McAuley, Mary. "Introduction: Russia and England: Two Outliers in Europe." *Children in Custody: Anglo-Russian Perspectives*. London: Bloomsbury Academic, 2010. 1–26. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781849661027.0005>>.

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Introduction

Russia and England: Two Outliers in Europe

Not all the children in our society become great violinists or outstanding ballerinas; some, who are discarded by society, end up with us, and that's dreadful. I wish that society would recognize they are not shipped to us from Mars, but that they are our children and this is our society. Our future. It would be great, if everyone understood that.

Deputy governor, juvenile colony, Russia¹

The first children's penal colony I visited in Russia was one of the bad ones. The boys were dirty, they milled around in a mud-baked sports yard, smoking, bored out of their minds. Those who were lucky enough to be ordered into the shabby hall to watch a film sat, many with vacant eyes, some with a desperately vulnerable look. The colony had no workshops. Some of the boys were in the damp, cold barracks, again idling away the time. Thirty to forty iron bedsteads stood close together, double-tiered, each with its neatly folded bedclothes, and each with a tag that states the boy's name, article from the Criminal Code and length of sentence. 'How long is your sentence, and what for?' I asked a 15-year-old. 'Five years, for stealing a piece of electric cable,' he answered, before breaking into tears, covering his face with his denim cap. An older boy, standing by, said calmly 'there's no one here who doesn't cry at some time'. As we were leaving, the order to line up came and, driving away, we could hear the stamping feet of the boys, marching, and the chorus of ragged raucous voices.

In Russia the age of criminal responsibility is 14 for serious crimes, 16 for less serious. A variety of secure institutions exists to house children who have broken the law, both those who are too young to be tried for a criminal offence, and those who are awaiting trial or sentenced to custody. Children aged between 11 and 18 may, by a court order, be detained in a Centre for the Temporary Holding of Juveniles, under police jurisdiction, for up to 45 days; those under the age of 14 may then be sent (by a judge) to a special secure school for a period of up to three years; older children whose offences do not fall under the Criminal Code may be sent to a secure Technical School.

Boys in colony yard, Russia

Children aged 14 and above who are detained on remand while awaiting trial or, following sentencing, await transport to a colony, are held in ‘investigative isolation’ centres (SIZO). These, run by the Prison Service, are best described as local prisons, and will have a separate unit for juveniles. A young person sentenced to custody (aged 15–17) will serve his or her sentence in an ‘educational colony’ (*vospitatelnaya koloniya*²), a secure institution, often in an isolated locality, far from local transport, maybe in the same region, maybe hundreds or even thousands of miles from home. Those whose sentence has not been completed when they reach the age of 18 may be allowed to stay, until they reach the age of 21. These are the juvenile (penal) colonies. Not every region has one for children (and a region in Russia may be the size of the UK), and there are only three in the whole country for girls. In this book I focus on the use of detention for those charged with or sentenced for a criminal offence.³

In England and Wales the age of criminal responsibility is 10. There are no separate institutions for those held on remand, awaiting trial; they spend their time in the same (juvenile) institutions as those convicted. Very few 10–12-year-olds receive custodial sentences but both boys and girls up to age

Girls in colony yard, Russia

of 16 may be placed in a Secure Children's Home, run by the local authority. Here they will join those who have not been convicted of an offence but for their own safety or welfare been placed in a secure institution. Boys, between the age of 15 and 17, may be sentenced to serve time in one of the four (new) Secure Training Centres (STC), run by private operators, or in a closed Young Offender Institution (YOI), run by the Prison Service for those between the age of 15 and 18 and/or for those aged 18–20.⁴ The YOIs may be old prisons or new facilities, they are mostly in towns, and easily accessible by public transport. Girls under the age of 17 may be sentenced to an STC; those aged 16 and above will serve a custodial sentence in a women's prison, but housed in a separate unit.

Both in Russia and in England and Wales, when their inmates are children or even 18–20-year-olds, we now prefer to find other names than 'prison' for institutions with high perimeter walls, topped with rolls of wire, with high security entry and exit systems – places isolated from the outside world where children are locked up, either in small cells or in barracks until an external authority decides they should be allowed back into society. The institutions may or may not have a sports hall, workshops and library; rules on visits may

vary greatly. But everywhere there will be day-in, day-out repetitive routines, punishment cells, warders, and links between inmates and the world outside will be monitored – all the accoutrements of institutions which, when they house adults, we have no hesitation in referring to as ‘prisons’. If a prison is a place where someone is locked up, while awaiting or serving a sentence in isolation from society, then the colonies and SIZOs, the STCs and YOIs are as much prisons as are those that house adults and (in England) young girls. The ‘secure’ institutions for younger children may not be that different.

While I visited a variety of secure institutions, in localities across Russia, in the main my visits were to the colonies, several for boys, and one for girls. All were better than the first, but the same questions continued to haunt me. What is the system that sends them to spend, sometimes years, behind bars, hundreds of miles from home? And what happens to them afterwards? Even a colony with facilities and a more enlightened governor, I came to realize, cannot counter the negative consequences, in the great majority of cases, of locking up children. The same is true in England and Wales. What had I expected to find on my first visit to a Young Offender Institution in England? Of course it would be different from a Russian colony, but how different? Now, just as in Russia, YOIs in England differ, and in this case too the first I visited was one of the most depressing. Perhaps the state of shock in which I left the institution – on the one hand everything was so different, on the other sadly similar – was accentuated by its size, by its holding nearly a thousand boys, both those on remand and those serving sentences, short and long, and by the matter-of-fact statement by an officer that recidivism runs at 80 per cent.

The high walls with their wire topping were better built, everything rather smarter and tidier, but the checks and security systems were very familiar. Only the notices were different – frequent warnings that racial discrimination was not tolerated here. The prison officers were in civvies, no one seemed to have a truncheon. There was grass, and flowerbeds, and recently built brick units, each with a spacious communal area, and a billiard table. A few boys, in track suits, were doing some mopping, and cleaning. A new entrant was sitting on a couch going through his dossier with a receiving officer. So far, so good, I thought, but when the prison officer unlocked a cell, recently vacated by the boy who had gone to court, I felt sick at heart. A cream-coloured compartment, with a bed, lavatory, basin, a small table, everything fixed in such a way that the inhabitant could not do himself harm; that he could not, in effect, do anything. I tried to imagine a 15-, 16-, 17-year-old locked

Boy (model) in YOI cell, England

in here, from evening to morning, and again for much of the day. Someone who had never slept in a room on his own. For those on remand (and they do not know how long they will be here – it may be days, it may be months) the cell remains bare.

I'm 15 and most of the time I'm locked in my cell 'cos there's no place in education for me and they've got nowhere else to put me. (Boy aged 15)

There's a limit to what you can have in your cell. You can have more in your cell when you are sentenced. You can't have any posters. I can't even have a picture that my little sister drew for me. (Boy aged 16)

It drags the time. I've got nothing to do but think when I'm on bang-up. No radio and I can't read. (Boy aged 16)⁵

The cell for a convicted offender may well have posters, photos, a TV, video player, all aimed at filling the time. Some cells are single, some double. Meals are eaten in isolation, back in the cells. Why? So the staff can have

proper meal breaks. And once the boys are locked in for the night, the staff can go home.

You don't know who is watching you, plus you've got your pad mate. You don't know who he is or what he is. Basically you just feel like there's lots of things running through your head. You can't sleep. You just think. You wonder 'Am I going to get beat up?' 'Am I going to get killed?' There was loads of shouting out of the windows. I just didn't know what to do. I didn't even speak with my pad mate. I was too frightened. (Boy aged 16)

It happens every night at the windows – people shouting at each other, and stress heads banging on the pipes. Everyone running their mouths off at the windows and that. 'Window warriors' they call them. (Boy aged 16)

It's going on all the time – threatening you, shouting things, calling your mum names. There's nothing you can do about it. You just have to cope with it. I don't know how I do, you just do. My mate was hammered in the showers. When the screws asked him what was wrong he said he fell over. If he had told the truth, he would have got hammered again. Most of the staff are all right but some either ignore you or try to wind you up. They swear at us and that, and call us names, and they threaten to drag us down to the block... (Boy aged 15)

I found myself wondering how even a well-balanced, resourceful teenager could survive the anxiety, isolation and boredom, and the majority of the kids who find themselves held on remand or sentenced to custody are not well-balanced children with supportive families outside.

To begin to understand what is happening, we need to know more about the children who find themselves behind bars. Among those in the Russian colonies there are strong and weak personalities, able children and those with severe learning difficulties or psychological disorders (perhaps a third of all inmates), those guilty of murder and those who have stolen to feed their brothers or sisters. A high percentage come from broken homes, maybe with alcoholic parents. Boys outnumber girls by nine to one. The youngest are 15 and the oldest, who may have remained in the colony to finish a sentence rather than transferring to an adult colony at age eighteen, may be 20.

Just as their Russian counterparts, the children who are locked up in England and Wales come disproportionately from among the most vulnerable and damaged, and from among those with inadequate families. A comprehensive survey of the inmates of 21 YOIs during 2001–3 found that a third of the boys and more than 40 per cent of the girls had previously spent time in a foster home or in care (Young People in Prison).⁶ Further studies have suggested that approximately half of those in custody will have come before welfare agencies, 80 per cent or more excluded from school, and, in the governors' estimation, roughly 75 per cent will be on drugs (Goldson 2006; Neustatter 2002).

Most young people received into prison custody will be suffering from a diagnosable mental disorder. ... They will have left school well before the age of 16 with no qualifications. Most will have grown up in poor households. Estimates vary but between one third and a half will have spent time in local authority care prior to custody and many will have slept rough. Young prisoners are much more likely than young people in the community to have used illegal drugs, engaged in hazardous drinking, become early parents and to have attempted suicide. Up to 30 per cent of young women in custody report having been sexually abused in childhood and many young offenders will have experienced untimely bereavement. These are teenagers on the margins. And prison will exclude them still further. (Lyon 2003: 28–9)

Essays written by the Russian children give us a sense of the world from which they come, of their different personalities, and of how they respond to life behind bars.⁷ We do not have essays written by the English children, but from their conversations with interviewers we see evidence of similar backgrounds and sentiments. We start with excerpts from the Russian essays.

I didn't manage to finish 9th grade because they locked me up, that is they arrested me. I'm serving time under clause 3, article 113 of the Criminal Code (grievous bodily harm): I hit a man who had got into my grandmother's flat, with a hammer. He stole her TV, player and iron. She's a pensioner and she can't replace these things. Work and work, and you can't keep what's yours. When I knew who had stolen them, I went and asked him to return the things. But he refused, said the things had already been sold. But not to whom. When I was leaving, he

grabbed me and started to strangle me. There wasn't anything I could use except the hammer. I hit him much harder than I had expected. I honestly didn't want it to happen.

Now I blame myself very much, you see it wasn't only I who got sent down but also my mum. She tried to cover up for me but it didn't work. They convicted her for false testimony. I got five years and one month. I've still got a long time to serve, I won't be included in the amnesty. ... I haven't got a father, my grandmother brought me up. My mother lived far away. She earned money and sent it to us. ... I've a sister in Cheboksar but she doesn't write; it looks as though I don't mean anything to her. I believe that some day some one will help me to survive ... but all the same there's such a feeling of hurt and disappointment: other girls, like me, have someone visit them, but no one comes to visit me. ... I'll try to get through this and to survive. Here life is a matter of survival, if you cope you survive, if you don't you die. (Lena, Ryazanskaya VK)

If some blame themselves for committing a crime, others are more concerned that they have been too harshly sentenced.

Well, I don't really know but I didn't mean to end up here, that is I didn't really understand what was happening when I knifed a kid, they gave me article 3 and 2, and I think that this is not right. I had a tough childhood, at 13 I was put into a children's home, and at 16 they took me out on 16 February. I want to be freed as soon as possible and never get put back in prison, because you are separated from society, and that's the worst punishment of all. I've two brothers, one is Kostya, the other Dima. Kostya was 20 on 7th October but unfortunately he's in prison no. 29, but everything is OK with Dima, he lives with mother, I was living with Kostya, until they put him behind bars, he was looking after me. I was going to school, everything was all right, and then it all fell apart, and now we are both locked up, I want to ask a big favour of you, I want to apply for a pardon, could you help me write it, I want to do it after new year. Well, that's about all. I miss my brother and home an awful lot. Thanks in advance. (Yakov, Perm)

Although among the children are those who have committed murder, grievous bodily harm, or armed robbery, the majority are there for theft. A

second offence, even if minor in terms of value, or theft committed with others (thus qualifying as a group crime) may well produce a sentence of detention.

Only 19 of those in the colony are here for serious crimes related to murder, grievous bodily harm. Twenty-four are here for rape. The remaining 220 (that's 82 per cent) have convictions for stealing private or state property. More often than not the damage was small. They broke into a kiosk, took sweets, wine, drank it and were caught. One stole a bike from a cellar. One stole 5 rabbits from his grandfather. The grandfather reported him to the police. Now he wants the boy released, but the court has already passed sentence. (Interview with governor of Bryansk colony, 1999, *JIT* 2001: 24)

My mother is serving a sentence in Novgorod region, they arrested her on 3 December 1998. They gave her 3 years and 6 months. And they put my brothers and sister in a hospital in Segez'zh. They did this because they didn't want to put them into a children's home while mother was awaiting trial. They thought she'd be given a suspended sentence. But when she was sentenced, they put them in a children's home.

Counting me, my mother has seven children. I've been convicted under article 158 (theft); I broke into a shop and stole things to eat. And when in the morning I came home and told mother that I had broken into a shop, she was very upset and beat me. But I said to her, don't hit me, I did it for my brothers and sister. I can't bear to see my little sister and brothers so hungry, and that day we hadn't eaten anything except water from the tap, and water doesn't fill you up at all.

My mother didn't work, she cleaned the house, washed our clothes, prepared food, and I always worked – somewhere or other – either I helped old ladies, or collected empty bottles and traded them in, I collected berries, mushrooms, we had a vegetable patch, but we couldn't live off this – and I sometimes stole from mother and then pretended I had earned the money. (Sergei, Nevel'skaya VK)

When I was 10 my father died, and my mother started to live with a drug addict. He began to sell everything and to beat her in front of me. And mother began to drink very often and I was put into a children's home and mother lost her parental rights. Before I was put in a children's home my grandmother and grandfather became my guardians and I got

out of control, started to go out with girls, had to repeat the 7th class in school, spent the night away from home. Then they sent me to a children's home, and after a few months my grandfather died, and then a few months later grandmother was murdered and I was left all on my own. It so happened that I was caught stealing and they gave me 2 years and 6 months, I've done 1 year and 3 months. There's the flat which belongs to me out there and I so much want to live there with a family. I dream of getting early release and living peacefully, not breaking in anywhere, studying, working. (Evgenii, Perm)

An 18-year-old from Manchester tells Neustatter (2002: 35):

We lived in a very rough area of Manchester and my Mum well she didn't seem to give a f*** about me – once she moved this geezer in when I was eight. She'd been good to me up until then. My Dad died when I was 18 months. I started staying out all night, mixing with a bad crowd and by the time I was 12 I was well off the rails. Nobody could control me. I did a lot of crime.

Maybe a third of the Russian children receive neither letters nor visits from relatives. But even those whose relatives maintain contact find the separation from their family, and above all from their mother, deeply distressing. For some of them this is made more acute by their feelings of guilt for the suffering they have caused to their families.

I've been behind bars for almost 10 months and during that time I haven't seen any of my relatives or anyone close to me. I think that's what is worst of all, when you have no opportunity to see close relatives. For me it is not possible because the financial situation in my family, one can say, is not all it should be. It's because of this that I am here. I know that my Mum and my Dad would give all that they have, if it would get me home more quickly, or even just to see me, but it's all a question of money. My parents are not alcoholics, they are not drunkards, nor, it goes without saying, are they drug addicts. It's just that they are pensioners, live off their pension, and can't earn any money, and they are not only supporting themselves, but our very old grandmother, and me, and my brother. All in all there's thirteen of us, not even counting the little ones, my nephews, on whose behalf

I started to steal. Because they, my nephews, were crying and begging for bread. Worst of all for me is that when they sentenced me to detention, they cut me off from all those close to me, and now I can't help them at all.

Of course, our law is severe but I don't hold it to blame. When I am released, I won't steal any more, I'll work, and in that way I'll help my family. Worst of all that I've learnt from imprisonment is that I can't live without my dear ones, I love them that much. I hope that half the other prisoners feel the way that I do. (Serezha, Perm)

Perhaps a quarter of the children in custody in England and Wales receive no visits, despite the fact that distance is hardly an obstacle. And their feelings are the same.

I was feeling really bad thinking about my Mum. She won't come and see me here. She said to me when I was sentenced, 'I told you before you got into all that crap that you'd be on your own. I'm not coming to see you.' I can understand it would hurt her to see me here. I shouldn't have let it get to me that bad but sometimes it just does 'cos I really want to talk to my MUM. If I could have killed myself then I would have. But an officer had a chat and really listened to me and that kind of got me out of it. (Abbie, aged 16 in Holloway for drug offence; quoted in Neustatter 2002: 75)

You should at least be allowed home. It hurts all the time. All you do is miss your family and you can't hack it sometimes. I wouldn't send kids to a place like this. I'd send them somewhere where they could go home at night. My Mum can't make it here to visit me. I wrote her letters but she doesn't write back. She has other kids to look after so I haven't seen her. It does my head in. ... It can crack you up inside. It hurts all the time. (Boy aged 16)

Even those who have a family to go back to, whether in England or in Russia, will get little if any help in adapting to and finding a place for themselves in society. Some of the Russian children recognize this. Some of them dream dreams.

Now I am still here, but when I am released, I'll start a different life, I'll behave differently towards everyone and everything because, while in

prison, far away from my Beloved Mum, relatives, brothers and sisters, I begin to understand what it means to steal. When I am free again I shall work or study, do sport, go fishing, spend more time with friends. Time will pass – and I'll get married, I'll live differently, find a way. I miss Mum so much, our love for each other, I wish I could turn the clock back, I repent for what I did, [I want] to go home, I'm so waiting for Conditional Early release. When I am free again I'll remember how time passed in the VK, I wouldn't want friends, I wouldn't want even bad and unpleasant [kids] to end up here, all the same home is so much better, together with Mum and the family, in your own surroundings, in the place you come from. (Sergei, Chusovoi)

Some recognize the problems that lie ahead of them, but still cling to their hopes.

Mum has written to me that the house is falling apart, the fence has come down. Father is drinking and doesn't do a thing, doesn't lift a finger to put the house to rights. So I am thinking of being released and starting to repair the house ... first I'll cover the roof with sheeting so that it doesn't leak, then I'll fix the fence, so that the goats and sheep and other domestic animals can't get into the vegetable patch.

Then I must help to teach my youngest sister. She goes to a special school for children with special needs. There's those who are deaf, and those who were born with deformed hands or legs. My sister was born with damage to her nervous system. She's always out of sorts, always playing up, and worst of all her mental development is backward. She only learnt to read and write very late. She's 10 now but she can only read in syllables, she writes very slowly. But I hope that she'll learn and lead a life as a literate person.

And I need to help Mum, she's already 49, and she gets very tired, her back constantly is hurting her, and her hands are swollen...

Then, when I've done everything that I need to do at home, I'll go to train as a 'machinist'. I really like that profession. A machinist is a train driver and railway lines run all across Russia. I'll travel from one town to another. And after the railway technical school Mum suggests that I should study at the Perm radio-mechanics college. Radio-mechanic – now there's an interesting job. You sit at home and repair televisions and other kinds of radio equipment.

And in the future I want to find work. I don't want to find myself again in a place of detention. And when I get out I'll tell others not to do bad things so that they don't end up behind bars. (Viktor, Permskaya VK)

After my release, on arriving home, I would straightaway talk to Mum about the future. I would like to go on studying, get as many professional skills as possible because I only have one – car mechanic and driver. I've got a licence, but not for all categories of vehicle. Every summer I would visit my grandmother, whom I love very much and I would help her, because she lives alone, and I would find work on the state farm, help the tractor drivers, because I love taking machines apart and putting them together again. As soon as summer was over I would return home to finish my studies, as soon as I completed them, I'd get the qualification (electrowelder), then I'd go round the garages, try to get taken on, but I know how hard it is for someone who has been behind bars to find work, but I'd try in any way possible to get work. But if it doesn't work out, I'll go to my uncle for work, he's got his own garage, and I'll start by working as a mechanic, and when I'm a bit older, I'll ask to be allowed to sit behind the wheel and drive to faraway countries.

Once I have earned a bit of money, I would begin bit by bit to build a house because I know that my relatives and friends will help me, and that would help me to forget the past, because I don't want to remember it, and I would straightaway tell friends how awful it is to be there [in a colony]. When the house is built, I would begin to look for a wife (someone beautiful, hardworking, clever and who doesn't drink), I would have three children, and live without any misfortunes, and work until I got my pension. And I'd really look after the children, I wouldn't want them to end up here. I'd give them a lot of attention.

That's how I want to live when I get out. (Igor, Perm VK)

Fishing, driving a car, building a house, having a paid job, a peaceful family life – we see all the elements that are missing in the colony: the freedom of being alone, of being in control, the security of a home, a family, and earning a living. But even if they have a family to go back to, both family circumstances and the problems of continuing education or finding employment will make such plans very difficult to realize. It is not only that the environment will be unwelcoming. It will be alien. In four or five years the town, and its street culture, may have changed dramatically. Vitya, just such a 19-year-old in Kansk colony in the Krasnoyarsk region, was due in two weeks' time to set

off on the several thousand-mile trip home to Norilsk, the nickel city built with convict labour in the far north. 'Are you a bit scared?' I asked him. 'Yes,' he said, although he had probably dreamt of the day for the past four years. The girls in the Tomsk colony come from all over Siberia and the Far East. Many of them have learnt excellent sewing skills but they head back to faraway towns whose local authorities, more often than not, do not reply to the colony's enquiries prior to the girl's release, and where these skills are not in demand. There is no one help them adjust to the giddiness of freedom, and its demands.

Imagine a young man of 18 or 19 who, since the age of 15, has lived day in, day out in a colony where life is regimented from dawn till dusk; he will have lost any sense of coping with everyday life, of managing money, of shopping; he will have grown up away from and outside his family, his friends, and missed out on adolescent romances; he will have survived by withdrawing into himself or threatening others. It's the same in England and Wales.

They may have been Mr Big inside but so often they've got nothing on the outside and no idea how to cope. For months or even years they've been told when to go to bed, when to get up, what they must do at any time, what they must eat. And all too often the experience is dehumanizing. They are called 'you', pointed at, searched several times a day when they move from wing to wing. What kind of preparation is that for living a decent life outside? (Ian Ross, director of Outside Chance; quoted in Neustatter 2002: 115)

When you put youngsters into custody you freeze time, reality is suspended and so they adapt to the culture and that becomes their life. When they come out they suddenly have to get to grips with reality again and they are faced with all the questions that are hard enough if you haven't been in prison. (John Harding, probation service; quoted in Neustatter 2002: 115)

But it's not only the isolation. Secure institutions are frightening places, often unsafe, and time spent inside may damage the inmates irrecoverably. A harsh description of the Russian situation is offered by Valeri Abramkin, one of the first, during perestroika, to raise the issue of penal reform for adults and children alike:

The inner world of the juvenile institution is a world of violence and cruelty ... constant anxiety and stress is the characteristic state of absolutely all the inhabitants, regardless of their status. This is connected with the feeling of fear and the expectation of danger which 'spurs on' the torturers too: they are compelled to torment, torture and degrade their fellow-sufferers in order to preserve their special standing in the informal hierarchy ... in an environment, isolated and shut off from the outside world where there are young and old, adults and adolescents, violence and cruelty acquire extreme forms ... our children and young people leave our penitentiary institutions as moral and physical cripples. (JIT 2001, 1: 22)

Rob Allen may be more measured but the message is similar:

At worst, detaining damaged and difficult young people 24 hours a day, seven days a week for weeks, months or even years can interrupt the normal process of growing up, reinforce delinquent attitudes, and create the ingredients for bullying, intimidation and racism. The deaths of 28 young people in custody since 1990, and the fact that 36 per cent of teenagers in prison say that they have felt unsafe while inside, make it hard to argue that custody is safeguarding, let alone promoting, the well-being of children. (Allen 2006: 22)

The English youngsters talk openly about bullying:

I am very lucky I suppose – my pad mate has been here for ages and he looks after me. He knows the tricks of the trade. I never go out of my cell much though. ... I've been out a couple of times on association, but I feel much safer in my cell. This one lad in the next pad from me, the only time I get to see him is in education, but he gets bullied left, right and centre. He grassed up his pad mate for pinching his clothes, so he got beat up, and he gets bullied all the time... (Boy aged 16)

My first time inside I was sent to Feltham. It was a battlefield. ... They had this brilliant idea that if they put a bunch of offenders together they will get on nicely and sing songs. In fact it is quick way of dividing the weak from the strong. The weak get bullied in front of everyone for the enjoyment of the strong and nobody takes much notice. The point is that

it doesn't matter to the officers if we mangle each other. Why should it? We're not their kids. (Glen, now 19; Neustatter 2002: 59)

The Russian children refer to it more obliquely in their essays:

When a person is constantly within four walls, he or she becomes more aggressive, and besides that everyone in prison wants to seem cool and tough, for something trivial people can attack others, just to show that they are stronger. And it turns out that when someone is released, nothing scares him or her any more, and moral codes no longer have any influence. In my view, you can't get free from prison because life in prison sucks you in, especially if you are there for long. (Marina, Novooskolskaya VK)

Prison staff are well aware of the inherent dangers.

It [bullying] comes in waves, it depends who's on the wing. You get kids bullying each other, you get staff bullying kids and get staff bullying staff. ... Outside kids can get status in lots of ways. In here status is measured in different ways: fear and respect become very confused. Having lots of toiletries becomes status, so taking them off other kids takes place. They won't tell you because that's grassing, and it's a sin to grass ... it comes with experience – seeing bullying, and then choosing how to deal with it. You'll never get rid of it though, it's power, isn't it? (Prison Officer, Eng)

You have to have your staff switched on to it all the time. Even within the vulnerables you have a vulnerable who wants to be on top. It's the nature of the beast – it's part of the prison itself. (Senior Prison Officer)⁸

The officers' task is to ensure that the kids do not escape, do not do too much damage to themselves and others, including the staff. Officers in both Russia and England and Wales recognize these as priorities, but the approach to ensuring safety within the institution is very different. The English approach is to isolate the child in an environment so devoid of anything sharp that s/he cannot harm him or herself. The Russian approach is to keep the children in groups but to monitor a child's behaviour 24 hours a day. Two officers will patrol the dormitories throughout the night. Neither approach works with desperate children. The figures for suicide, and for self-harm, in the English

institutions are witness to that. Children find ways to hang themselves, to secrete razors to use on themselves or on others. Between 1990 and August 2008 of the 30 children who have died in custody almost all have committed suicide. At the time of writing yet another 15-year-old has hung himself in a STC. In 2007 there were 1,007 incidents of self-harm in young offender institutions; 78 children received hospital treatment for damage incurred from restraint, assault or self-harm (criminal damage). In Russia suicide is rare – I heard of no instances in the colonies and Russian prison officials are shocked by the English figures – but self-harm does occur, including on a collective scale when it can take on the form of a protest against a punitive regime. And in extreme cases, worse can occur. In one colony a few years ago, the boys attacked and murdered the two officers patrolling the barracks on night shift. During a recent attempted mass breakout in protest against the transfer of a recognized ‘authority’ among the boys to an adult remand prison, the staff lost control of the situation and camp guards opened fire. One prison officer, and two boys lost their lives (<Gazeta.ru> 17/19 October 2007).⁹

In both countries the children themselves are aware of how prison affects them and their future.

I don’t think that imprisonment improves a person, on the contrary, it hardens him. In prison a person becomes angry, cruel and revengeful. When he doesn’t like something, he begins to get irritable, angry, to behave like a loony. In places of detention a person learns a lot of bad things. He begins to swear, to shout obscenities of all kinds when he doesn’t like something or when someone starts to shout at him. He can get ill with all kinds of illnesses. When he gets irritable, he gets quite unbalanced. And when his nerves are shot to pieces, he can do something really bad. Many illnesses are related to nerves. When someone is put in prison he begins to put the blame on the justice system or the victims, but never on himself. A person becomes an egoist, self-centred. He couldn’t care less about others as long as he’s all right. (Vladimir, Permskaya VK)

Because he’s lost his bearings, when someone is released he carries on living by the rules, laws and practices which existed in prison, but he’s already out. That means he doesn’t appear in a good light. He remembers all the stories he heard in prison: who stole and how someone stole, robbed, took a car. He begins to remember them all and plans how

to avoid the mistakes the storyteller made, thinking that he'll do it all in the right way and he won't be caught. So prison isn't a place for correcting or improving people, but a school for new crimes. (Maksim, Arzamasskaya VK)

They did give me a Welfare to Work pack but I couldn't make that out, reading's not really my thing. The day I was released I just walked out into nothing, which was scary underneath. But on top I was angrier than when I went in because of having to put up with so much humiliation and being pushed around by the screws... (Peter; quoted in Neustatter 2002: 120)

Deprivation of liberty is, today, in many countries the most serious sanction for law-breaking by adults and children alike. It is a relatively new addition to society's arsenal, and one that, for children, has long been recognized to do more damage than good. Academic experts and practising professionals are in agreement here.

Boys in colony hall, Russia

Boys (models) in YOI gym, England

In one of his final works, N.A. Struchkov [an eminent jurist – MM] wrote: ‘It is possible that mankind made a fatal mistake, at the turn of the XVI–XVII centuries, when it chose imprisonment as the chief weapon in the struggle with crime, largely because it could not think of another means of countering crime.’ Truly, isolation from society, placing an individual in a closed environment with other criminally infected and socially inadequate people, is not the best way of correcting the behaviour of such a person and then returning him to society as a fully integrated citizen. Time spent in detention has a particularly negative effect upon convicted teenagers. ... As is well known that is the age at which the process of forming the personality is completed ... the acquiring of social roles, norms, and values. It is the age during which the process of socialization of the individual is taking place ... and this requires widening and increasing the individual’s links with the outside world, with the community. (Поздняков: 11)

How can a *closed* institution teach a child the skills needed to function in an *open* society? Can one teach a child to swim in a swimming-pool without water?

It is not surprising to hear from the head school teacher in a colony:

Although the colony, I tell the kids, is called educational, we don't re-educate you here. Honestly, we can't educate or re-educate anyone here...

Or, from a YOI governor:

I do the best I can to offer young inmates something constructive out of the time they spend here and I hope this approach will prove to have better outcomes than the brutalizing punitive regimes. But I am a realist and I know that majority of these kids will go out and reoffend for all sorts of reasons that we simply cannot address. So how can I argue that prison is right for them? If I were running a business that had the success rate that I and other youth prisons have, then I'd be forced to resign. (Quoted in Neustatter 2002: 27–8)

For more than a hundred years, reformers have been arguing that detention should only be used in extreme cases, and this is now stated in international conventions, drawn up by the United Nations and the Council of Europe. Today the use of custody varies greatly from country to country (with countries such as the USA, Russia or England locking up substantial numbers of young people, others, such as Italy or the Scandinavian countries, only a handful). See Figure 1.

The contrasts between the different countries are striking.¹⁰ They cannot be explained by the criminality of their young people. (The question of 'level of crime' is a complicated one, one we discuss in later chapters, but here we ask the reader to accept the statement.) Why have most European countries sought alternatives to detention? Because they recognize that locking up children:

1. fails as a 're-education strategy' : rather it does psychological damage, stigmatizes the individual, makes it more difficult for the young person to reintegrate into society;
2. there is no evidence that it acts as a deterrent for the individual – rather it tends to create future criminals;
3. there is no evidence that it acts as a deterrent to others;
4. the great majority of those detained, where it is widely used, present no danger to society;

Figure 1: Under-18s in detention, various countries (per 100,000 of under-18 age group)

Sources: Data from or calculated from: World Prison Brief <www.icps.kcl.ac.uk>; UNICEF <<http://www.unicef.org/infoby country/index.html>>; England and Wales <<http://www.statistics.gov.uk/statbase/Product.asp?vlnk=60>>; USA: Snyder and Sickmund (2006); Russia: RF Report to UN Committee (2005), and <www.prison.org>; Finland, Germany and Italy, Ministry of Justice official website references: <<http://www.kriminaalihoolto.fi/16935.htm>> and <www.rikosseuraamus.fi/16918.htm>; Jehle (2005): <www.bmj bund.de/media/archive>; <www.giustizia.it/statistiche/statistiche_dgm/organigramma.htm>.

5. it does not provide an opportunity for the offender to make reparation to or compensate the victim or the community.

Why then should Russia and England and Wales make much greater use of detention?

1. Because, at least while they are locked up, the offenders cannot be committing further crimes?
2. Because young people should be punished for breaking the law, and detention (as opposed to, for example, hanging, flogging, cutting off a hand, branding, deporting, hard labour, fining, community service) is a good (appropriate) type of punishment?

The logic of the first argument would be to keep the young people locked up permanently, which is hardly a tenable position. Further there is no demonstrable evidence that harsher punishments lead to less crime.¹¹

It seems then that to explain the use of custody as a measure for dealing with young offenders who are not dangerous, the ‘punishment’ argument is the key one. Or maybe detention is still used because some societies or politicians are unable or unwilling to find ways to help children in trouble? Prison serves as a useful deposit box for those whom society cannot cope with. Yet both Russia and England and Wales can point to periods in their past when they set an example to others on how to keep children out of custody.

We note that Russia’s figures for young people in detention are lower only than those for America, and that England and Wales’ are higher than those of their other European neighbours. Figure 2 gives an indication of the numbers we are talking of.

The size of the 14–17 age cohort increased steadily between 1993 and 2002, before beginning to decline, and rapidly from 2004, but this cannot account for the erratic movement since 2002.¹² The question we want to address is why change in the post-Soviet period has been so little and so slow in coming.

For England and Wales the figures are truly depressing: first a rapid increase, then a slow but steady movement upwards over recent years

Figure 2: Young people in detention, Russia, (January) 1993–2008

Sources: Data are from Тюремa и Воля, <www.prison.org>; *Penal Systems in Russia*, 1993–2003; RF Report to UN Committee 2005; FSIN website.

Figure 3: Under-18s in custody, England and Wales, (June) 1991–2008

Sources: Data from Allen (2006: 23, Table 3.1); and updated from <www.yjb.gov.uk/en-gb/> The figures include those held on remand.

(see Figure 3). Population data suggest that the 15–19 age cohort remains stable over the period; the 10 to 18 age group surely was very similar.

Figures on numbers at a particular point in time each year do not, of course, tell us how many have been committed to custody during the course of the year. In June 2004, for example, the figure held in England and Wales was 2,748 while during the course of the year 6,325 were sentenced to immediate custody (*Sentencing Statistics*, Table 2.4). The same point holds for Russia: on 1 January 2005 13,440 were in the colonies while during 2004, 20,880 had been sentenced to custody.

My initial question: ‘Why is Russia still locking up so many of its children?’ is now joined by another: ‘Why are we, in England and Wales, now locking up so many more of our children than we were twenty years ago?’ Decisions on whether it is desirable or appropriate to lock up young people, as opposed to dealing with their transgressions in some other way, are influenced by a number of factors, and it is this we shall need to explore. After all some societies manage to reduce the use of detention to a minimum. Does history play a part, perhaps in Russia, but surely not in the UK? Are there specific aspects of Russian or English culture that contribute? Or is the way policy is made in the two countries the key factor?

The second, and more important question, is one posed by some of the children: How can the existing systems be changed – and in which directions – in order that fewer children find themselves behind bars?

In prison a person becomes angry. After all *they* are hurting not only him but also his relatives. ... I agree that they should lock up people. But justly. For example, for a first offence, give a sentence of one year. Or of two years ... but not more...

It is absolutely not compulsory to use imprisonment: after all it's possible to talk to each of us in a normal way. And give, for example, different punishments: to clear up around a house, to work on the territory of the victims, to give a concert or take part in a competition ... we'll understand what it's all about and we'll stop doing foolish and stupid things. That's all that I can say about whether prison has to be used in order to atone for guilt. I am grateful for your paying attention. Thank you. Don't forget us. (Artur, Shakovskaya VK)

I reckon they should put us in a children's home or something. I don't reckon they should put us in proper jails for adults. That is what this place is, you know. We need more support, more people who can talk to us and help us and that. I've had a bad enough life and so have most of the kids in here. Some of us have done bad things but I don't think it's right that we are locked up in here. Bad things are done in here as well. What's the point in just doing bad things to us 'cos we've done bad things? Some kids can't handle it and can't cope. The ones that cope just get worse, like. What good is that? (Boy aged 16, Eng)

And, finally, from a girl in a colony:

... It seems to me that locking up children is terrible. Replace it by some sort of compulsory work or something else, but don't use imprisonment. After all a child's psyche is weak, even if s/he is a criminal. It can leave a child deeply scarred, and many are imprisoned for a bucket of potatoes or a bicycle, or a jar of jam. And many girls who are behind bars lose contact with their close relatives, what can be worse than that? And afterwards – where can they go – back to stealing potatoes, and back behind bars. I don't want to say that everyone is locked up for nothing. But there's not many of the others. Some steal a couple of thousand

rubles, and people who steal millions, carry on living contentedly. So it seems to me that the justice system is not just. I wish so much that everything could be as it ought to be. (Ekaterina)

In the following chapters I present the results of my search for answers to these questions. I begin with Russia, and give it greater attention. An extensive literature on juvenile justice and policy towards young offenders in England and Wales exists in English, accessible to the English-speaking reader. Hence here I narrow the focus to those issues that are highlighted by the comparison with Russia and which shed light on changing policy in England and Wales. I then look at Germany, Italy and Finland to see whether their responses to juvenile offending include strategies that could be relevant for Russia or for England and Wales.

My conclusions turn out to be encouraging and simultaneously a little disheartening. I summarize them here.

Encouraging:

- Historically, in both societies, the treatment of society's young offenders during the past two centuries has undergone significant and quite frequent changes. There is every reason to believe not only that change is possible, but that it is the norm.
- There is great variety, across a range of societies, in today's responses to deviant youth and, in particular, in the use of custody: some societies lock up large numbers, some only a handful. Societies, it seems, can manage perfectly well without locking up large numbers of their children. There is no reason why Russia or England should not follow this example.

Disheartening:

- Societies struggle to find ways to cope with errant youth. 'Modern' society has a patchy record and too often resorts to using a criminal justice system (a blunt and inappropriate instrument) to deal with wayward behaviour by children.
- There is a punitive wind of change blowing from North America into Europe, which has already affected England and may represent a trend affecting some other European countries.

Encouraging or disheartening?

- The role of political leadership is critical, and a window of opportunity exists in both countries.
- The youth justice reform-minded community can have an impact but, in both societies, it can also be ignored and marginalized by policy-makers.
- In both societies the professionals who work with children would like to see less use of custody. In neither society are the public's attitudes towards young offenders as punitive as sections of the media suggest (England and Wales) or as is often believed (Russia). Public support for reform exists, yet this is not translated into policy.

I do not attempt to provide a comprehensive account of the causes of youth crime, and of preventive measures, nor do I deal with the many different infringements of young people's rights and of strategies to defend them. However, by concentrating on one issue – how to reduce the use of custody as a strategy to deal with errant behaviour by children – I am simultaneously touching upon prevention (custody encourages recidivism) and writing about rights.