Submission to the Youth Justice Review

1. The Northern Ireland Human Rights Commission (“the Commission”) is a statutory body created by the Northern Ireland Act 1998. It has a range of functions including reviewing the adequacy and effectiveness of Northern Ireland law and practice relating to the protection of human rights.¹ In conducting this work, the Commission bases its positions on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), other treaty obligations in the Council of Europe and United Nations systems, and the non-binding ‘soft law’ standards developed by international human rights bodies.

2. In the past, the Commission has been particularly active in monitoring the situation of children in custody in Northern Ireland,² and its concerns focus on this issue. However, we have also commented on other aspects of the youth justice system in Northern Ireland. The Commission has engaged with the Youth Justice Review commissioned in late 2010 by the Justice Minister, David Ford MLA, and the present paper summarises the issues raised with the Review in a meeting earlier this year and provision of subsequent documents.

¹ Northern Ireland Act 1998, s.69(1).
General comments and observations

Aims of the youth justice system

3. Article 3 of the UN Convention on the Rights of the Child (UNCRC) provides that:

   in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

4. In the context of criminal justice, the Committee on the Rights of the Child in its General Comment No.10 elaborates on this principle, stating:

   Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.\(^3\)

5. While commending the UK Government for efforts to harmonise its legislation with the Convention on the Rights of the Child, the UN Committee was clear that “the principle of the best interests of the child is still not reflected as a primary consideration in all legislative and policy matters affecting children, especially in the area of juvenile justice” (emphasis added).\(^4\) The Committee urged the UK to rectify this and to fully implement international standards pertaining to youth justice. The Commission submits that concerns remain as to whether this principle is appropriately reflected in the legislative and practice framework in Northern Ireland.

6. While the protection of the rights of children is listed as one of the values of the Youth Justice Agency in Northern Ireland, the

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Agency’s Mission Statement is to “reduce youth crime and to build confidence in the youth justice system”. This is very much an outward-looking aim, prioritising ‘risk management’ and crime reduction over the best interests of the child. **The Youth Justice Agency’s aims – and the aims of the overall system of youth justice in Northern Ireland – should be reviewed to include the overarching principle of the best interest of the child.**

**Age of criminal responsibility**

7. The age of criminal responsibility in Northern Ireland, legislated for in the Criminal Justice (Northern Ireland) Order 1998, is ten. This is below the minimum recommended by the UN Committee on the Rights of the Child which is clear that any limit below the age of 12 is not internationally acceptable. Indeed, in relation to the UK, the UN Committee has recommended on three separate occasions that the minimum age of criminal responsibility be increased to between 14 and 16 years.\(^5\) The Council of Europe’s Commissioner for Human Rights made a similar recommendation in his comments to Government following his visit to the UK in 2008.\(^6\) The age of criminal responsibility in the UK was assessed as “manifestly too low” by the European Committee of Social Rights in its Conclusions XVII-2 (United Kingdom) Articles 7, 8, 11, 14, 17 and 18 of the Charter (2005).\(^7\)

8. The Commission has raised the issue of the low age of criminal responsibility both nationally and internationally, including in its advice to the Secretary of State for Northern Ireland on a Bill of Rights for Northern Ireland issued in December 2008. **The Commission continues to recommend the raising of the age of criminal responsibility in Northern Ireland as a matter of urgency.**

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\(^6\) Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visits to the United Kingdom (5-8 February and 31 March – 2 April 2008) (available: https://wcd.coe.int/wcd/viewdoc.jsp?id=1356037&Site=COE#P97_12967).

Legal framework for youth justice embedding the principle of imprisonment as a last resort, and that of the best interest of the child

9. The development of a comprehensive youth justice policy, with prevention, early intervention and diversion at its core, is a requirement of international human rights law. The UN Committee on the Rights of the Child is clear that the core elements of such policy are:

   a) the prevention of youth crime,
   b) the creation of appropriate interventions without resorting to judicial proceedings;
   c) interventions in the context of judicial proceedings,
   d) the minimum age of criminal responsibility and the upper age limits for juvenile justice,
   e) the guarantees for the fair trial and
   f) deprivation of liberty including pre-trial detention and post-trial incarceration.8

10. In the same General Comment, the Committee notes that while it recognises the efforts by States to establish an administration of juvenile justice in line with the requirements of the UNCRC,

   [...] many States parties still have a long way to go in achieving full compliance [in areas such as] the development and implementation of measures for dealing with children in conflict with the law without resorting to judicial proceedings, and the use of deprivation of liberty only as a measure of last resort.9

The Committee further states that:

This juvenile justice, which should promote, inter alia, the use of alternative measures such as diversion and restorative justice, will provide States Parties with possibilities to respond to children in conflict with the law in an effective manner serving not only the best interests of these children, but also the short- and long-term interest of the society at large.10

11. While the Commission recognises that a number of diversionary

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9 As above, para 1.
10 As above, para 3.
and restorative measures and sanctions are available in Northern Ireland’s youth justice processes, we are concerned at the continuing lack of measures which would divert children in conflict with the law away from the formal criminal justice system, with limited involvement of criminal justice agencies and focusing on addressing the often complex needs of children through education, health and social care and support to families and carers. **A comprehensive system of interventions should be developed so that such diversion and support can be delivered.**

**Community-based restorative justice**

12. The Commission accepts the evidence from practice in many parts of the world that restorative justice, in particular delivered by community-based organisations, can offer an effective and relatively inexpensive response to less serious offending. It can reduce crime, reoffending and the fear of crime, and can impact positively on non-criminal antisocial behaviour.\(^\text{11}\) The ethos of restorative justice, in all its varieties, is the repairing of harm done. It aims to address the needs of the victim and of the offender and divert, in particular, children and young people who display difficult behaviours away from what can become a lifetime of confrontation with authority and alienation from their community. Its outcomes, when successful, include acknowledgement of responsibility, apology and redress to victims, mediation to restore relationships within the community, and the release of public resources that would otherwise be expended in the delivery of traditional retributive justice.

13. As long as restorative justice schemes are safeguarded by well-structured protocols and human rights standards, they have much to offer in helping communities to re-build and move forward. Many hundreds of offenders and victims have benefited from CBRJ schemes and this positive impact, for a relatively small investment as compared with other interventions, needs to be borne in mind.

14. In assessing options that provide alternative diversionary measures for children and young people in conflict with the law,

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it is recommended that full consideration be given to the particular contribution that CBRJ schemes can make in meeting rehabilitative and restorative justice objectives and diversion of children away from more formal criminal justice processes.

Children and young people in detention

Woodlands Juvenile Justice Centre

15. Through its investigations and policy work the Commission has made various recommendations aimed at improving the rights of children and young people in detention in Northern Ireland. The Commission investigations In Our Care\(^\text{12}\) and Still in Our Care\(^\text{13}\) provided much needed primary evidence of the experiences of children in juvenile justice centres.\(^\text{14}\) Since publication of Still in our Care there have been a number of positive developments including:

a) the opening in January 2007 of a new centre, Woodlands Juvenile Justice Centre, for children and young people accommodating (in principle) those aged between 10 and 17 years of age

b) the publication of new Juvenile Justice Centre Rules, which came into effect on 12 November 2008 (In our Care recommended that Government set up an urgent review and revision of the Juvenile Justice Centre Rules)

c) The removal of Article 43 of the Criminal Justice (Children) (NI) Order 1998 ensuring that where a child is detained in the juvenile justice centre her or his Care Order remains in force. Previously for ‘looked after children’ a care order had no effect while they were detained in the Centre, and

\(^\text{14}\) The reports considered the treatment of children in the then juvenile justice centres in Rathgael (near Bangor) and Lisnevin (in Millisle).
d) An amendment to Article 33 of the Criminal Justice (Children) (NI) Order 1998 so that where a child is charged with an offence the court may, if it considers that the child’s welfare requires it, notify the appropriate authority. Previously, Article 33 provided that the court should notify the relevant authority only if the child was found not guilty, or found guilty but a custodial or community sentence was not imposed.

16. Additionally, there have been very positive developments in the approach taken by staff in the new Woodlands Juvenile Justice Centre (JJC) to the provision of care to children who are detained there. The last inspection of the JJC by Criminal Justice Inspection Northern Ireland (CJINI) found that the Centre was well managed, with much improved staff qualifications and skills, and children “very well cared for”.15

17. While recognising these positive developments, and commending the Woodlands staff for provision of high quality, child-centred care, the Commission remains concerned about a number of issues which we brought to the attention of the UN Committee on the Rights of the Child in May 2008 and continue to raise locally with, among others, the Department of Justice. These are outlined below.

**The overuse of remand**

18. The Commission’s investigation report *Still in Our Care* (2006) found that the number of children and young people remanded to custody was still disproportionately high compared to the number of children and young people who subsequently received a custodial sentence, raising the question as to why they were detained in the first place. In its 2008 Concluding Observations (at page 19), the UN Committee on the Rights of the Child noted the high number of children on remand and recommended that the Government implement the principle that children are detained as a last resort and for the shortest possible period (as required by Article 37(b) of the UNCRC).

19. Five years on from the publication of *Still in Our Care*, it is concerning that there appears to be a systematic and continuing

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overuse of remand in cases of children and young people despite a number of initiatives undertaken by the DHSSPS, the Department of Justice and the JJC in recent years. In particular, we are concerned at the high levels of PACE placements that appear from the data included below to be on the increase. This follows significant decreases in previous years. There also remains a large discrepancy between the number of children who are detained on remand and those who go on to receive a custodial sentence.

Table 1: Total admissions to custody by gender, 2004/05 to 2009/10\(^{16}\)

<table>
<thead>
<tr>
<th></th>
<th>2004/05</th>
<th>2005/06</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10</th>
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</thead>
<tbody>
<tr>
<td>PACE</td>
<td>188</td>
<td>197</td>
<td>134</td>
<td>157</td>
<td>145</td>
<td>165</td>
</tr>
<tr>
<td>Remand</td>
<td>194</td>
<td>216</td>
<td>223</td>
<td>237</td>
<td>216</td>
<td>242</td>
</tr>
<tr>
<td>Committals</td>
<td>47</td>
<td>51</td>
<td>56</td>
<td>42</td>
<td>41</td>
<td>45</td>
</tr>
<tr>
<td>TOTAL</td>
<td>429</td>
<td>464</td>
<td>413</td>
<td>436</td>
<td>402</td>
<td>470</td>
</tr>
</tbody>
</table>

20. In its 2008 inspection report on the JJC, the CJINI observed that

[... ] many of the children whom inspectors met were neither serious nor persistent offenders. They were troubled children whose JJC placements often resulted from benign intent on the part of the courts or the police. When unsure how to deal with them, they were placed in custody as much for their own safety as in response to their offending behaviour. Such placements breach international safeguards, and inappropriate use of custody for children remains more pronounced in Northern Ireland than elsewhere in the UK.\(^{17}\)

This practice contravenes the UK’s obligations under the UNCRC, and the principle contained in the Convention’s Article 37(b) of the use of imprisonment of children as a measure of last resort. The inappropriate use of custody is also indicative of the urgent need to develop a system of support for children who are in conflict with the law that is based on the principle of the best interest of the child and utilises child-centred interventions in the community.

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\(^{16}\) Information collated from the Youth Justice Agency’s Annual Reports (2004 to 2010), all available: http://www.youthjusticeagency.ni.gov.uk/publications_library/.

**Education**

21. The Commission understands that responsibility for educational provision in the Juvenile Justice Centre remains with the Northern Ireland Office and the Youth Justice Agency. In its submission to the UN Committee on the Rights of the Child the Commission recommended that education be transferred to the Department of Education so that children in custody have equal rights to access education and national curriculum. In October 2008 the UN Committee recommended the provision of a statutory right to education for all children deprived of their liberty (page 20). Note also that in its advice on a Bill of Rights for Northern Ireland, the Commission recommended that ‘no child shall be denied the right to access the full Northern Ireland education curriculum’ (page 38).

22. Recognising the existence of some excellent practices in the JJC’s Education and Learning Centre, the Commission repeats its recommendation that responsibility for the provision of education in the JJC be transferred to the Department of Education.

**Single custodial facility**

23. It is clear that the practices employed in Woodlands JJC in relation to the provision of care to children are to be commended. The question remains whether the provision of one centralised facility in which all children, regardless of risk, are subjected to the same level of physical security is appropriate. Supporting the development of small, localised facilities geared towards the provision of individualised care, is advocated by international human rights standards pertaining to youth justice. As Thomas Hammarberg, the Council of Europe’s Commissioner for Human Rights, commented in 2009, to meet the requirements of international standards in this area,

> A range of facilities is required to ensure that the needs and rights of young people in detention are met. In particular, states must operate both secure facilities for juveniles and facilities with minimal or no security measures. It has been shown in practice that small facilities make it easier to provide individualised treatment while diminishing the risk of tension.18

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The Commissioner added:

Children must be sent to institutions with the least restrictive level of security required to hold them safely, a measure which clearly necessitates facilities with varying levels of security. Detention facilities for juveniles should be decentralised and small-scale detention facilities should be set up and integrated into the social, economic and cultural environment of the community. Easy access for the family is of particular importance.\(^{19}\)

24. Concerns arising from having one centralised facility are not limited to non-differing security regimes. Having facilities located in and around Belfast means that at least some children are held a considerable distance away from their families and communities, impacting negatively on family contact, but also on reintegration and resettlement opportunities. While we acknowledge the positive initiatives taken at the JJC in relation to providing accommodation to families who travel to visit children held there, the cost of transport to the JJC would still be prohibitive to some; local facilities can only cater for one family at any given time, and only in exceptional circumstances.\(^{20}\) The particular impact of having one centralised custodial facility on contact with families and re-integration opportunities should be closely monitored. Future inspections of the facility should include information about that impact, and activities in the JJC to support effective and successful return of children to their communities following a period spent in custody.

**Hydebank Wood Young Offenders Centre (YOC)**

**Detention of under-18s in the YOC**

25. In December 2008, government withdrew its reservation to Article 37(c) of the UNCRC, thus agreeing to implement nationally the principle that every child deprived of liberty shall be separated from adults unless it is in the child’s best interest not to do so. However, in Northern Ireland children and young people below the age of 18 can be held on remand and on...

\(^{19}\) As above.

sentence in Hydebank Wood Young Offender’s Centre (the YOC). The YOC operates under the auspices of the Northern Ireland Prison Service and accommodates children and young men on conviction from the age of 17 to 21 years of age, and from as young as 15 years on remand. It is possible for an individual to serve a sentence in the YOC until they are 24 years of age.

26. Through its investigations and other work, the Commission has continually raised the accommodation of under 18 year olds in the YOC as a serious concern. In Still in Our Care the Commission recommended that legislation be revised to prohibit the detention of children in prison (Rec. 6). Although boys are accommodated separately from adults within the YOC, they are still held in prison service accommodation and subject to a prison regime. This means that the Prison Rules govern their detention as opposed to the more appropriate Juvenile Justice Centre Rules that would apply if they were accommodated in Woodlands Juvenile Justice Centre. Among other effects of this arrangement, children in Hydebank Wood are subject to procedures such as strip-searching – a practice which the Commission views as entirely inappropriate, contrary to human rights standards and one that should cease immediately. In addition, while the children are housed separately within the YOC, the Commission understands that those under 18 may participate in education and work with those aged 18 and over and that there may be ‘exceptional circumstances’ where a young person under 18 is accommodated with the older prisoners.

27. In general, it is our view that there is limited consideration in the Prison Rules for those in the YOC who are under the age of 21. We recommend that until such time as children are no longer held in Hydebank Wood, further consideration be given to ensuring that the health, safety and welfare of those children are fully addressed with the Prison Rules.

28. New Article 96 of the Criminal Justice (Northern Ireland) Order 2008 (the 2008 Order) provides that in certain circumstances where a court is remanding or sentencing to custody a young person who has attained the age of 17 it shall accommodate

21 Article 13 of the Criminal Justice (Children) (Northern Ireland) Order 1998 provides that a child aged 15 or over can be remanded to the YOC if he is likely to injure himself or other persons.
them in the Juvenile Justice Centre and not the Young Offenders Centre “... if the court has been notified by the Secretary of State that there is no suitable accommodation for that child available in the young offenders’ centre”. The Commission understands that the intention behind this provision is to ensure that 17-year-old girls are no longer detained in prison service custody, there being no young offenders’ centre for girls in Northern Ireland. The Commission is of the view that insofar as Article 96 does keep 17-year-old girls out of prison service custody, it is a welcome development.

29. However, Article 96 does not prevent all detention of 17-year-olds in Prison Service custody with adults. Instead it relies on a notification from the Secretary of State that there is no suitable accommodation in a YOC or, in the absence of such a notification, the discretion of a judge who can decide to sentence a 17-year-old to Woodlands JJC if they will not become an adult during their sentence, they have not had a custodial sentence in the last two years, and it is in their best interests to make a juvenile justice centre order. The Commission understands that at present the decision about where to accommodate 17-year-olds is taken on a case by case basis. From recent correspondence the Commission has learned that the Youth Justice Agency now has a role in making an assessment where there is a decision to be made about the place of detention for a young person under the age of 18. This may be viewed as a positive measure in that a more detailed assessment will be conducted in each case. However, it does not address the core concern, which is that prison service accommodation continues to be used for children.

30. The Commission understands that detention of children in prison service custody may still occur in the following circumstances:

a) **Sentence:** If the young person will reach 18 years of age during their sentence and have received a custodial sentence within the last two years (Article 39 (3B) of the Criminal Justice (Children) (NI) Order 1998 as inserted by Article 96(4) of the Criminal Justice (NI) Order 2008).

b) **Remand:** Young people can be remanded to the juvenile justice centre only if they are under 17 years and six months and have not received a custodial sentence in the previous two years (Article 13(1BB) of the Criminal Justice
c) **Remand for those at risk of harm:** Article 13 of the Criminal Justice (Children) (NI) Order 1998 provides that children as young as 15 years may be remanded to a young offenders’ centre if they are believed to be at risk of harming themselves or others.

d) **Transfer:** If the Director of the Juvenile Justice Centre considers that the young person is likely to injure themselves or others then she or he can apply to the court to have the young person transferred to the YOC. This can occur from age 15 years for those on remand and from age 16 years on sentence.

31. Alternatives to custody should be promoted, and children detained only as a matter of a last resort (Article 37(b) of the UNCRC). When, as a last resort, children are detained they should be held in age-appropriate accommodation. It is an ongoing concern for the Commission that boys between 15 and 17 can still legally be held in Prison Service custody in Hydebank Wood Young Offenders Centre. While the Commission has made repeated representations to the Northern Ireland Office and, more recently, the Department of Justice, no satisfactory conclusion has yet been reached. The detention of children in the YOC is contrary to the state’s international human rights commitments. This is an urgent matter and should be addressed as a priority.

32. Hydebank Wood Young Offenders Centre (YOC) has been subject to extensive criticism over recent years and an ever-increasing number of recommendations made by bodies such as the Criminal Justice Inspection Northern Ireland (CJINI) and the Independent Monitoring Board (IMB).

33. In the most recent report of an announced inspection by CJINI, published in 2008, the YOC was assessed as “not performing sufficiently well” against three out of four “healthy prison” tests (in areas of safety, respect and resettlement). The result was even worse in the area of purposeful activity, with the YOC “performing poorly”.
34. The CJINI report presents a picture of an establishment where lack of respect and safety, and over-reliance on security, impact negatively on the wellbeing of young people who are committed to the YOC, including children. Such conclusions can also be drawn from the most recent annual reports by the Independent Monitoring Board for Hydebank Wood YOC. While commending the Northern Ireland Prison Service for some improvements in relation to the provision of an age-appropriate regime to boys at Hydebank Wood, the IMB noted that it has:

[...] continuing concerns about the ability of Hydebank Wood to provide a purposeful, daily regime which in an age-appropriate way meets the educational, personal and social development needs of the young people [...].

The Commission reiterates that the detention of children in Hydebank Wood YOC should cease and that, where as a measure of last resort, detention is ordered for anyone under 18 years of age, they should be accommodated in Woodlands JJC.

The use of separation as a disciplinary measure

35. The European Convention on Human Rights (ECHR) provides that no one shall be subjected to inhuman or degrading treatment or punishment (Article 3), and the UN CRC specifically states that every child deprived of their liberty should be treated with respect for their humanity and dignity.

36. International standards relating to the treatment of children in criminal justice detention stress that any disciplinary measures should be “consistent with the upholding of the inherent dignity of the child and the fundamental objective of institutional care, namely the instilling of a sense of justice, self-respect and respect for the basic rights of every person”. The European Rules for Juvenile Offenders Subject to Sanctions and Measures (European Rules) state that in any case, disciplinary measures

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23 UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), Rule 66.
24 Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions and measures.
should be a mechanism of a last resort and restorative conflict resolution and educational interaction should be given priority over formal disciplinary proceedings and punishments.\textsuperscript{25}

37. In its 9\textsuperscript{th} General Report, the European Committee for the Prevention of Torture expressed concern about the placement of children in places of detention in conditions “resembling solitary confinement, a measure that can compromise their physical and/or mental integrity”.\textsuperscript{26} The Committee stressed that such disciplinary measures must be used only in exceptional circumstances and for the shortest possible time. In all cases, children who have been separated from other children in detention for disciplinary reasons should be guaranteed appropriate human contact, granted access to reading material, and offered at least one hour of outdoor exercise every day.\textsuperscript{27}

38. It is therefore of concern that despite repeated calls by, among others, the Independent Monitoring Board for Hydebank Wood, the number of incidents of cellular confinement appears to be increasing, as is the average duration. In 2009, the IMB stated:

In its report for 2007/2008, the IMB had expressed the view that the duration and frequency of awards of cellular confinement and loss of all association were excessive and were indicative of a punitive regime at Hydebank Wood; there has been a 63% increase year on year in the use of cellular confinement as a punishment. Instead of improving in 2008/09, the situation proved to be somewhat worse for young male inmates. To compound matters, the Northern Ireland Prison Service increased the maximum period of cellular confinement for young male prisoners during the reporting year from seven to 14 days. Significantly, adjudicating managers at Hydebank Wood immediately took full advantage of the new maximum, with 24 young men receiving cellular confinement punishments in excess of the old seven days maximum.\textsuperscript{28}

\textsuperscript{25} As above, Rule 94.1.


\textsuperscript{27} CPT (1999) 9\textsuperscript{th} General Report; see also Rule 95.4 of the European Rules.

39. The report states that an additional 29 young men were punished with cellular confinement for periods of 7 days (formerly the maximum). In one case, a young person was punished with cellular confinement lasting 18 days, 4 days above the maximum; this represented consecutive service of two punishments of 10 and 8 days, imposed on the same date. This indicates that the rules about the maximum, which in itself is excessive, can on occasion be circumvented to hold the person in separation for longer than is permitted even by the regulations of the Northern Ireland Prison Service.

40. The IMB report does not detail the ages of the young people subjected to cellular confinement, so we do not know in how many cases children under 18 years of age were involved, nor does it detail the nature of breaches of discipline punished using this measure. A CJINI report on an announced inspection of the YOC in 2007 stated:

Disciplinary outcomes were overly punitive, with too much use of cellular confinement as a punishment for minor offences. [...] Some children were locked in their cells on a basic regime for long periods of conditions similar to cellular confinement. One child was held this way for six weeks and has been denied a visit with his mother because of a minor altercation with staff.

The CJINI further observed that:

Disciplinary procedures were carried out appropriately, but punishments were harsh, particularly for children, and alternative ways of improving young people’s behaviour were not considered. Agreed guidance on punishment levels was often not followed and unofficial punishments were used.

41. The inspection report records a case of one child who was punished by loss of association for six weeks and was banned from using a telephone for 28 days. The child was also denied a visit with his mother, which led to significant distress as he was

29 As above, p53.
31 As above, p.63, at point 6.18.
not able to communicate with her in any other way due to the disciplinary measures in place.  

42. Monitoring of the use of disciplinary procedures is important in the prison context and provision of disaggregated data would provide a much-needed transparency. While specific data was not provided by the 2009/2010 report by the Independent Monitoring Board, 33 the IMB stated that

[... ] IMB members noted continued regular use of cellular confinement as an adjudication outcome with frequent instances of the imposition of lengthy periods of loss of association which in real terms is effectively cellular confinement on landings.  

43. The Commission’s view is that while cellular confinement for a lengthy period is detrimental to the health and well-being of any prisoner, for children it is wholly unacceptable and in breach of international human rights standards.

**Information about the numbers, regimes and treatment of children held in Hydebank Wood**

44. There remains a dearth of information regarding the number of children committed to Hydebank Wood annually, and the regime to which they are subject. While the Annual Reports of the Northern Ireland Prison Service quote the ‘lowest’ and ‘highest’ number held throughout the year (to provide an ‘average’), the weekly prison population reports provided on the Service’s website do not provide even the overall number of children in Prison Service custody. Additionally, no publicly available source provides data disaggregated by age. Reports of inspections of the Hydebank YOC by the CJI NI or reports by the Independent Monitoring Board, while valuable, are either infrequent (CJINI) or include little specific information about the situation of children held there (CJINI and IMB reports).

45. In its *General Comment No. 10*, the UN Committee of the Rights of the Child stated:

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32 As above, p.63 at point 6.22.
34 As above, para 9.8.
The Committee is deeply concerned about the lack of even basic and disaggregated data on, inter alia, [...] the use and the average duration of pretrial detention, [...] the number of convicted children and the nature of the sanctions imposed on them. The Committee urges the States parties to systematically collect disaggregated data relevant to the information on the practice of the administration of juvenile justice, and necessary for the development, implementation and evaluation of policies and programmes aiming at the prevention and effective responses to juvenile delinquency in full accordance with the principles and provisions of CRC.\textsuperscript{35}

46. **Comprehensive information should be collected and published regarding the number of children held annually in Hydebank YOC (disaggregated by age), and that detailed information about the regime, treatment and outcomes for children so held be included in inspection and monitoring reports.**

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\textsuperscript{35} Para 98.