidentiality.[52] Enable the collection of comprehensive data on all forms of violence against detained children and the negative impacts of detention, and support advocacy efforts by raising awareness to end child detention.[53]

5. Drive transparency and accountability.

Establish centralised systems at the national level with clear reporting guidelines to enhance data collection and reporting and promote consistency and effectiveness. Additionally, it will strengthen data-sharing arrangements among state agencies while ensuring confidentiality to support comprehensive responses to VAC and evidence-informed policy development.[54]

6. Empower children who are directly impacted.

In the development of tools, strategies, and Standard Operating Procedures (SOPs), and the collection of data about VAC in detention, meaningfully integrate the voices of children and youth who live in detention.[55] Regular, national self-report VAC surveys should be promoted to ensure children's experiences and perspectives are central to decision-making processes.[56] Moreover, creative engagement strategies should ensure children's voices are heard and respected. While participatory approaches may demand more time and resources, the outcome is a richer, more inclusive dataset that truly represents children's justice needs.[57]

Include the rich and diverse expertise of children with lived experience of justice system involvement in the data collection process. This empowers youth by ensuring their perspectives are considered in the development of policies and practices aimed at protecting them and improves the quality of services.

7. Implement advanced data technologies.

Modern data collection technologies, such as digital reporting tools and database management systems, can streamline the collection and analysis of data on VAC.[58] However, these tools must strictly comply with privacy regulations like the GDPR[59] to protect children's rights. Ensuring adherence to such norms safeguards sensitive data and prevents misuse.

8. Develop interdisciplinary research teams.

Establishing dedicated teams that combine expertise from criminal justice, child psychology, social work, and data science can enrich the analysis and interpretation of collected data. This interdisciplinary approach can provide deeper insights into the root causes of violence and the effectiveness of current interventions.[60]

Interdisciplinary research teams bring diverse expertise to address complex issues. Fosters the development of such teams by involving front-line staff, national, regional, and international child justice experts. This collaboration ensures that the data collected is comprehensive and that the analysis benefits from multiple perspectives, leading to well-rounded and effective solutions.[61]

9. Implement a rigorous monitoring tool.

Identify tools that are proven to be effective at supporting holistic multi-sectoral collaboration, harmonising monitoring and data collection and enabling collection of comprehensive data, which improve the transparency of these efforts, and include the rich diversity of children's experiences. Ensure their use also fosters the interest of interdisciplinary research teams in the data. For an example in Europe, see the **Data MOSAIC Tool** developed for these multiple purposes.[62]

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Contact Us: iicf-hello@strath.ac.uk

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