

Let's stop trivialising imprisonment

As the international community celebrates twenty years of implementation of the CRC, it is more than ever urgent that countries bring their laws in line with human rights standards and ensure that no child is subjected to these forms of punishment [imprisonment]. Article 40 of the CRC provides inspiring guidance for the treatment of children involved with the juvenile justice system, "to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."

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In Belgium, there has been an exponential rise in cases where a whole raft of different structures resort to imprisonment of juveniles², whether they be new prisons or closed institutions for juveniles or new specialised institutions for juveniles suffering from psychiatric problems, drug addiction or even for instances of sexual abuse against juveniles³. This increase in detention spaces is occurring without there being an established link with developments in official juvenile delinquency statistics.

This trend, which can also be seen in a number of other countries, gives us all the more reason to remind ourselves that international law is very clear, that deprivation of liberty should be a measure of last resort and may only be imposed for as short a time period as possible. Across the world, despite difficulties in gathering entirely reliable statistics, it is estimated that there are more than one million children in detention, often in appalling conditions⁴.

How can it be that governments who claim to want to respect international conventions⁵ can develop policies that run counter to their declarations to such an extent? This article endeavours to understand

¹ Commissioner and Rapporteur on the rights of the child for the Inter-American Human Rights Commission, Organisation of American States; extract from a speech given at the launch of the campaign against inhumane sentences for children, October 2010: www.crin.org/violence/search/closeup.asp?infoID=23420#lp

² Please see Sharon Detrick, Gilles Abel, Maartje Berger, Aurore Delon, Rosie Meek: Violence against children in conflict with the law: A study on indicators and data collection in Belgium, England and Wales, France and the Netherlands; Defence for Children International - The Netherlands, 2008. See also: Saint-Hubert, prison or closed centre? And the children inside it?, Open letter published by *Commission Jeunesse de la Ligue des droits de l'Homme (Alice Jaspart, Sophie de Biolley)*, Centre for Criminological Research at the Université Libre de Bruxelles (Sarah Van Praet) in Le Soir, 25 June 2009

³ See C. ADAM, *Imprisonment of juveniles taken to court for 'sexual assault on a minor': A cross analysis of knowledge modes in treatment of an emerging category*, in *Déviance et Société*, 2009/1 (Vol. 33).

⁴ See Paulo Sérgio Pinheiro, *World Report on Violence against Children*, United Nations Secretary General's Study on Violence against Children, Geneva, 2006, p. 217. www.violencestudy.org, p. 217. See also: Cappelaere, G., Grandjean, A., Naqvi, Y., *Children deprived of their liberty, rights and realities*, Éditions Jeunesse et droit, Defence for Children International, 2000, p. 34-35.

⁵ We here cite the principal international texts:

- UN Convention on the Rights of the Child of 20 November 1989 (CRC)
- All the United Nations standard minimum rules for the administration of juvenile justice: The Beijing Rules, 1985.
- United Nations Guidelines for the prevention of juvenile delinquency: Riyadh Guidelines; 1990.
- United Nations rules for the protection of juveniles deprived of their liberty: Havana Rules, 1990.
- United Nations Standard Minimum Rules for Non-custodial Measures: Tokyo rules; 1990.
- UN Economic and Social Council Resolution 1997/30, Administration of juvenile justice: Vienna guidelines
- Committee on the rights of the child, General Observation no. 10 (2007): The rights of the child in the juvenile justice system

the mechanisms which have been implemented in order to subsequently outline the ways in which this trend can be reversed.

Exponential increase in imprisonment

Firstly, we must remember that nature abhors a vacuum. The more we create structures for deprivation of liberty, the more they will be used. In Belgium, as in numerous other countries, we are witnessing a constant escalation. People repeatedly denounce a 'lack of places' for juvenile offenders and this inevitably leads to an increase in places in detention which are filled almost immediately. Supply thus creates demand and imprisonment thereby becomes a routine which provokes a snowball effect. In this respect, as long as there are places immediately available, this measure will always be the easy option for judges in juvenile courts as it relieves them from having to look for alternatives and really asking themselves if deprivation of liberty is appropriate in each case.

The evolution of the number of places in closed institutions in Belgium is illuminating. There were already about one hundred places in Public Institutions for Youth Protection (IPPJ), institutions with an educational purpose, when, in 2002, the Federal Government decided to create a new federal closed centre (prison for juveniles) with 10 places in Everberg (close to Brussels). Many people raised their voices to denounce this. It was remarkable that these reactions did not only emanate from rights of the child organisations, but also from juvenile judges who considered that the nature of these new places was too security-based to the detriment of the provision of education. However, it only took a few months (and the media coverage on one news item or another, admittedly fairly dramatic at times) to bring the capacity of this centre to 50 places which have hardly ever been vacant. Those judges who criticised this centre often resort to sending juvenile offenders there seemingly without qualms. Today it forms part of the institutional landscape and few people still dare to challenge its existence. Worse still, before the paint on the walls of the Everberg centre had even had a chance to dry, the creation of a centre with 50 places in Wallonia and another 126-place centre in Flanders was announced. The latest centre to be announced is due to open in 2012 in the south of the country which will be able to house 120 young people! If the latter does indeed come into being, 330 new places for juvenile detention will have been created in Belgium since 1st January 2002. This is without counting those centres for young people with psychiatric problems created in psychiatric hospital structures.

Admittedly, a proportion of these new places in specialist centres for juveniles is to make sure that they are no longer sent to prisons, as is still the case in Belgium and in various countries in the world. Separating children and adults is indeed a requirement of international law and we can be thankful that Belgium is finally seeking to conform with this, even if this is still just partially. Yet there is no denying that as regards juvenile imprisonment, the monster seems to be insatiable!

However, according to the National Crime and Criminology Institute (INCC), the number of minors reported to youth prosecutors due to delinquency offences seems to have fallen if we compare today with the 1980s⁶. Extremely grave cases are rare⁷, there is nothing to suggest that juvenile criminality is becoming more serious and figures do not point to those committing crimes starting at an increasingly

⁶ VANNESTE CH., The 'new' statistics from youth prosecutors in the light of other types of indicators. Contextualisation exercise, in VANNESTE CH., GOEDSEELS E. ET DETRY I. (éd.), *The 'new' statistics from youth prosecutors: perspectives on first analysis*, proceedings of the study day on 23 October 2007, Academia Press, 2008.

⁷ In total, for 2005, cases where a killing, murder or attempted murder were reported represented 0.08 % of all offences reported.

early age either.^{8,9} In comparison, delinquency attributed to adults is eight times higher than that committed by minors.¹⁰

The same can be observed in England and Wales, France and the Netherlands: public opinion denounces a significant rise in criminal offences committed by young people, with greater violence and the offenders starting to commit crimes at younger ages. Nevertheless, in these countries, as in the majority of European countries, juvenile crime rates have remained stable over the last decade. Yet the premise of an increase in this type of crime has given rise to reforms in juvenile justice in each of these countries¹¹.

Imprisonment is the cornerstone of the juvenile justice system (as is the case for adult justice as well). Even when it is not applied, it is regularly evoked as a threat: 'if you start that up again I'll send you to prison'. It is as if all intervention has to lead inevitably to imprisonment.

Juvenile justice, a particular type of justice

For more than a century a number of countries have decided to implement justice specific to juveniles drawn up on a premise: that punishment can be imposed in conjunction with educational or rehabilitative work. Faced with the mess in the traditional penal system, the notion of juvenile justice thus began to emerge little by little (in Belgium, this notion comes under youth protection which covers both young people considered to be 'at risk' as well as juvenile offenders). Even if they are 'offenders' we are talking about children whose capacity for judgement is not thought to be 'mature', that their actions are also linked to the shortcomings of adults— and sometimes to society itself— and that it is therefore possible to get them back on the straight and narrow. This social evolution has become more solid because of the adoption of various international standards in the field of juvenile justice and in particular articles 37 and 40 of the international Convention on the Rights of the Child.

The principal characteristics of juvenile justice are henceforward to be based on a specialised jurisdiction, distinct from that of adults, with the job of applying educational measures for an indefinite period rather than punitive sentences or sanctions. This needs to involve the definition of an age of penal majority (and in principle a minimum age for penal responsibility, which covers two different notions¹²), whatever the nature of the offence may be. Juvenile justice aims to take the living conditions and character of the juvenile into account and calls on experts and qualified stakeholders to a great extent. It entails a separation between the nature of the crime committed and the measures or punishments prescribed and a move away from a strictly proportionate response. It is also based on shared responsibility towards juvenile delinquency, involving the young person, their family and society and not making the responsibility for the act solely that of the young person.

Admittedly, these criteria are also criticised by those who support plain speaking because juveniles who would appear to be infantilised if they are exempted from all responsibility as a result of this overly paternalistic approach. The call for greater legal safeguards also has the paradoxical effect of bringing the juvenile system closer to that for adults.

⁸ L. WALGRAVE, *Juvenile delinquency and policy statistics*, in the framework of a conference on the 'new' statistics from youth prosecutors: perspectives on first analysis, 23 October 2007.

⁹ Ch. VANNESTE, *Figures? Yes, but still...*, speech given at the Juvenile Delinquency Congress 'Seeking out suitable responses', 23 March 2009.

¹⁰ *Op.Cit.*

¹¹ S. DETRICK, G. ABEL, M. BERGER, A. DELON, R. MEEK, *Violence against children in conflict with the law: A study on indicators and data collection in Belgium, England and Wales, France and the Netherlands*; Defence for children International, 2008, p.35.

¹² *Age of penal majority*, this is the age from which a person will be treated as an adult by the justice system. *Minimum age of penal responsibility* is the age from which a juvenile can be brought to answer for their acts in front of a specialised jurisdiction, juvenile justice. This therefore means that there are children who commit offence below this age, who cannot be subject to any measure or sanction; they should be considered as not possessing enough judgement to be able to be legally accountable for their acts. It is undoubtedly desirable for them to benefit from socio-educational support, especially if they are accused or serious offences. This question alone is really worth expanding on.

Nevertheless, it cannot be denied that juvenile justice is carried out by adults and it imposes an adult viewpoint on the situations that occur, combining comprehension and a reminder of limits. The youth court reacts to an offence that is committed and chooses to sanction the juvenile with a sentence that will be productive for the victims, where this is possible, and especially for the young offender him or herself. The sentence given is always an act of justice but a justice that is different from that of adults as it looks more towards the future and takes a gamble on reinsertion rather than exclusion.

In the same vein, the criticism that can be expressed about imprisonment is well-known: it generates more adverse effects not just on the young person concerned and their family but also on society as a whole; it is nothing but a temporary measure to get the young person out of the way and often gives the illusion that public security has improved. These young people will one day leave these centres with an attitude that may be difficult to bear and which renders their reinsertion ever more difficult. They are often put back into their old environment, without the situation really having improved: as the context in which they committed the offences remains the same there is a huge risk that they will reoffend.

The stigmatisation which these young people fall victim to is another significant problem as they are labelled as 'dangerous youth' and thus must face rejection from society, in their neighbourhood, at school, sometimes in their own family, by the police or potential employers.

Reconsideration of the specificity of juvenile justice

Voices are repeatedly raised concerning offences involving minors that attract media attention denouncing judicial treatment which gives 'preferential treatment' to minors. 'Too lax', 'not harsh enough', 'not fair enough', juvenile justice is supposedly not 'real' justice. Indeed for twenty years, blame has been cast on the functioning of juvenile justice under the 'welfare' regime. Legislative reforms in a growing number of countries are tending to move further away from principles which allow them to construct a specific system for dealing with juvenile delinquency.

These positions and legislative modifications often rest on a comparison with the adult penal system and on the idea that the severity of an offence is measured and recognised by the severity of a sentence imposed. Although this idea has directed our system and our conception of justice for more than two centuries, it is clear today that it is based on fiction. Despite sentences becoming more severe, despite a multiplication in the number of prisons, despite very difficult conditions in prisons, despite reinforcement of the judicial framework and a series of control measures, adult delinquency has remained at a relatively stable level. We also especially realise that the penal system, and certainly the prison system, maintains or even accentuates factors which can generate crime: family isolation, social exclusion, exclusion from the world of work, etc.¹³

This reconsideration of the principles of juvenile justice takes as its foundation the increased expression of a feeling of insecurity (we indeed mean 'feeling' along with the subjectivity that this involves), without a doubt the changes we see in new forms of delinquency (if we look at attacks on people and to offences linked to drug addiction), on the greater position accorded to victims and the weakening of community solidarity in a capitalist and individualist society. These elements are combined with a degradation of conditions for access to work for those young people with fewest qualifications, an increasing dualism in society, a questioning of integration of young people with a migrant background, a weakening of social ties and so on. All in all the structure of the social state – a social state with juvenile justice with an educational and non-retributive purpose – is becoming ever more fragile. There is criticism of pooling social risks and primacy is given to individual responsibility for coping with what life deals you. The state is investing less in public welfare yet has developed greater control of certain risks resulting from population groups targeted as being 'at risk'.

¹³ See the open letter from Y. HACHEM SAMI and A. JASPART, Are juveniles adults? published in *La libre Belgique*, 19 September 2008 during a trial covered by the media in September 2008 of a young juvenile suspected of murdering another minor in the middle of the Gare Centrale in Brussels.

For those who support this approach, everyone is responsible for their own path in life and it is counterproductive to want to reduce social inequalities. A society should manage (with the least cost possible?) the harmful effects of deviation and try to reduce the social risks and nuisances which are associated with these without seeking to take on board the collective causes of each individual case. In its most categorical form, this criticism of the juvenile justice system leads to a society of control and management of the risks associated with the most vulnerable population groups, of which young offenders are symbolic¹⁴.

Alternatives that aren't really alternatives (or don't go far enough!)

As a whole, society finds it difficult to imagine and make a reality of measures other than imprisonment for adolescents who have committed or who are suspected of having committed offences. Yet real alternatives do exist. They go from keeping the young person in their family environment alongside intensive educational monitoring to community work as well as mediation and other educational approaches. We can see that there are a number of new initiatives aimed at responding to the difficulties faced by these juveniles and to the crimes they commit.

In some cases these measures are not well enough known. Sometimes juvenile judges are far too often reluctant to utilize them instead of custodial measures because they do not have faith in these measures or because public pressure pushes them towards the more severe solutions. From alternatives to detention, they sometimes become alternatives to closing a case without a verdict, thus increasing the number of young people subject to a judicial procedure instead of reducing the number of juveniles deprived of their liberty.

Those promoting these new responses undoubtedly publicise their results and the value of their actions far too little. They thus play a part in the lack of recognition of the relevance of their work. It is also true that these are not activities likely to attract a lot of media attention but instead day-to-day work requiring patience, willpower and support. It is not easy to make comparisons either, as the effects of measures must be able to be measured into the medium or long term. Therefore, it is extremely difficult to measure the short-term effectiveness of these activities whose effect is not quantifiable and immediately visible. Yet there is research that has shown that at a far lower cost, measures which keep juveniles in their own environment provide better results than deprivation of liberty.

The role of the media

In our society of media frenzies, offences which have existed since time immemorial take on excessive proportions giving the impression that crime is on the up in a frightening way. The media play the role here of not only a magnifying glass but also a distorting mirror.

Some of the media demonstrate a lack of critical distance in relationship to events and the discourse of the authorities. They assert and maintain clichés, and *a priori* regarding a section of juveniles, dedicate far too little newsprint or time to analysing the causes and solutions and all too often present imprisonment as the only way society can react to juvenile delinquency. Overexposure of certain stories, of course often dramatic, paints a very negative picture of youth and accentuates the trend towards greater repression.

They occasionally forget their professional ethics in the interests of heightened sensationalism, yet above all to sell.

It is certainly true that explaining how alternatives to custody bring about better results and, in the long term, better guarantee public security, takes some time. A huge pedagogical effort is required, citing examples and especially allaying the concerns of the public who have the impression that public

¹⁴ See the work of the 16th symposium of the International Association for Research into Juvenile Criminology, Paris, 8-11 March 2006: *Rupture ou Continuité ? La justice des mineurs en question* », www.liens-socio.org/article.php3?id_article=1097

authorities do nothing¹⁵. Such an approach takes time, a great deal more time than simply announcing that the juvenile offender has been deprived of their liberty (and so citizens can sleep peacefully at night). Such a period of time is not compatible with the way the media works, with the time dedicated to a particular issue in the televised news or with the space given to an article in a daily newspaper. Yet small sound bites, often gratuitous, careless and far from reality, hit the bull's-eye because they reinforce public opinion often destabilised by the economic climate. This is the case for instance with the declaration of someone in politics who proposed entrusting the education of child offenders to the military (thereby implying that a strong response and the return of strict discipline and harsh living conditions is worth more than educational qualifications and the involvement of education specialists). The reference to boot camps was of course not fortuitous! Juvenile delinquency has always been a matter of Poujadist political declarations which a certain section of the press devours.

The role of society

This climate, exacerbated by the economic crisis and therefore by the number of families living in extremely precarious situations, pushes public authorities to adopt increasingly repressive measures, especially vis-à-vis youth. Zero tolerance policies, curfew measures, a ban on groups assembling in public areas and a rise in the use of tasers and the mosquito¹⁶ all play a part in this repressive climate. A society which puts more and more of its adolescents behind bars is a society going in the wrong direction, which affords little to those who are in need of particular social assistance and is not fulfilling its fundamental financial obligation which should aim to achieve equal opportunities for all young people.

We see that the picture painted of young people by society is negative. Similarly, a substantial number of young people are becoming increasingly disillusioned about the poor and uncertain future society offers them. These images obscure and scale down the reality for today's youth which is complex. However, the adolescents concerned, as well as those close to them, can find solutions that bring about change in measures and instruments devoted to developing social links. It is these links, and not isolation, which foster maturity and sets them up for their adult lives as positive members of society. The reactions of adults to juveniles should take their developmental dimension into account as well as the right of each young person to an education.

Social inequality, injustice, the isolated patches of cultural integration, boredom and poverty are the main causes of delinquency and all that we call juvenile maladjustment¹⁷.

What purpose does imprisonment serve?

As Christian Mormont states *'In general, imprisonment responds to various intentions: punishment, setting an example, security for society, education. However, we know that time in prison rarely improves the individual who is imprisoned. We know that the threat of such a punishment is not a deterrent. We know that for education and reinsertion, this is often instead more likely to be education in delinquency and greater insertion into the criminal world than civic education and reinsertion into the community. We can see that increasing the severity of sentences tends to increase the severity of offences. We can only see good reasons why we should stay clear of this experience for anyone, whether they be adult or juvenile, to the greatest extent possible. Yet we are imprisoning an increasing number of people for increasingly longer sentences. What a paradox!'*¹⁸.

¹⁵ Reading newspaper forums is enlightening in this sense: those who express their opinion there develop extremely radical and intolerant positions, regularly calling for the reintroduction of the death penalty or prison for children.

¹⁶ Sound equipment which emits a high-pitched sound only audible to those under 25, with a view to chasing young people away from public areas.

¹⁷ S. TOMKIEWICZ, & J. FINDER, How can you turn your child into a delinquent?, JDJ-RAJS n°276 – June 2008.

¹⁸ C. MORMONT, Child Imprisonment, Journal droit des jeunes, n° 271, January 2008, p. 13.

Certain young people should be stopped from drifting off course, this being in their own interest but additionally in the interest of the community. Nevertheless, if placing them in a closed environment does indeed respond, in the short term, to the imperative of protecting society, it does not necessarily prove to be effective in its educational objectives. Even from the educational perspective, it is not an adequate response to this concern. This is especially because prison only ever rarely improves the character of those who are subjected to it. It does not heal, it does not provide care and it does not deter.

Uberto Gatti, an Italian criminologist who works on juvenile delinquency goes even further as he shows that judicial intervention is counterproductive for minors.¹⁹ With the same profile, that is to say the same social background, the same family dynamic, same schooling, same type of offence, juveniles who have not been subject to any form of judicial intervention fare better than those who have. Furthermore, if a young person comes up against such juvenile justice, the risk of them ending up in the adult penal system is eight times as high.

It is therefore clear that that which precedes the imprisonment of juveniles seems to fail in its objective to educate young people. Numerous young people explain that once they are released nothing has really changed for them (and various people involved in education in the closed centres for juveniles are under no illusion as to the future prison life of a significant proportion of the young people under their charge). The gap between the missions announced and what young people experience is often particularly striking.

The issue of cost

Imprisonment security policies cost a great deal of money, in exchange for a very unpredictable level of effectiveness. A prison for juveniles brings with it, at least in the western world (but also, to a lesser extent, in other lesser developed countries) considerable expenditure. The cost of placing a young person in a public institution for youth protection in Belgium can be from 200€ to 300€ per day; this cost rises to up to 500€ for the federal closed centres (which have even more of a secure nature). The budget foreseen for the construction of the 120-place secure centre in Achènes is 35 million euros (experience has shown that these budgets are largely underestimates) and its annual running costs will be close to 22 million euros²⁰.

This investment is made at the end of the chain and in fact, if everything is kept in proportion, affects a very small number of young people (even if we complain that it is too high). It is a whole lot of money that could be invested in a more useful way elsewhere: education, culture, prevention, social assistance or supporting parenthood. More and more families are living in precarious economic and social situations. The same amount invested in prevention would allow an incomparable number of young people to be reached, with most probably far better results.

These are of course political choices and it is these choices that we must question and reconsider.

Potential solutions

'Making imprisonment a stage of reinsertion is something of a utopia. Prison has a short-term effectiveness, as it neutralises the person, but it does not reinsert, and it does not prevent reoffending. It is thus necessary to consider something else' says magistrate Jean-Yves Monfort. Yet what does this 'something else' go back to? What is it based on exactly? For Jean-François Cauchie, a Canadian sociologist and criminologist, we must abandon *'the idea that we need to have the bad to get the good'* and cease to *'oppose protection of society and protection of its criminal members'*. We therefore need to set out to

¹⁹ Speech by U. GATTI on 'the theory of labelling and juvenile delinquency: the long-term effects of the penal justice system on young people in Canada, workshop no.3: institutional reforms: paradoxes, dead ends and compromises, 16th conference of International Association for Research into Juvenile Criminology, Paris, 8-11 March 2006.

²⁰ If we count 500€ per day for 120 juveniles for 365 days per year.

ensure a penal policy emerges that bears witness to the will to *'punish without humiliating, place blame without excluding and disapprove whilst talking about it all'*.²¹

The sentence (punishment) so desired by society should not be considered equivalent to 'sentenced to imprisonment'. A shift in mentality towards the penal system and therefore towards the judicial response must take place. The punishment must no longer be measured quantitatively (in number of years imprisoned), but instead qualitatively (through alternatives and a personal and customized management of situations). This must occur by means of awareness-raising and adequate training among judges.

Imprisoning people has never been a solution, not for adults and even less for juveniles, just as they develop. This measure is counterproductive. If you imprison a young person at 16 for 4 or 5 years, you are building a time bomb and turning their reinsertion into an obstacle course.

Getting out of the punitive and focusing on the future and making the young offender and the victim into active resources with a view to resolving the conflict whilst re-establishing the social link are ambitious objectives. These are the premises of a non-judicial approach to juvenile delinquency.

A *sine qua non* condition of a change of course is the necessary political will, the conviction that there needs to be a new way forward built upon measures for the medium to long term. Now, this vision is weakened by election campaigns because it gives immediate, visible and therefore media-friendly results on very few occasions. Political will depends on power struggles within society. Today the voices calling for increased repression make themselves heard most. We need to ensure that other voices, those which put forward the dangers of repression and imprisonment, can be heard too. In this respect, we cannot cut back on increasing the awareness of journalists and a partnership with the press so that solutions which are working also have the right to be showcased. It is noted that those who defend a more social and educational approach to delinquency are often treated as naive or even irresponsible even though it is not a matter of a *laissez faire* attitude and absolute tolerance towards transgressions from the norm, particularly for juveniles. We should not make sacrifices on public security, but instead guarantee it in other ways, ways which are far more socially fair and more optimistic.

Then a clear strategy is necessary. This must look to an immediate moratorium on the creation of new imprisonment places and lead to the progressive closing of existing places and them being replaced by services which develop preventive or social approaches or measures which can be real alternatives to imprisonment.

Nonetheless, as we have seen, we cannot simply wait for a substantial decrease in judges resorting to imprisonment as a result of merely developing alternatives or implementation of social policies. What is necessary is a proactive policy which aims to reduce the supply side of imprisonment. In other words, closed centres must be closed as well as other prisons for minors. In parallel, once funds are then freed up they must be allocated to social policies and accompanying young people in their own environment and supporting their families and so on.

Many studies, notably those from the United Kingdom, have shown that the least punitive interventions provide the best results. When young people are confronted with the direct consequences of their actions they are more likely not to commit another offence.

In conclusion

It is essential and a matter of urgency to fight the trend of resorting to imprisoning juveniles as rigorously as possible. This must be done in Belgium, in Western countries, but also across the world, no country is completely spared the matters denounced in this article.

²¹ P. MAREST, Alternatives come out of the shadows, in *Dedans dehors*, no. 60, March April 2007.

No one is able to close their eyes to the extremely harmful consequences of the deprivation of liberty of children, as much as on the young people themselves as on their family, society as a whole and social inclusion of young people in general.

It is necessary for:

- priority to be given to alternatives to imprisonment;
- public authorities to respect international standards that they have subscribed to and consequently commit to limit imprisonment measures;
- public authorities commit to reduce the number of cases in which imprisonment is resorted to by working both on the demand for this type of punishment as well as other types of measures on offer giving priority to working with the young person in their usual environment;
- services mandated to educate, supervise or help adolescents to be able to pass on difficulties encountered and benefit from the necessary tools to respond to these in a coherent manner with a model for an inclusive society;
- relevant judicial actors, in a sufficient number, to be trained and informed in order to award real and effective priority to measures which do avoid using deprivation of liberty for adolescents; and for them to place confidence in the whole range of measures at their disposal that do not include deprivation of liberty;
- juvenile policy to be based on reliable data rather than on fear and clichés;
- scientific research in the legal, psychological, sociological and criminological fields to study all aspects linked to deprivation of the liberty of adolescents and different types of measures addressing juvenile delinquency in more depth; for, in addition to this, the results of research to be brought into the public domain and widely published, both to relevant professionals and the wider public in order to bring about a change in mentality;
- the press to provide itself with the means, space and time to analyse the trend of juvenile delinquency in a different way, as well as the social reaction to crime, in order to inform the public and avoid simply transmitting stereotypical images;

In Belgium, in order to curb the rise of resorting to imprisonment and reverse this trend and give priority to alternative measures, various actors from the youth sector, those supporting youth, academics and those addressing the rights of the child, French-speaking and Flemish-speaking, formed a group in order to reflect upon common action and strategies to tackle the abuse of the use of deprivation of liberty for juveniles. They have named this group 'Article 40', in reference to the article in the International Convention on the rights of the child that covers juvenile justice.

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