



CHILDREN IN PRETRIAL DETENTION:

PROMOTING STRONGER
INTERNATIONAL TIME LIMITS

FACT SHEET No. 1

Harms of Extended Pretrial Detention on Children

For children in detention, every day counts. Pretrial detention impedes the exercise of children's due process rights, negatively impacts their physical and mental health, and leads to social effects that last their entire lives. Additionally, excessive detention undermines public security goals often used to justify detention. The following is a summary of 25 studies on the harmful effects of child pretrial detention:

1. Due process rights and the integrity of the justice system

Excessive durations undermine due process rights and the administration of justice for both detained and non-detained children.

- Violates of the presumption of innocence when children spend months or years waiting to see a judge or spend longer in pretrial detention than the eventual sentence.
- Increases the likelihood of torture.
- False confessions and unfair plea bargains are much more likely when children face indefinite or long periods of pretrial detention.
- Increases corruption as children are subject to extortion by prison guards and police.
- Inability to seek legal recourse as appealing decisions can extend the length of pretrial detention.
- Undermines pretrial release programs as children on release are more likely to violate conditions when cases take months or years to process.
- Racial and ethnic minorities spend longer awaiting trial in detention.

2. Physical impacts on children

Extended periods of time in pretrial detention increases children's exposure to various forms of child abuse and mistreatment in inadequate and overcrowded detention centers:

- Physical abuse in pretrial detention includes: beatings, blows, electroshocks, asphyxiation, suspension in the air, stress positions, psychological forms of torture, and other ill-treatment, such as death threats and threats against family members.
- Risk of sexual abuse by other detainees and authority figures.
- Detention facilities that lack adequate conditions, sufficient food, sanitary water, medical care, and hygienic facilities.
- Scarce resources are allocated to those already service sentences, meaning even recreation and leisure time may be limited or nonexistent for pretrial detainees.
- Overcrowding in institutions increases the contracting and spreading of diseases and viruses.
- Stunted growth, hair loss, and weight loss due to chronic hunger are common physical symptoms.

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3. Psychological impacts on children

Many children who suffer from trauma and mental health disorders before they are detained see these problems worsen as their mental health deteriorates in detention. Children in pretrial detention, given the new environment, the trauma of being detained, and the uncertainty in their legal situation, are more vulnerable than adults.

- Pretrial detention exacerbates children's existing mental health disorders.
- Causes post-traumatic stress disorder.
- Increases substance abuse post-detention.
- Increases depression and suicide risks.
- Mental health impacts are exacerbated because facilities often lack mental and physical health resources.

4. Social and developmental impacts on children

The impacts of detention, even short periods of detention, on children last long after they are released and follow them as they return to their communities and become adults.

- Children become "institutionalized."
- Decreases chance of successful social reintegration upon release.
- Stunts child development and ability to become an independent adult.
- Increases the likelihood of school dropout.

5. Public insecurity and recidivism

Contrary to the claims of those who advocate for harsh detention policies, excessive child pretrial detention actually undermines public security goals.

- Increases recidivism as children who have been detained have higher recidivism rates than children in pretrial release programs.
- Undermines deterrence because long periods of time between the commission of the crime and disposition of the case means children do not connect their actions to their consequences.

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