(...) When it comes to *young Offenders* however, rather than rendering a rehabilitative service to this minority group of citizens, the trend in most western countries is to treat them *punitively*.

(...) we are speaking of an age group 12-16, which is overrepresented in terms of *high-risk criminogenic youths*: ethnic minorities, poverty stricken households, single parent and/or *dysfunctional* families, youth gangs proximity, substance abuse practices, and early school dropouts. In other words, we are speaking of heavily *victimised – socially handicapped* – segments of our younger population.

(...) a *rehabilitative* programme guided toward young offenders, especially when condemned into custodial internship, requires a *caring environment* to be effective. The *bricolage* involved in the delicate reconstruction of a deeply wounded personality demands the achievement of *sustainable levels of well-being*; achieving this minimum level of well-being is a *sine qua non* precondition that lies at the heart of the reacquisition of *self-esteem, self-control, and self-confidence thresholds*, which are enablers of a new and fresh start.

(...) a negative sense of self-worth is a critical barrier to the restoration of *engines of right choices*, namely those concerning the *formation of a free and responsible will*, in order to be able to undertake a *regenerative route: nurturing a new dream and forging a constructive purpose in life*.

(Roberto Carneiro, Introduction)

This book has benefitted from the generous contributions of original academic papers and articles from the following leading authors:

- Joe Cullen
- Dominic Richardson
- Michael Richardson
- Robert Hoge
- Maureen O'Hara
- Graham Leicester
- Michel Born
- Elena Cattelino
- Claire Garvey
- Fabienne Glowacz
- Raquel Matos
- Roberto Carneiro
- André Xavier de Carvalho
- Maria João Leote de Carvalho
- Ferran Casas
- Carme Montserrat
- Ricardo Martínez
- Ana Oliveira
- Conceição Cunha
- Armando Leandro
- Manuel Lopes Rocha
- Inês Almeida Costa
- Maria do Rosário Carneiro
- Maria do Carmo Peralta
- João Cóias
- Ana Nóbrega
- Manuel Couto
- Maria Pia Fontes
- Mónica García
- João Pedro Tavares

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ROBERTO CARNEIRO (Ed.)

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Can science enlighten policy?

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Can Science Enlighten Policy?

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Youth, Offense and Well-Being

Can Science Enlighten Policy?

CENTRO DE ESTUDOS
DOS POVOS E CULTURAS
DE EXPRESSÃO PORTUGUESA
Faculdade de Ciências Humanas
Universidade Católica Portuguesa

LISBOA
2015

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Welcome note

Since its inception in 1956 the Calouste Gulbenkian Foundation has been working with issues related to childhood and youth development. Nowadays, as the world faces a significant demographic change and societies are increasingly ageing, the work with young people is even more important. Indeed, investing in the new generations is critical to ensure more creative, innovative and resilient communities and societies.

This has been the core driver of our " Children and Youngsters at Risk" initiative, coordinated by the Gulbenkian Human Development Programme. The initiative blends research on the topic with the test of new solutions through pilot projects. During the last decade the initiative has focused on work regarding the prevention of teenagers pregnancy, early intervention and parental training.

Currently, we are supporting a series of pilot projects related to fostercare provision to children and teenagers, with the aim to develop new intervention models and reinforce the work of social organizations operating in this area. These are crucial factors to prevent offense and promote well-being among the younger generations, main topics of the book "Youth, Offense and Well-being"

This book collects remarkable papers and articles from national and international experts, covering different dimensions of the "Young Offenders" area, from research to policy making. Therefore, this is - will be - a major contribution to increase the understanding of this evolving reality and to develop new frameworks of action based on the well-being of children and their families.

Isabel Mota
Trustee
Calouste Gulbenkian Foundation
March 2015

Introduction:
Offense, (Re)Integration and Well-Being: A Reconcilable Trilogy?

Contemporary societies are confronted with numerous difficult de cisions, and complex choices, concerning the plethora of social services expected by their taxpayers.

When it comes to *Young Offenders* however, rather than rendering a rehabilitative service to this minority group of citizens, the trend in most western countries is to treat them *punitively*. This policy preference goes very much in line with a late modernity tendency for *all* offenders, *regardless* of age, gender, social condition or ethnic group to be held accountable for their acts.

An increased accountability as an integral part of the enhanced responsibility inherent to the fundamental duties and obligations of citizenship is *laudable* or *is beyond criticism*. However, in the majority of our societies, we are speaking of an age group 12-16, which is overrepresented in terms of *high-risk criminogenic youths*: ethnic minorities, poverty stricken households, single parent and/or dysfunctional families, youth gangs proximity, substance abuse practices, and early school dropouts. In other words, we are speaking of heavily *victimised – socially handicapped – segments* of our younger population, a reality that opposes the oversimplified picture of *early criminals* with reproachable behaviours, one that is as we see in the cliché portrait often depicted in the popular media.

As with any other human being, a *rehabilitation* programme guided toward young offenders, especially when condemned into custodial internship, requires a *caring environment* to be effective. The *bricolage* involved in the delicate reconstruction of a deeply wounded personality demands the achievement of *sustainable levels of well-being*; achieving this minimum level of well-being is a *sine qua non* precondition that lies at the heart of the reacquisition of *self-esteem, self-control, and self-confidence thresholds*, which are enablers of a new and fresh start.

Indeed, unless a minimum state of well-being, both exogenous and endogenous, can be attained, it is impossible for such a young person to overcome a feeling both of personal frustration and social exclusion. Moreover, *a negative sense of self-worth* is a critical barrier to the restoration of *engines of right choices*, namely those concerning the *formation of a free and responsible will*, in order to be able to undertake a *regenerative* route: *nurturing a new dream and forging a constructive purpose in life*.

This is the business of this book: to elicit evidence from emerging research and new knowledge, which is most relevant for both policy and decision making, on the

apparently contradictory trilogy – and research question – that forms our point of departure, ***Offense, (Re)Integration and Well-Being***.

It is our firm belief, having researched over years the difficult dialogue between research and policy, that a new era is now in the making, to which this book bears witness. Never before, has so much rhetoric been assigned to *evidence-based policies*. We see this banner equally heralded by international organisations, schools of public policy and public management gurus, whose voices have nurtured an increasing awareness toward the urgency of building robust *bridges* between these two worlds: the universe of *researchers* and that of *politicians/policy makers/administrators of public goods.*

Hence, the context seems favourable for producing a *flagship publication* that aims at *collecting the mainstream state of the art* on the subject under consideration: ***Youth, Offense, and Well-Being: Can Science Enlighten Policy?***

This is the stuff that we hope our reader may find in the fabric of this book.

****

I should like to express our heartfelt thanks to União Meridianos for its generous support in making possible the broad research effort that lies behind this publication. In the absence of such funding it would have been unthinkable to harness the talents of the world-class, top level, group of researchers and policy makers that have accepted to make timely contributions to this publication.

Likewise, a word of deep appreciation is due to the Calouste Gulbenkian Foundation whose support to enable this publication was absolutely essential to allow a widespread distribution of its key research findings and messages, serving a broad constituency made up of two targeted publics: English and Portuguese speakers.

Finally, it is of elementary justice to acknowledge the patience and intense spirit of collaboration displayed by all authors. It goes without saying that this collective achievement is only possible at the end of a long academic procedure, whereby all authors, without exception, endured over one full calendar year, the trial of submitting their writings to double or triple blind peer reviews and accepted with a remarkably constructive spirit the task of rewriting pieces or even entire chapters of their manuscripts to accommodate criticisms and/or recommendations of the reviewers. Also, they have kept their emails open to translators, graphic specialists and editors on a sustained dialogue over detailed issues ranging from spelling to formatting quotes, from adjusting titles and captions all the way to reviewing, in several tedious rounds, their references in accordance with the general scientific norm, adopted for this volume (APA). Considerable praise is also amply justified to signal our gratitude to the remarkable work undertaken, almost to exhaustion, by a battalion of restless and dedicated translators and editors.

No book is flawless or shielded from mistakes. This is certainly the case with this publication. However, the efforts deployed to come as close as possible to the highest standards of achievement are evident from the very first contact with it. This is a measure of the respect owed to both our authors and readers.

To all those who contributed to make this almost impossible utopia become a reality I should like to say a simple, however meaningful, ***thank you***. To you all, I am deeply grateful and forever indebted.

****

The volume unfolds in four Chapters and nineteen original articles.[1]

Chapter A is dedicated to a qualified exploration of the ***Policy Dimension***. This Chapter opens with a comprehensive article by **Joe Cullen,** ***Keeping Young People Out of Prison: Lessons from Action-Based Research,*** in which the author presents the results of three case studies which have adopted an *action research* approach to youth offending and offending prevention, rehabilitation and reintegration; moreover, Cullen looks at the evidence-base for *what works* in the light of the *governmentality* literature. **Dominic Richardson and Michael Richardson**, follow with a seminal paper, ***A Moving Target for Research: Can We Measure the Levels of Ill-Being/Well-Being in Young Offenders Across Europe?***, where the authors explore the overarching potential for commonly understood concepts of child and youth well-being, and the available comparative survey and series data, to measure levels of ill-/well-being in populations of young offenders. Chapter A concludes with a relevant contribution authored by **Robert Hoge,** ***Making Policy Effective: Evidence-Based Foundations for an Effective Juvenile Justice System***; in his paper, guided by the Risk/Need/Responsivity (RNR) model, Hoge: (a) explores links between antisocial behaviour of youth and well-being, and (b) identifies strategies to reduce risk for antisocial behaviours and thereby enhance well-being, with an emphasis on the North American experience in dealing with youth offending.

Chapter B invites the reader to a journey into the ***Psychological Dimension*** intended to help untangle the riddle posed by our departing trilogy. This Chapter opens with an original article subscribed by **Maureen O'Hara** and **Graham Leicester,** ***Growing Up Human: Adolescence, Incoherence and the Services for Youth;*** the authors describe a cultural ambivalence toward youth, drawing on research which suggests that in place of the welfare oriented world view that informed much post-war service to young people in trouble, in recent decades, there has been a punitive turn, a trend with which we opened our introductory remarks, and which comes down most heavily on the poor and marginalised, including children. **Michel Born, Elena Cattelino, Claire Gavray** and **Fabienne Glowacz** offer a second contribution on the psychological perspective, ***Adolescent Delinquent***

[1] The views expressed in the articles published in this book cannot be attributed to the Portuguese Catholic Universiy nor to the Editor. They are the responsibility of the authors alone.

Behaviours as Attempts of Group Social Integration and Well-Being Through Social Acceptance, scrutinising large surveys in Western countries that shed light on adolescent well-being related to delinquency and group affiliation; this paper leads to the hypothesis that the progressive extension to differentiated groups, where and when adolescence is taking place, helps strengthen their ties with conventional norms and contribute to their well-being. **Raquel Matos**' paper, ***Trajectories and Identity of Young Women in Prison: An Empirical Analysis of Gender, Youth, Crime and Delinquency,*** brings forth a theoretical and empirical study on young women and deviant trajectories; this paper begins by analysing the scientific discourses on gender and crime throughout the history of criminology, thus establishing the backdrop to interpret a collection of fresh empirical evidence on life trajectories and meanings of crime in young women offenders. Wrapping up Chapter B, **Roberto Carneiro** and **André Xavier de Carvalho**'s article, ***The Centrality of Values: A New Agenda for Empirical Research of Young People Subject to Custody in ECs***, addresses two key analytical categories whose study inspired this book: well-being and juvenile delinquency; in/through their paper, Carneiro and Carvalho explore different metrics to assess perceptions of well-being by comparing the results of original survey research data on (a) young offenders sentenced to severe custodial measures in ECs (Educational Centres), and (b) youth in general, both surveyed groups being confronted with identical questions and/or dilemmas.

Chapter C brings to the fore reflections, and discussions, on the ***Sociological Dimension***, of the complex field under scrutiny which still constitutes, broadly speaking, unknown territory for future research: the reintegration of young offenders and the prevention of reoffending. **Maria João Leote de Carvalho** with a thought-provoking article, ***Rehabilitating and Educating for Responsible Autonomy: Two Sides of a Path to Personal and Social Well-Being,*** proposes an original look into the Portuguese juvenile justice system from a *third perspective*, one that falls in between a welfare model and a punitive or penal approach; moreover, Carvalho proposes that the process called *education in (for) the law* could mean empowering youth with the necessary skills and knowledge to develop their potential to engage in society, in a responsible way. **Ferran Casas** and **Carme Montserrat**, follow suit with a view from the statistician's window, ***Data Availability About Adolescents and Young People At Risk: Educational Pathways and Risk of Social Exclusion***, whereby Casas and Montserrat describe the formation of a collaboration between five international research teams that proposed to the European Union an innovative analysis of the situation of young people in care and leaving care, thus addressing the lack of information about adolescents and young people at risk; the article harnesses together a vast *corpus* of empirical data to compare at risk youth pathways to higher education to those of the majority of youngsters, under similar circumstances. **Ricardo Martinez**, in another original research paper, ***Prevention of Youth Offense: A Safe Investment With a Future,*** analyses some of the reasons that take young people who display inadequate socialising processes to adopt socially

unsuitable behaviours, through the presentation of six interventions that took place on European territory, focusing on the reintegration of young offenders and the prevention of reoffending. To close this substantive Chapter **Ana Oliveira**'s ***Affiliation, Identity and Competence: A Route Towards the Inclusion of At Risk Youth*** is a paper that compiles data from an exploratory study on factors promoting trajectories of inclusion for young people with at risk backgrounds; Oliveira's article appraises the wealth of personal *capitals*/assets provided by social interventions over the trajectories of young people, including a diversity of professional and institutional practices regarding this particular target group.

The book closes with a Chapter D devoted to a fourth major theme: ***Institutional Dimension – The Portuguese Benchmark.*** Although initially designed to split in two separate Chapters we have decided to merge the eight contributions into one single Chapter, broken down in two Sections, for the benefits of clarity and readability.

Hence, Chapter D opens with a Section that deals with the ***Legal Framework,*** made up of three sharp incursions into the legislative backbone that frames the relation of the Portuguese system of Justice to young offenders. **Conceição Cunha's *Educating for Justice During Custody: An Irreconcilable Combination?*** revisits a difficult question already discussed under Carvalho's article (Chapter B); the contradiction results from placing young offenders at an EC, especially those who are sentenced to serve an extreme custodial regime (a *closed regime*), and the purpose of (re)educating them for justice and citizenship: is it possible to realise the purposes of (re)educating and preparing youth for full social integration, a future life based on freedom and responsibility, by restricting the freedom of and temporarily removing the very same young offenders from that same society? **Armando Leandro**, a seasoned magistrate with a lifetime dedicated to at risk youth, provides in his paper, ***Protection Systems and Youth Well-Being – A Focus on Intervention,*** a wide angle account of interventions with young offenders, both in terms of prevention and rehabilitation, on one hand, and integration/(re)integration, on the other; Leandro discusses the fundamental importance of Human Rights as the irreplaceable benchmark of any intervention that promotes the right of the young person to their full development and well-being. In the third article, **Manuel Lopes Rocha** and **Inês Almeida Costa** offer an expert contribution**, *Children and Young People, the Internet and Cybercrime – The Example of Copyright***, in which they assess the modalities of punishment that may be triggered when young people use the internet to undertake the unauthorised transmission of files, whose content is protected according to the Copyright and Connected Rights Code (Código dos Direitos de Autor e Direitos Conexos), a conduct that is normally classified under the crime of usurpation which, taken to its extreme, is generating a new and abundant category of young offenders.

A second Section integrating Chapter D tackles the ***Systemic Framework.*** This very last lower case section of the book offers a diversified insight on institutions, models and practices dealing with young offenders, namely those who were tried and are in the process of serving internship periods in ECs. **Maria do Rosário**

Carneiro and **Maria do Carmo Peralta**, two independente leading voices in Portuguese society that have devoted much of their lives to a better understanding of the underlying causes and the adequate remedies to deal with youth offending and rehabilitation, write a piece on ***The Supervision* Model *of ECs in Portugal: Strengths and Weaknesses;*** their paper offers a critical analysis of the Portuguese model for the evaluation and supervision of ECs, which entails components of formative and summative appraisal, demanding both external and self-evaluation practices. **João Cóias**, a recognised expert in youth offending, follows with a well-grounded article, ***The Model of Intervention in the Juvenile Justice Context – From Risk Assessment to Case Management***, that provides a review of the R-N-R (Risk–Needs–Responsivity) model, proposed by Hoge (Chapter A), in the context of juvenile justice, based on the Youth Level of Service – Case Management Inventory which is currently utilised by the Portuguese probation services. A third paper in this Section by **Ana Nóbrega** and **Manuel Couto,** ***Risks and Opportunities in the Implementation of a New Model of EC,*** describes the guiding principles of the Educational Intervention Project at the Santa Clara's Centre, grounded on a strong focus in the involvement of the surrounding community, in the framework of the Portuguese legal demands on socialisation, education, vocational guidance and professional training of young offenders. **Maria Pia Fontes** and **Mónica Garcia's *Young Women in ECs: Challenges to Research and to Organisational Design*** take into account the evolution of societal awareness concerning the relevance of gender and of its impact on juvenile delinquency to assess the extent to which interventions in juvenile detention facilities ought to be equally gender differentiated. Finally, **João Pedro Tavares** with his piece on ***Dreaming, Building Autonomy, and Achieving Personal Well-Being*** presents a personal perspective on how dreaming, building autonomy, and achieving personal well-being are becoming increasingly central ingredients for youth and adults to lead a healthy life; data presented shows how entrepreneurship education positively impacts youth in general, but also at risk youth, in specific instances.

****

Having concluded a brief outline of the book I should like to conclude on a wishful tone.

The making of this book rendered a personal – and lasting – transformative experience.

I can only hope that our reader derives at least as much satisfaction from reading this book as we have had in preparing it.

Professor Roberto Carneiro
Research Director and Editorial Coordinator
President, Research Centre on Peoples and Cultures (CEPCEP)
Portuguese Catholic University
Lisbon, Portugal

A

Policy Dimension

A.1. Joe Cullen
– *Keeping Young People Out of Prison: Lessons from Action-Based Research*

A.2. Dominic Richardson and Michael Richardson
– *A Moving Target for Research: Can we Measure the Levels of Ill-Being/Well-Being in Young Offenders across Europe?*

A.3. Robert Hoge
– *Making Policy Effective: Evidence-Based Foundations for an Effective Juvenile Justice System*

A.1. Keeping Young People Out of Prison: Lessons from Action-Based Research

Joe Cullen
Arcola Research, London; The Tavistock Institute, London

Abstract: This paper reviews current approaches to youth offending and offending prevention, rehabilitation and reintegration. It looks at the evidence-base for "what works" in the light of recent critiques of these current approaches, particularly the criticism drawn from the *governmentality* literature. It presents the results of three case studies of recent initiatives that have taken an *alternative* position to the prevailing one, and which have adopted an *action research* approach. It assesses what can be learned from the review and the case studies for future youth offending policy and practice.

Keywords: youth offending, prevention, rehabilitation, governmentality, action research.

1. Introduction: Youth Justice and the Rise of Neo-Liberalism

There is evidence that, since the 1990's, youth justice systems have seen a shift in focus from *welfare-oriented* approaches to more punitive, retributive approaches (Cavadino & Dignan, 2008; Muncie & Goldson, 2006). This shift has been most pronounced in the USA and in north-west Europe (Junger-Tas & Decker, 2008), and reflects the grip that neo-liberalist economics and politics have exerted in many western countries in recent years (Armstrong, 2004; Muncie, 2006). The *new penology* is marked, on the one hand, by a retreat from *welfarism*, but combines this with a developmental perspective that seeks to improve the well-being of offenders, thereby transforming their wasted talents into personal and social goods (Ward & Stewart, 2003; Ecclestone, 2012). At the heart of the strategy that is being applied to engineer this transformation is the use of *evidence-based risk assessment* (Farrington, 1996; Bottoms, 2006). This applies *scientific* methods based on statistical analysis and probability theory to identify the young people who are deemed most likely to offend as well as those most likely to repeat offend. These *risk factors* have been documented consistently in a range of studies and cover five main groups:

pre-natal and peri-natal factors (early child-bearing; low income, poor housing, absent fathers and poor child-rearing methods); personality factors (impulsivity, hyperactivity, restlessness); intelligence and attainment (low intelligence, poor school performance); parental supervision (harsh or erratic parental discipline, rejecting parental attitudes and behaviour, parental conflict); socio-economic factors (low family income, poor housing); peer situation (delinquent friends, school influences and community influences) (Farrington, 1994; Rutter et al., 1998; Wikström & Loeber, 2000; Hawkins et al., 2000).

The results of this evidence-based risk assessment are then used to design and implement prevention and rehabilitation initiatives that focus on *early interventions* and which typically target *failed individuals, failed families and failed communities*. These initiatives usually involve child skills training programmes, behavioural parent training (BPT), multisystemic therapy (MST), family functional therapy (FFT), classroom or instruction management interventions, mentoring and targeted policing of high risk youths and high risk areas. A distinguishing feature of these interventions is the adoption of behaviour change programmes that draw on positive psychology and *nudge theory* and which place a strong emphasis on *character-building* and on improving the resilience of *vulnerable people* (Thayer and Sunstein, 2008; Bailey, 2010; Lexmond and Grist, 2011). A number of reviews have suggested that these kinds of interventions have proved successful in reducing youth offending and repeat offending (Stevens et al., 2006; Ashford, 2007; Ross et al., 2011).

Critics of this *new penology* argue that its defining features are shaped by *techniques of governmentality* that have emerged as a result of neo-liberalism's rise to pre-eminence and which have superceded the old *disciplinary techniques* through which previous incarnations of capitalism exerted their *totalising control* over society (Garland, 2001; Muncie, 2006). Developed primarily in the lectures he gave at the College de France, Foucault's pioneering work on governmentality can be seen as an attempt to refine the conceptualisations of power and control Foucault developed in the main volumes of work he published to show how agencies of hegemonic power apply instruments of disciplinarity (1997). A recurrent theme in all Foucault's work is how the "objectification of the subject" is achieved through a combination of the techniques of dividing practices, subjectification and scientific classification. Through the application of these techniques it is possible, Foucault argued, to control power/knowledge, making it possible to "observe, qualify, classify and punish." As Foucault understood, it is not enough for the prevailing hegemony simply to strive to ensure that its own discourses and techniques of power have the greatest opportunities for replication. Further reinforcement is necessary in order for the prevailing hegemony to become a *totalising* force. It achieves this by generating "multiple separations, individualising distributions." With his "genealogy of governmentality," Foucault

and other writers subsequently working in the field found a way of explaining how agencies of government maintain their totalising control in the face of dialectical challenges to their hegemony not by refining existing techniques of power to exert a stranglehold from above, but by *delegating* responsibility for the application of these techniques to intermediaries below, and to subjects themselves. Defined by Foucault as the "conduct of conducts" (2008), at its broadest, governmentality refers to the strategies, techniques and practices by which a society is made governable, in the sense of widening the forms of control and the forms of power/knowledge that shape control in order to maintain hegemony.

In his writing on governmentality, Foucault elaborated two technologies of power – technologies of the self and political technologies of individuals (sometimes referred to as *technologies of the market*) – to show how they function as technologies imbued with aspirations for the shaping of conduct in the hope of producing certain desired effects and averting certain undesired ones (Rose, 1999; Lemke, 2002). Essentially, the operation of these two technologies serves to reinforce the strategies and systems of control practiced by governmental agencies by making it possible for other agencies, and for individuals themselves, to become *auto-regulating*. The techniques of the self refer to four sets of techniques and practices through which individuals use expertise to define their ethical self-understanding and, by doing so, maintain the degree of self-regulation that is necessary in liberal democracies to create the appearance of separation between the state and its subjects (Rose, 1995). The technique of *healthism* connects the public objectives for the good health and good order of the social body with the desire of individuals for health and well-being (Rose, 1999). Going to the gym, eating your "five a day" portions of fruit and vegetables and cycling to work improves an individual's sense of achievement and well-being whilst at the same time supports overt government agendas of promoting healthy lifestyles as well as covert agendas that link health to the maintenance of control over processes of production and distribution. The technique of *self-esteem* links practices of self-knowledge to mechanisms of surveillance and control. So, for example, joining a Youth Inclusion Programme may result in a measurable increase in self-esteem for the individual concerned, but also represents collusion by the participant in the problematisation of a wide range of social phenomena categorised by government agencies as *caused* by low self-esteem. Joining a Youth Inclusion Programme also therefore allows the individual to collaborate in a process of *examination* – one of the key techniques of control which, Foucault argued, helped maintain the "disciplinary society" – whereby the self has to be continuously measured, evaluated and disciplined so that discourses around the value of personal empowerment can be aligned with economic, societal and political benchmarks.

The technique of normalisation is specifically a technique to control those who occupy the margins of society, and who exhibit *marginal practices* – those

judged to be *deviant* – but is also a more generalised technique through which disciplinary discourses become taken for granted and seen as *normal*. They involve the construction of an idealised form of conduct adherence to which can be rewarded and deviation from which can be punished. Normalisation is intimately linked to the imperative of self-assessment and self-regulation, since the individual who seeks to achieve normality will do so by constantly measuring their behaviour and performance against accepted yardsticks, and by working to control their conduct, under the guidance of others, to ensure that these norms are inculcated into others with whom the individual interacts. It is also strongly linked to the fourth technique of the self – responsibilisation, defined by O'Malley as a process whereby subjects are rendered individually responsible for a task which previously would have been the responsibility of another – usually a state agency – or would not have been recognised as a responsibility at all (O'Malley, 1996). Responsibilisation is essential to enable neo-liberalism to pursue its agenda of the delegation of self-regulation because it allows government to formulate and apply indirect techniques for leading and controlling individuals without being responsible for them. Through the application of these techniques, individuals become responsibilised into understanding social pathologies such as unemployment, poor health and crime, not as problems that require the state to intervene but as individual issues that can be solved through self-care.

In essence, governmentality has made it possible for individuals themselves to become auto-regulating (Cotoi, 2011). In the youth justice domain, auto-regulation is exerted through techniques of the self and techniques of the market which, together, have moulded youth crime prevention and rehabilitation policies and practices so that they inculcate norms, values and behaviours that prize things like self-control and responsibility. Yet, it is argued, the ideology of normalisation that underpins these interventions is fundamentally at odds with the everyday life-worlds with which young people engage (Armstrong, 2004; Cox, 2009; Vaughn, 2009). As a result, there is some scepticism over the prevailing consensus on the efficacy of early intervention and positive psychology programmes. First and foremost, it is argued, they don't work very well (Phoenix & Kelly, 2009; McCara & McVie, 2010) and, moreover, it is suggested that the success attributed to them reflects the self-justifying position of the policy-makers and researchers who have championed their implementation. The techniques of governmentality, it is claimed, have also worked to shape the knowledge and evidence-base on what works in youth crime prevention and rehabilitation so that it gives credibility to these current policies and practices (Parr, 2009).

Against this background, this paper presents three examples of projects in which the author, in collaboration with colleagues from a range of institutions in different countries in the EU, worked to explore alternative ways of understanding and managing youth offending to those in current practice. The projects reflect

different contexts, scenarios and objectives but share a common intentionality: critical appraisal of the *risk-assessed intervention* approach; analysis of how multi-agency partnerships work in youth crime interventions; analysis of how strategies based on the inculcation of *responsibility* and *self-control* work in practice; the use of *co-produced knowledge* in understanding and evaluating intervention outcomes; working with marginal practices in designing interventions. They also share a methodological approach which combines participatory action research, lifeworld analysis and *theory of change* analysis. The main aims of these case study presentations are to deepen understandings of how governmentality and responsibilisation shape current strategies and techniques in youth crime prevention; to make a contribution towards promoting alternative strategies and techniques in this field; to provide evidence of whether and in what ways these alternative strategies and techniques work. It should be noted that the focus of these case studies is on *youth offending prevention* rather than reducing re-offending, although the first case study cited is situated in a broader context of work that covers the entire spectrum of offending, including work with current and ex-offenders.

2. Case Study: HERO

2.1. Description of the case.

HERO (Health and Educational Support for the Rehabilitation of Offenders) was a large research and development project funded by the European Commission with eight partners in four different EU countries. Its main objective was to develop and evaluate a new model of offending prevention, rehabilitation and reintegration using a *blended* approach that combined face-to-face work with participants with information and communication technologies (ICT). The ICT developed, applied and evaluated included: an 'Interactive Content Repository' containing resources to promote learning and health; an "interactive user monitoring" (IUMT) tool to help users make learning and health decisions; a "virtual case conferencing" (VCC) tool to promote collaborative working between professionals to support these decisions; a "Video Lounge" and "Talking Shop" to enable users to upload personal ethnographies of their experiences and to support dialogue between offenders, ex-offenders and professional staff. The HERO interactive game modelled decision points and the implications of decisions across the offending life cycle, allowing users to access the HERO content repository and chat rooms to acquire information and advice to support their decision-making, for example on possible learning pathways on release. Another ICT innovation was a "flash" tool to help new arrivals to understand prison rules and get to know the ropes.

The initiative spanned the full spectrum of the *offending life cycle* which covered working with young people on the *at risk* register in London, a young offenders institution in England, a high security prison in Athens, a womens prison in Athens, a secure prison in Germany housing prisoners classified as *resistant* to rehabilitation, an *open prison* for female offenders in England and two therapeutic centres for ex-offenders in Greece and Italy. The intervention involved 225 participants in the eight participating pilot sites. 168 of these were prisoners serving sentences, ex-prisoners engaged in rehabilitation and reintegration programmes and young people on the at risk register. 57 participants were professional staff, including prison officers, probation officers, social workers, counsellors, police and youth workers. Two of the eight pilot sites involved working with *young offenders* and *young people at risk* (aged 16-25 years). The main focus of the results reported below in this paper is thus on these latter two sites.

2.2. Research approach.

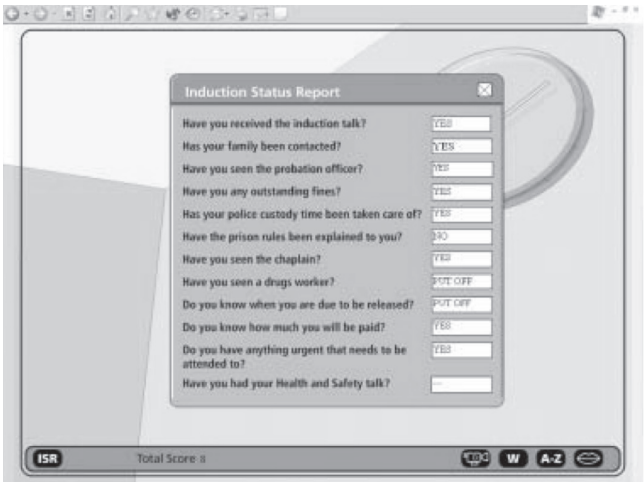
The research approach combined three elements: the overarching research framework, the research and technology development (RTD) design and approach and the evaluation approach. The overarching research framework was based on participatory action research (Kemmis & McTaggart, 2008; Reason & Bradbury, 2001). The objective of the action research approach was to engage project and pilot participants as co-producers of knowledge, that is, actively working in collaboration with the research team in developing learning and health content for the intervention. However, the degree of participant involvement varied significantly depending on the scenario and context in the different pilot locations. In the *open* pilot scenarios – the work with *at risk* young people in London, and the work with therapeutic reintegration communities in Greece and Italy – the participatory action research method was possible. In these open pilot sites, the action research methodology incorporated techniques to explore the interaction between the *intervention setting* and the everyday environment of the project participants, using lifeworld analysis (Schutz & Luckmann, 1985). The main objective was to explore how these two settings were constructed through communicative practices between programme managers and staff, the programme participants and their social networks. In the *closed* pilot sites, restrictions imposed by the authorities meant that the action research methodology had to be modified, particularly in the high security institutions where engagement with prisoners was severely limited and where the use of the ICT tools was also highly restricted. In these scenarios, a *pragmatic action research* method was used **(**Greenwood & Levin, 2007), which meant a much lower level of involvement of project participants in pilot design, implementation and evaluation.

The research and technology development (RTD) design and approach incorporated three elements: the design and implementation strategy for the ICT used in the initiative; the learning and behaviour change model; the health support model. The RTD design and development process was based on a *value embedded action systems* approach (Cullen & Cohen, 2006). This adopts a conventional *iterative prototyping* cycle of needs analysis, prototyping, use, testing and re-design but incorporates systems within this process to engage users as co-collaborators in the RTD cycle. This emphasises the early involvement of users not only in design but in the establishment of the *sense of purpose* of the technologies through the use of them. The main objective of this action systems approach is to engage users in the *social shaping* of the technologies whilst their development trajectory is still malleable and before their *technical code* has become fixed. This allows opportunities for user-driven influence in the design and use of the technologies through what Feenberg (1995) describes as "secondary instrumentalisation," a process that combines four actions: systemisation – the embedding of the technologies in the value systems of users; mediation – building in qualities that reinsert the technology into its new social context; vocation – engaging the subject in a community which can then involve the subject in the life of the objects developed; initiative – engaging users in control of the process of production.

The learning and behaviour change approach drew on Vygotskian and Freirian pedagogic methods. Vygotsky's (1978) *zone of proximal development* (ZPD) method was used to develop learning tools and content aimed at scaffolding the learning of programme participants so they could develop competences at their own pace to support them through key decision moments in the offending prevention, rehabilitation and reintegration process. Figures A.1.1, A.1.2, and A.1.3 illustrate how the methodology was applied in practice. Figure A.1.1 shows a simple flash tool called "How to Survive the First Few Weeks," developed to help new arrivals at the Young Offenders Institution. The initial lifeworld analysis carried out in the first stage of this pilot, which included collection and analysis of video ethnographies of some of the inmates, revealed that many 'first-time' convicted and sentenced young offenders did not understand the *rules of engagement* of the institution. This in turn reveals a deeper underlying contradiction, noted in the literature cited above in this paper, between the discourses of self-control and responsibility embedded in the ethos of the institution's correctional programme, and how the young people within the institution understood these concepts. As one of the inmates observes in one of the video clips:

> I didn't know the rules. I remember going to get my food one day with no shoes on. People were saying – what the hell are you doing, go and get your shoes on, you'll get a warning, there's gonna be a verbal warning – I didn't know what I was doing. Nobody told me nothing.

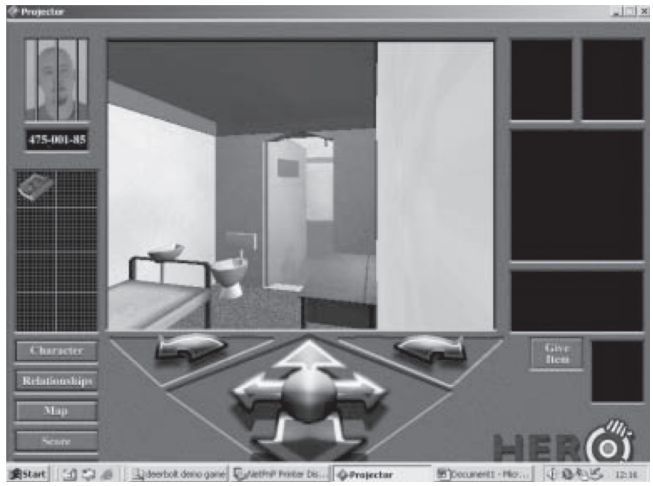
Figure A.1.1. The "How to Survive" Induction Tool



The flash tool was a simple device that translated the dense and formalised language of the official prison rule book into a visual summary of the rules and then took the user through a checklist which identified the gaps in their knowledge, then recommended appropriate actions to plug these gaps. Figure A.1.2 illustrates the HERO interactive game. Like the Induction Tool, the main purpose of the game was to provide a space for young offenders to explore notions of self-awareness, responsibility and self-development as reflected in the institution's rules and its rehabilitation programmes, within the context of their own lifeworld and experiences. One set of these rules governs the notion of *tidiness* as a construct to enable inmates to internalise structures, rules and notions of individual responsibility. Inmates who made up their bed in the prescribed manner, and who kept their space tidy, were rewarded with privileges, like being allowed to wear their own trainers. Compliance with these simple rules of tidiness was seen as a first step in a cumulative *ladder* of further rule compliance, leading to further rewards. Failure to comply meant withdrawal of privileges, and the imposition of more punitive sanctions. Access to kitchen work was an example of a higher level reward for compliance. Inmates showing continuing good behaviour were allowed to work in the kitchen, which brought with it an array of advantages, including respite from the tedium of correctional routine, opportunities for learning new skills, and opportunities to acquire additional food.

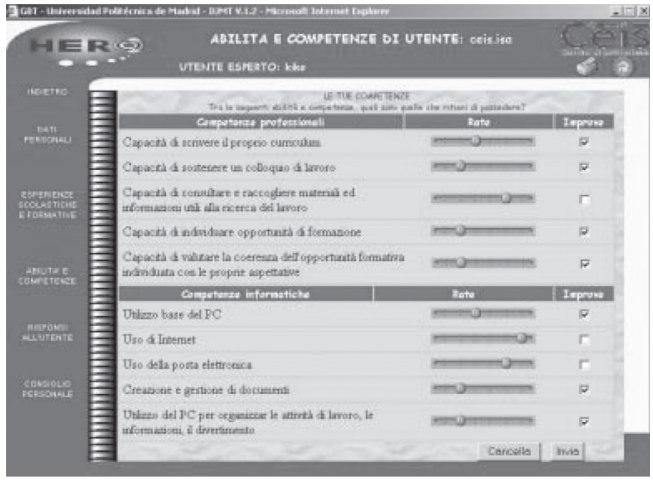
With the HERO interactive game, young offenders were immersed in a simulated world of decisions and consequences. By controlling the avatars in the game, they were able to visualise the implications of different behaviour choices. Tidying the cell room opened doors to further levels in the game, including access to the kitchen, where an inmate could then acquire additional information and knowledge on possible future actions. For example, the task assigned to a game

Figure A.1.2. The HERO Interactive Game



player of "making a sandwich" in the kitchen triggered access to the HERO Interactive Content Repository which contained information on the nutritional value of various ingredients in a sandwich, as well as other knowledge assets on the competences required to become a chef. Data collected from utilisation of the game was then used as input to the Interactive User Monitoring Tool (IUMT), shown in Figure A.1.3.

Figure A.1.3. The HERO Interactive User Monitoring Tool



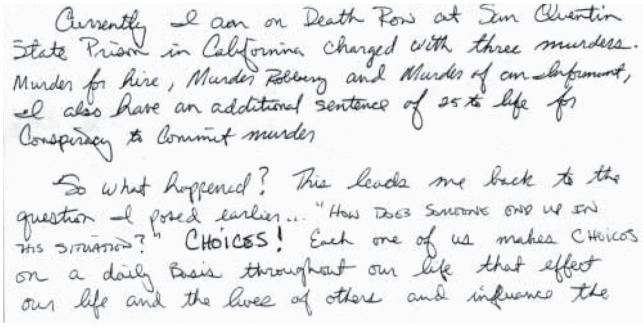
The IUMT combined three functions: it contained a record of information, derived from an individual user's use of the HERO tools; it contained a map of the user's learning and competences, including competence "gaps" and it fed into the development and implementation of a "learning plan" for each user. This process was intended to ensure that learning, behaviour change and development were scaffolded to the needs, capacities

and realistic expected outcomes of individual inmates. It should be stressed that the behavioural theory of change behind these tools was not intended to be reductionist or didactic. Care was taken in the design and application of the interactive game and the IUMT to avoid prescribing a recommended behaviour or learning pathway. The tools were aimed at creating a safe space in which young offenders could explore their situation, how they had arrived in that situation, what were the possible choices for changing that situation and what were the implications of those choices. In many ways, the learning space created by the HERO ICTs resembles Winnicott's (1965) concept of a *holding environment* – a safe and nurturing space to enable emotional and creative faculties to grow. Winnicott argued that a child's journey to self-awareness – the transition between the child being entirely dependent on his/her parents to becoming an autonomous self – is shaped by the space in which the child makes the separation between dependency and autonomy. In this space, the child makes use of *transitional objects* – things that are *not-me and yet not not-me either* – for example a favourite teddy bear or doll – which the child uses in times of stress to make this separation less traumatic. In organisational theory, the holding environment is migrated to the group context, becoming a space that is receptive to the birth of new ideas and changes that will eventually stimulate growth. However, in most organisations, the holding environment is deployed not as a space for the cultivation of self-awareness but as a device for the containment of anxiety and for the repression of change. Organisational theory has drawn on Kleinian psychoanalytic theory in this regard, arguing that organisations deploy two defensive positions or stances that interfere with the expression of inner experience. The first one – the defensive position – is driven by fear of total indifference. Members of the organisation are afraid of opening up their inner experience to support change for fear that no-one in the organisation will respond. The second one – the paranoid position – is driven by fear of retaliation. It is difficult to risk expressing vulnerable inner experiences (e.g., to tell the truth in a controversial situation) when faced with the possibility of being attacked or punished (Kaplan, 1978). Fear of retaliation is clearly the main issue for young people in correctional environments. So with HERO, the on-line learning space was an attempt to provide a more positive, safer alternative holding environment to the correctional space.

The pedagogic methodology also drew on Freire's (1972) concept of *conscientisation*, which Freire used to distinguish between *limited* actions that use knowledge and learning to develop consciousness, and more transformative actions that use knowledge and learning to develop consciousness that has the power to transform reality. In HERO, the concept of conscientisation was used to help design the HERO pedagogic approach to try to promote a shift from simple didactic learning (the traditional mode of learning typically applied in correctional environments) to a transformative approach in which the learners take a role as active co-producers of knowledge. This approach emphasises three things: first, collaborative dialogue between learning *subjects* and those who develop and apply

pedagogic knowledge; second, creating a space in which *critical reflection* is brought to bear on the power relations that underlie learning and behaviour change; and, third, promoting *sensemaking* between the actors involved in the learning process. This approach is best illustrated by the work carried out in the London pilot, which involved collaborating with the local Youth Offending Team and working with a group of twelve young people on their at risk register. The London pilot focused on the design and implementation of a learning programme called "One Spirit." One Spirit used a blended learning method, combining face-to-face learning with experts, group work and multi-media tools to deliver a programme aimed at drugs harm minimisation; offending behaviour reduction; building emotional, psychological and social resilience; and supporting skills development. The programme created a space for young people to work with professionals to acquire both *technical* skills in music, film-making and film-editing, graphic design and sound engineering, as well as *soft skills* such as planning, team-working and leadership. The group was then invited to design and implement a project to showcase these skills. They were given collective control over the process, with the professionals collaborating with the group to provide technical support. The vision of the project ultimately created by the group came from an exploratory exercise carried out in the first phase of the pilot. This applied a *lifeswapping* method to encourage the group to explore, like the group involved in the Young Offenders Institution pilot, issues around responsibility, choices and the possible implications of choices. One of the techniques used in the exercise entailed collaboration between the *at risk* young people and a group of inmates on *Death Row* in San Quentin Prison, California. The only communication prisoners awaiting execution are allowed with the outside public is through letters, and so the mode of interaction between the *at risk* young offenders in London, situated, as it were, at the first stage of the offending trajectory and the inmates on Death Row, situated at what might be termed the extreme end point of this trajectory, was through correspondence. A key theme that emerged from this correspondence was the notion of *choices*. This is illustrated in an extract from one of the letters to the group from one of the inmates (Figure A.1.4).

Figure A.1.4. Extract of letter from *Death Row* inmate, San Quentin Prison, California, USA



Currently I am on Death Row at San Quentin State Prison in California charged with three murders. Murder for hire, Murder Robbery and Murder of an Informant, I also have an additional sentence of 25 to life for Conspiracy to commit murder

So what happened? This leads me back to the question I posed earlier... "HOW DOES SOMEONE END UP IN THIS SITUATION?" CHOICES! Each one of us makes CHOICES on a daily basis throughout our life that effect our life and the lives of others and influence the

As Figure A.1.4 shows, the letter-writer ruminates on the factors that have led him to his current situation, sentenced to death for three murders, with an additional twenty-five year sentence for conspiracy:

> Currently I am on Death Row at San Quentin prison California charged with three murders. Murder for hire, Murder Robbery and Murder of an informant, I also have an additional sentence of 25 to life for Conspiracy to Commit murder So what happened? This leads me back to the question I posed earlier … "HOW DOES SOMEONE END UP IN THIS SITUATION?" CHOICES! Each one of us makes CHOICES on a daily basis throughout our life that effect our lives and the lives of others.

This rumination leads him to propose that his situation is about choices and how these have shaped both his experiences and fate and those around him. As a result of this collaboration, the young people participating in One Spirit were able to an extent to "step into the shoes" of their correspondents. The underlying intention here was to stimulate the participants to explore issues around working with emotional intelligence – and particular with *empathy* – a key concept found in offending prevention practice in techniques around restorative justice and victim-offender mediation (Crawford & Newburn, 2003). This theme was further developed in the second case study outlined below. The choices theme – which was explored further in collaborative discussions with the at risk group and the pilot team, came to be centralised as a key element in the programme that was subsequently designed and carried out as a collaboration between the young people and the project team. It was delivered through a series of weekly workshops (around 5 hours duration). Twelve professional staff were deployed on the programme (comprising specialist tutors – singing, filmmaking, ICT – research staff; management staff; social and probation workers). Music composition – focusing on rap and R&B – singing and film-making were used in the programme as *holding techniques* through which to promote collaborative knowledge production and learning within the programme holding environment. These genre specifically reflected the interests of the participants, and more importantly, the cultural discourses and communicative practices of the *life world* with which the young people engaged – a predominantly black community. The centrepiece of the project was a live performance at a community venue at which the group showcased the creative work it had produced, which included a CD of tracks written and produced by the group, a video of its creative "journey", and promotional material the group also produced.

In keeping with the overall research approach, the health support methodology was pitched to work across the spectrum of *offending scenarios*. In the context of at risk young people, the focus was on providing support for drug harm minimisation

and on strengthening the resilience and mental health of the participants. In the Young Offenders Institution, health support covered a wider spread of elements, including help to cope with the effects of drug withdrawal and de-toxification, dietary information and support, sexual health awareness raising, exercise support, and support for mental health issues like depression. This configuration was also provided in the adult institutions involved, and was modified to suit the needs of female participants in the womens prison pilot. In the therapeutic community pilots, the health emphasis was on maintaining mental and emotional resilience, drugs harm minimisation, and accessing health services. In common with the pedagogic approach, the health support and *healthy behaviour* models used aimed to include programme participants as co-collaborators in the support services provided, through the application of the value embedded action systems approach cited above in the development of the ICT tools used (Cullen and Cohen, 2006), in the development of the content provided, and through the use of peer educators and mentors (Grinstead, 1999).

To assess One Spirit and the results of the other pilots, HERO used a *realist evaluation* methodology (Pawson & Tilley, 1997). The realist approach incorporates theory of change analysis, which focuses on testing a theory about what might cause change, even though that theory may not be explicit. One of the tasks of a realist evaluation is therefore to develop clear hypotheses about how, and for whom, programmes might "work". The implementation of the programme, and the evaluation of it, then tests those hypotheses. The application of the realist evaluation approach in HERO also took a constructivist position, aimed at not only reflecting reflect the different positions of the stakeholders involved and the information and knowledge these stakeholders have, but also the relative power positions these stakeholders hold in terms of the production of knowledge (Guba & Lincoln, 1987). Theory of change analysis in addition enables estimates of the "distance travelled" towards desired programme outcomes and impacts, using *soft outcomes* to estimate proximity to *hard impacts* – for example estimates of increases in *meta-cognitive* skills as an indicator of potential improvements in learnig outcomes (Dewson et al., 2000).

The overall evaluation methodology was implemented in practice through a standardised data collection and analysis toolkit, applied in all the pilot sites, which followed a case study design (Yin, 2002). The data collection tools incorporated action learning sets, focus groups, semi-structured interviews, self-administered questionnaires, audio-visual material (for example, video ethnographies), statistical analysis of web-site and ICT utilisation, analysis of material generated through the collaborative learning tools. The observational data, semi-structured interview data, audio-visual material and the data generated through use of the on-line collaborative learning platforms were analysed using a phenomenological approach (Creswell, 1998; Groenewald, 2004; Smith & Osborn, 2003) . This

involved the application of content and discourse analysis coding frames (Stemler, 2002; Strydom, 1990) aimed at identifying and de-constructing the underlying meaning of the experience of programme participation within the different lived experiences of the actors involved. The approach, following Paton (1990) and Creswell (1998), entails unearthing descriptions of what young people experience as participants in the intervention, and how it is that they experience what they experience. The data analysis – of observations, interview data and material produced by participants – proceeds through the methodology of reduction, the analysis of specific statements and themes, and a search for all possible meanings. In practice, the analysis starts with developing a classification framework to map the frequency of occurrence of an item of content, and the ways in which the item reflects the key research questions being addressed by the intervention. Using the framework, content is analysed to delineate units of general meaning, specific meaning and redundancies. The framework is then re-analysed to identify clusters of units of relevant meaning.

2.3. Key results.

The main results of the HERO initiative are presented below in relation to three key questions: (i) what can HERO contribute to the broader debates, outlined in this paper, around neo-liberalism and youth justice? (ii) did HERO work as an innovative experiment aimed at challenging prevailing paradigms and practices in the youth justice field? (iii) what can HERO contribute to identifying *what works* in youth crime prevention, rehabilitation and reintegration?

With regard to the first question – what can HERO contribute to the broader debates around neo-liberalism and youth justice – the case study results do give some weight to the argument, outlined above, that a new correctional paradigm, originating from the USA, and combining punitive penology with *developmental* prevention and rehabilitation strategies, has influenced offending policy and practice in the EU. From the evidence of HERO, the *punitive* ethos still dominates, particularly in the institutions catering for adult offenders, where the focus on containment and correction was strong, with sometimes minimal attention devoted to educational and other development programmes. In the two pilot sites specifically dealing with young offenders and those *at risk of offending* we found more evidence of a shift towards prevention and rehabilitation based on developmental approaches. These sites displayed three particular features identified in the governmentality literature cited above: the use of risk profiling and risk assessment; the application of techniques of normalisation and the adoption of techniques of responsibilisation. In the English Young Offenders Institution, criminogenic classification was a routine procedure. New arrivals were assessed, through an *induction assessment* procedure, on the basis of their personal

characteristics, their previous history and on the risks they present in terms of causing disruption within the institution, likelihood of drug use, and potential for self-harm, as well as their likely responsiveness to rehabilitation programmes. This assessment then formed the basis of a subsequent "Settlement Plan". In the case of the at risk pilot, evidence-based risk assessment is fundamental, since the young people who find themselves on the At Risk Register, and who then come under the jurisdiction of the Youth Offending Team (YOT), are placed on the register because they present a high risk of future offending. Their subsequent *progress* is then assessed using similar risk factor measures. In both pilot sites, techniques of normalisation were routinely used to construct rules of conduct adherence to which was rewarded and deviation from which was punished. In the case of the Young Offenders Institute, these rules of normalisation left little room for manoeuvre. Non-compliance with, say, dress codes, was punished by withdrawal of privileges. In the case of the Youth Offending Team, rule compliance is more negotiable, since participation in the YOT programmes has a voluntary aspect to it. In both cases, however, there was clear evidence that the rules of normalisation were often misunderstood by the young people involved. This was because, in both sites, these rules were linked to prevention and rehabilitation strategies which focused on getting offenders and at risk young people to take responsibility for their actions and the consequences of their actions. The basic responsibilisation technique applied is admission of culpability. The young people who comply with the label assigned to them as guilty or vulnerable are rewarded. The ones who do not are disciplined and punished. Further, more refined techniques of responsibilisation are then applied to the subject to take them further along the trajectory of self-control and norm compliance. For the inmates in the Young Offenders Institute, discourses of self-control and responsibility were reinforced through setting and applying *offending behaviour targets* for each individual inmate. These targets were then linked to education programmes, adherence to which was rewarded with certification. For participants in Youth Offending Team programmes, discourses of self-control and responsibility were reinforced through a combinatory strategy that integrates *soft* measures with more formalised compliance techniques. Participating young people are encouraged to work as volunteers, get involved in education and training programmes, attend workshops on issues related to offending and get involved in mentoring programmes. At the same time, their activities are subject to a level of surveillance by YOT team members, who check on their life situation (accommodation, educational, and work attendance), their peer associations and the extent to which they display *risk behaviours*. The commitment to a set of prescribed control and responsibility rules implied by participation in these kinds of activities can be reinforced by a range of formal compliance instruments, including referral orders, curfew orders, and supervision orders.

The second question – did HERO work as an innovative experiment aimed at challenging prevailing paradigms and practices in the youth justice field – is more difficult to answer.

As noted above, through its RTD design, its pedagogic and health support approach, and its evaluation methodology, HERO attempted to subvert the prevailing youth offending prevention and rehabilitation paradigm in a number of ways. It used principles of *secondary instrumentalisation* to embed its technologies in the value systems of users, to reflect the social context and life world of programme participants; to develop a community of practice in order to promote sensemaking around offending and to engage users in the process of knowledge production. It tried to re-configure *techniques of the self* to shift the balance more in favour of the programme participants so that their pursuit of learning and health behaviour change outcomes would reflect more their own conceptions, interpretations and expectations of self-control, responsibility and development and reflect less the institutional discourses of governmentality. For example, the *One Spirit* blended pedagogic model included vocal training workshops in which the *direct learning* promoted by the voice training, musical composition and songwriting activities was supported by additional activities provided through the HERO platform and tools. The blended environment was intended to enable participants to essentially *reinvent* themselves through: life swapping; practical immersion in a creative and collaborative environment, and through *learning by doing*. The underlying conceptual approach here mirrors Foucault's notion of re-discovering *technologies of self-mastery*. Similarly, the use of participatory action research and realist evaluation in HERO was intended to substitute data collection as a dividing practice with data collection as a transformational activity based on applying co-produced knowledge to support programme participants in making choices.

Ultimately, however, measured against its desired outcomes, the distance HERO travelled on its intended journey was relatively short. In many respects, the project failed to deliver on its objectives. The main reason for the project's limited success can be attributed to systemic factors in the justice systems in the countries covered by the pilots. In these pilots, HERO constantly came up against a culture of resistance. This was reflected in: the unwillingness of government agencies to sanction involvement in HERO and champion the project; a long and protracted process of enlisting participating institutions; the dominance of the prevailing *control and correctional* paradigm of rehabilitation, and fears and *moral panics* about the use of interactive and on-line technologies (around security, confidentiality, and inappropriate use by offenders). In turn, these systemic issues and problems provoked issues at the organisational level. These included: restricted resources provided for services, particularly education; a range of management problems – for example associated with over-crowding – that made it difficult for resources to

be diverted to support HERO objectives; the resultant limited degree of *buy in* by key staff in the institutions; the tendency to demonise technology as a reinforcer of criminal activity and the resultant imposition of restrictions on interactivity, access and unsupervised self-learning; prevailing bureaucracy and hierarchies, and concentrated power in key roles (for example, governors). These problems had a knock-on effect in terms of posing technical challenges. In particular the restrictions on interactivity meant that the collaborative technologies lost their appeal for many users. The pilot site located in the womens prison is a good illustration of this culture of resistance. In this pilot, there was a lengthy period of inaction during which a range of potential problems were cited by the prison administration. This led to a situation where the computers assigned to deliver the programme were – literally – locked in a cell for several months. One of the problems identified by the administration was the fear that the technologies could be used by inmates to run prostitution services on-line – this despite the fact that the prison was an open prison regime in which inmates were frequently allowed out into the community unsupervised.

The institutional resistance to innovation was both highlighted and reinforced by professional structures and practices within the system. An important objective of the HERO approach was to facilitate collaborative knowledge networking across a range of knowledge constituencies and communities of practice, by running *learning dialogues* between prisoners-public; professionals–professionals; professionals-prisoners, and so on. For reasons centred around poor motivation, lack of resources, and fears around de-professionalisation – HERO failed to establish meaningful collaborative knowledge working, except in the case of the One Spirit pilot, which displayed a high degree of interaction between the different professional groups involved in the Youth Offending Team, between the Team and the at risk group, and between these groups and the research team. Indeed, it could be concluded that, in all bar one of the pilot sites, the professionals exhibited classic *mirroring behaviour* (Cardona, 1999) in which staff, either consciously or unconsciously, attempted to sabotage the HERO innovations by adopting the (assumed) anti-social behaviour of their clients.

More fundamentally, it could be argued that, despite its concerted attempt to subvert the prevailing paradigm of offending prevention and rehabilitation, HERO ended up unintentionally colluding in and reinforcing the very techniques of criminogenic classification, normalisation and responsibilisation it was designed to subvert. This is partly because, in order to work within the system, lying down with the devil is virtually unavoidable. In several of the pilot sites – including the two juvenile justice pilots – the researchers had no say in who was assigned to participate in the programme. Participants were selected by the managing authorities in these sites primarily on the basis of risk criteria – those assessed with a high likelihood of *causing trouble*, or low likelihood of

benefiting from participating, were excluded. So the application of a risk-assessed prevention and rehabilitation strategy was forced on the project at the outset. That said, HERO itself imposed its own set of compliance norms on participants, which included, for example, a requirement to submit profiling and behavioural data – including learning outcomes data – for subsequent analysis in tools like the interactive user monitoring tool. Similarly, although the HERO interactive game was designed specifically as a tool for the exploratory visualisation and modelling of choices, decisions and implications, rather than a tool to support the inculcation of prescribed behaviours, there was an implicit responsibilisation agenda built into the tool, where the internal logic of the game reward architecture had the effect of steering users down pathways that flagged up education, careers and healthy lifestyles. Perhaps only in the One Spirit pilot did the project manage to create a space in which the holding environment was sufficiently flexible to enable what Foucault calls *marginal practices* to be developed and explored. However, the results derived from content and discourse analysis data, and from observational analysis suggest that, even in this scenario, the young people participating to some extent modelled their behaviours and actions on the basis of their interpretation of the moral and ethical cues they detected were subscribed to by the research staff.

As a result, the answer to the third question – what can HERO contribute to identifying what works in youth crime prevention, rehabilitation and reintegration – is this: what works is what the system allows to work. In all of the pilot sites, *positive* outcomes could be measured. But these were primarily functional rather than transformational. In the Greek prisons, the restrictions imposed by an authoritarian regime meant that only a limited set of outcomes were permissible – publication of a pamphlet on health behaviours; delivery of a course on digital skills for digital novices. The main impact of these outcomes was to marginally improve the participants' resilience skills in order to help them cope better with the oppressive monolith of prison life. Similarly, in the Young Offenders Institute, the main impact measured was in making the induction process more intelligible to inmates. Whilst this reduced the likelihood of new arrivals feeling the pain from sanctions imposed for not knowing the rules, it had the effect of improving the efficiency of the classification and normalisation processes applied by the regime, since more inmates got to know the rules more quickly. With One Spirit, it is easy, on the one hand to demonstrate measurable gains from participation on the basis of self-reported soft outcomes measures. As Table A.1.1 shows, most of the twelve participating young people reported positive benefits in terms of their personal self-development. The strongest reported outcomes were the improvements in technical skills (for example, in film, photography, and musical skills). Participants also reported significant improvements in transferable (soft) skills – for example in team working and communication skills. This suggests that the constructivist

model used to deliver the Programme was effective in stimulating a *climate of collaboration*. The majority of users reported that the experience had made them want to find out about further educational opportunities, and all the users said they had improved their knowledge.

Table A.1.1. One Spirit: User self-rating of impacts on personal development

Number of Users	No/slight improvement	Strong improvement
Improved your confidence	3	9
Improved your social skills	3	9
Helped you to meet people	6	6
Helped you to make friends	2	10
Improved your general knowledge	6	6
Improved your knowledge about particular subjects	0	12
Improved your qualifications	0	12
Improved your writing or reading skills	10	2
Contributed to improving your job prospect	8	4
Made you want to find out about further training or educacional courses	5	7
Made you make any changes to your job or career plans	10	2

What seems clear from the evaluation of One Spirit was that it contributed positively to participants technical and social skills and to personal attributes like confidence and self-esteem. It is also clear that participating in the programme changed young people's perspectives on offending. As two participants put it:

> The information was an inspiration and made me think differently about life.
>
> I think that (Death Row) it's a hard place to be in and it made me think more not to do bad things because you could end up in these situations.

Whether these outcomes had or are likely to have a transformational effect, in terms of changing behaviours and lives, is debatable. This is not least because it was very difficult in One Spirit to disentangle staff and participants' constructions of concepts like self-esteem, *self-development* and responsibility from those values normalised by governmentality. This is illustrated by the comments of two of the professional staff involved, when asked to specify the key contribution the programme made to the young people involved:

to be given opportunities and responsibilities that they may not normally be privy to.

Many of them suffer from low self-esteem and lack of confidence. That self-esteem has risen over the past few weeks. It has been interesting seeing even the very shy, come forward and make suggestions that may have the potential to thrust them into the spotlight.

When provided with the space to design and carry out their own intervention to explore the themes of choices and consequences, the at risk group of young people chose to enfold their vision of empowerment within a discourse of rap and R&B – a discourse that was understandable given their surrounding cultural lifeworld. This could be construed on the one hand as a counter-cultural act, an example of working with marginal practices. Yet as a transformational strategy, it was inherently flawed because it colluded with the broader normalisation agendas of governmentality and the embedding in popular culture of *techniques of the market* – the promotion of the cult of the celebrity, the linking of aspirational benchmarks with entrepreneurial success, and the propagation of the unrealisable fiction that anyone can become anyone if they work hard. About six months after HERO had ended, I received a phone call from a member of the One Spirit group who, at the start of the programme had been resolutely un-cooperative but as the programme progressed, had become one of the strongest contributors to the group's creative energy. He said that he'd been applying for placements in the music industry for months, but had met with no success. He asked if I was running any more programmes he could join.

Ultimately, therefore, the impact of HERO was at best a negotiated truce between the polarities of the youth justice system and the life world of the participating young people – as in the One Spirit pilot – and at worst a contribution to improving the efficiency of the correctional regime – as in the Greek prisons and the English Young Offenders Institute.

3. Case Study: Offending Prevention in the School System: The BREAKOUT Project

3.1. Description of the case.

BREAKOUT (breaking the cycle of offending) – built on the work developed in HERO, albeit on a much smaller scale. Like HERO, BREAKOUT was funded by the European Commission and involved six partners in six different EU countries. The UK was the only site to focus on youth offending and

specifically on offending prevention. In this context, two kinds of intervention were designed, delivered and evaluated. The first was aimed at supporting the professional development of workers involved in substance misuse services for young people – including misuse prevention – in a London Borough. The target group involved 25 Drugs Services Commissioners and 50 Outreach workers. The main objective of the intervention was to support *joined-up* collaboration between the different professional groups and departments involved in service provision, as well as supporting wider collaboration between the drugs services and other services operating in the Borough, for example mental health services, probation services and Youth Offending Teams. A second objective was to promote more effective sensemaking between professionals and their clients by developing learning dialogues between professionals and young people. The second type of intervention focused on exploring ways of reducing youth crime, particularly knife, gun and drug-related crime. It operated in the same London Borough and involved two target groups: 44 year 10 secondary school students in a local school and 25 members of a local youth organisation.

Both interventions, building on the learning gained from the evaluation of HERO, used a similar blended learning approach which combined face-to-face work with participants with information and communication technologies (ICTs). As with HERO, the learning content was stored and accessed through an on-line Repository. A key departure from the approach used in HERO was the use of a blogging tool in BREAKOUT to increase the opportunities for user-generated learning content to be developed and utilised by the participants.

3.2. Research approach.

The research approach in BREAKOUT used a similar methodology to that followed in HERO, that is, an overarching research framework based on participatory action research, a research and technology development (RTD) design and approach based on value embedded action systems, and an evaluation approach based on realist evaluation. In BREAKOUT, the technology development and pedagogic approach for Drugs Services Commissioners and Outreach workers centred on the development of an on-line "Commissioners Toolkit" which provides resources based around a *commissioning cycle* – covering planning through to monitoring. The Outreach Forum provided a similar service to the Commissioners' service. It was based on an on-line toolkit with sections on personal development programmes; supervision and how to use it well, listening skills, drug awareness, confidentiality, time management. The ICT tools were supported by a series of *Action Learning Sets* (Pedler, 1997). These provided a holding environment to support professionals in role-playing scenarios in which the strategies adopted in developing young people's drugs harm minimisation and reduction programmes

were critically reviewed by encouraging professionals to step into the shoes of the young people the services were aimed at. The RTD approach in the BREAKOUT pilot sites working on offending prevention with young people focused on an on-line Content Repository which contained externally-produced material on substance misuse, knife crime and gun crime, including a video library, as well as user-generated content in these three categories. The Repository was supported by a Discussion Forum – a moderated chat room running themed discussions on substance misuse, knife crime and gun crime, and a blog managed by the young people involved on these same themes and a "Just Ask" e-mail service that provided individual responses to questions raised by the participating young people.

The pedagogic approach used a similar blended learning approach to that developed in HERO, and combined the on-line information and support Repository with a set of interactive *action learning events* involving drama and film-making. Four action learning events were provided: an introduction to BREAKOUT, a drugs harm minimisation workshop, a "knife and gun crime" workshop, and a "skills and entrepreneurship" workshop. The design and configuration of the workshop element of the programme built on the results of the HERO project, which identified the importance of surfacing the hidden talents of young offenders and those deemed at risk; linking these skills to behaviour change scenarios, and, crucially, exploring ways in which newly acquired skills could be capitalised on outside the programme environment. Each workshop incorporated three elements: an initial presentation, setting out the objectives of the workshop, its *rules* and procedures, what is expected; an interactive learning session; a review and evaluation session: what was learned, and how it can be applied. The interactive learning sessions combined: an on-line task where students used the BREAKOUT platform and tools to produce their own "Help Guide" on drugs harm minimisation, knife and gun crime prevention and skills development – which was downloadable from the BREAKOUT web-site; a drama session in which the students, supported by a professional drama teacher, produced short improvised plays on these three themes; a film-making session in which the students, supported by a professional film-maker, produced short improvised video on these three themes. The learning programme was supported by the BREAKOUT Teachers Pack – a resource developed to support the six teachers who worked in the pilot site. It took the form of a Handbook providing guidelines, instructions, lesson plans, and resources to deliver both the on-line learning programme and the group learning workshops. The Pack was structured to reflect the three key themes identified by HERO as key catalysts in getting young people to explore offending behaviour, choices and consequences. The three themes covered were: Choices: thinking for yourself and having your say – how do the choices I make affect me and people around me? Empathy: Stepping into other

people's shoes – how can I understand someone else's view and why they do things? Talent: Finding out your talents and how to use them.

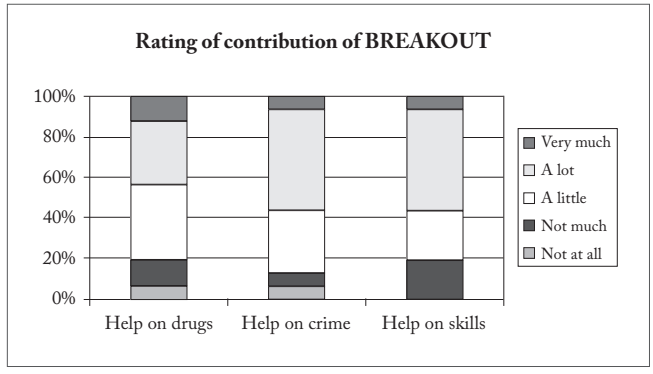
In all the pilot sites, the over-arching realist evaluation methodology was implemented through a combination of focus groups, in-depth participant interviews, observation, self-administered questionnaires, and statistical analysis of platform and tools utilisation.

3.3. Key Results.

The primary objective of BEAKOUT was to create a space to explore alternative paradigms and constructions of youth offending by creating a holding environment, using multimedia and social media technologies combined with action learning events, including the use of drama and film as devices to display different kinds of narratives about these constructions. The holding environment provides a safe space for critical review and reflection on the entrenched beliefs, perceptions and learned behaviours that shape the different protagonists' experiences and actions around youth offending, and provides an opportunity to work with marginal practices to explore alternative behaviours and actions. As with HERO, the multi-media tools, as well as the use of filmic and dramatic devices to represent meaning, can be seen as an attempt to reinstate classical *technologies of the self* or *technologies of self-mastery* as alternatives to the adoption of techniques of governmentality in conventional approaches to prevention and rehabilitation. To support this objective, these devices and techniques were also applied to promote collaborative learning between service commissioners, outreach workers, young people and citizens, to get them to step into each others' shoes and to create sensemaking.

The evaluation of the offending prevention work in schools suggests positive outcomes were realised in terms of raising young people's awareness of the issues around drugs and crime, as Figure A.1.5 shows.

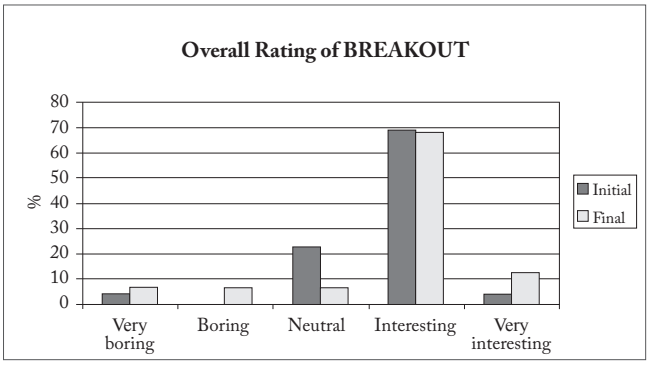
Figure A.1.5. Participants rating of the contribution of the programme to raising awareness



However, the results showed that young people participating in the pilot found it difficult to make a connection between offending and its possible effects on realising their skills and talents. When asked how much the programme contributed to helping them find out about drugs, 42% said "very much" or "a lot" compared with 19% who said "not much" or "not at all". The scores for the crime module were 49% and 18%, and for the skills module 31% and 26%. Whereas most students were able to easily relate to the issues around drugs and crime, and could identify with the scenarios they were presented with, they found it hard to make a bridge between how drugs and crime could affect life chances, and to make future projections about things like careers.

This pattern was reinforced in participants' rating of the modules and associated workshop themes. 42% of students rated the "Introductory" module good or excellent, 75% rated the "Drugs" module good or excellent, 69% the "Crime" module and 61% the "Skills and Talents" module. The proportion of students providing a negative rating on all four modules was negligible, at 6%. As they became further engaged in the programme, involvement increased, as did satisfaction with learning outcomes and positive perceptions. As Figure A.1.6 shows, the proportion of students rating the programme overall as "very interesting" increased from 4% to 12% between the initial part of the programme and the end of the programme. A similar shift in positive perceptions of the contribution the programme made to awareness raising is also discernible in relation to the Drugs module; the Crime module, and particularly on the Skills and Talents module, where 56% of students said it had contributed to finding out about their skills and talents a lot or very much, compared with 34% in the early phase.

Figure A.1.6. Changes in satisfaction with BREAKOUT over programme duration



In feedback focus groups, participating students overwhelmingly responded to their experience of BREAKOUT in positive terms, using phrases like "It was really fun," "Taught me about life," and "Made me realise how people get killed on the streets." A particular bonus for many students was that the BREAKOUT

programme provided a welcome contrast with the routine of the conventional curriculum. The majority view was that the *blended e-learning* model – particularly its use of video and drama – was both interesting and instructive. Feedback from participating teachers reinforced these findings. The consensus of opinion was that it provided an effective way of getting students to learn about issues they would otherwise have little information about. They agreed it provided an effective way of engaging even *hard to reach* and *disruptive* students in learning. For example, one female student with a history of poor attendance and exclusion from school, was one of the most active participants in the drama workshops. She produced a number of the *scripts* around crime and drugs scenarios that fellow students then went on to act out.

The work with youth organisations showed contrasting results. This pilot embodied a cycle of needs assessment, content development and appraisal. The first phase entailed setting up cr*itical reference groups* involving small groups of young people, in order to both capture information on young peoples lifestyles and needs, and also provide the basis for running the BREAKOUT pilot. The development phase first provided a web-based information service on drugs and crime. Secondly, we applied the BREAKOUT *blended e-learning environment*, through a series of interactive learning workshops, and linked to a dedicated space on the website called "My community." We aimed to channel material gathered by Young People using innovative ethnographic data collection techniques to this dedicated online website. These include blogging, podcasting, flickr and other knowledge sharing tools. The site also provides opportunities for Young People to improve their skills and gain qualifications in research and evaluation methods, video production and music, and to showcase their work.

Much of the evidence gathered in the evaluation points to low levels of use of BREAKOUT, particularly with regard to support for young people using drugs and advice and support on more serious drugs use problems, including detoxification. This low utilisation level seems to be linked to a lack of understanding of the range of needs, and scenarios of need, that young people present, and a corresponding failure of drugs services in general to adequately grasp the cultural context of substance misuse, and engage with the different communities. In turn, participation rates in the BREAKOUT interactive workshops were much lower than expected. The substance misuse patterns – and the focus of the service needs – of this sample of young people feature high levels of tobacco and alcohol use, with a less marked level of cannabis use. Drugs like heroin and crack cocaine are used only by a tiny minority. This finding goes against the initial picture of young people's substance misuse behaviours that BREAKOUT developed, and which is also held by central and local government, and service agencies. The evidence suggests that drugs services – including BREAKOUT – remain low on the list of support sources young people turn to for help with substance misuse problems. Most young people keep their

problems to themselves, or go to parents or carers and friends. This suggests that, on the one hand, the majority of young people involved in the pilot were positive about BREAKOUT as a source for providing information that is useful, trustworthy, and clear. However, the evaluation results also suggest that *official* interventions – even if they use innovative approaches based on participatory action research – are perceived as having limited relevance to the lives and experiences of the young people they target. A key finding of the evaluation was the extent to which engagement in BREAKOUT, and use of drugs and offending prevention services more generally, varied significantly in relation to location and cultural background. This is due to some extent to the enduring power of cultural fragmentation and socio-cultural *silos* in young people's everyday lives. The environmental audit and lifeworld analysis carried out by BREAKOUT highlighted the pervasiveness of *territoriality* and low levels of cross-cultural interaction between the different groups and cultures in the pilot area. Against this background, there was a significant under-representation of particular groups of young people – notably within white working class: Caribbean and Turkish communities. The evaluation also underlined the need to recognise and address both public and private spaces, the extent to which *social gatekeepers* control discourse around drugs and crime in young people's communities, and the importance of a *self-help support culture* in addressing substance misuse and offending problems.

In the case of the Commissioners and Outreach Workers, the needs assessment analysis established that outreach service provision was uncoordinated and fragmented, with disparate aims and objectives and a wide range of methods of working. In some cases there were no clear procedures for referral through to drug treatment services and other structured support services. The aim of BREAKOUT was therefore to support a Borough-wide Interagency Outreach Model (IOM) Toolkit for Outreach Workers. This was based on developing a collaborative knowledge environment that promoted the sharing of information between agencies; provided peer support to outreach workers, contributed to expanding their skills, and in particular helped them to more accurately understand young people's situations and needs. Both the Commissioners Toolkit and the Outreach Workers Forum were piloted over a period of 12 months. The strategy used was to create an entirely *self-supporting* learning culture with both target groups.

However, the evaluation results showed that none of these objectives were remotely realised. Content development was minimal. Both the Commissioning Group and the Outreach Workers Forum failed to motivate their members to develop and upload content, and to use the site for the purposes intended. As with the example of HERO, the evaluation identified a number of systemic and institutional reasons to explain the project's failure to engage professionals in exploring alternative approaches to working with young people. The culture within both professional groups is highly territorial. Constant "turf wars" are going on,

not only between the various sectors represented within the *drugs environment*- social services, probation services, police, youth services, and drugs and alcohol services – but also within the sectors themselves, because the way most services are set up is hierarchical and encourages competition. This creates fertile conditions for the entrenchment of a culture of non-cooperation, which has in turn led to a lack of consistency in approach, mission, and goals. An exacerbating factor has been the introduction of a *performance culture* driven by Government which is based on meeting targets that are both arbitrary and in some areas difficult to achieve. Against this background, services are characterised by high levels of stress, high staff turnover and low morale. As with HERO, the evaluation found some evidence of *mirroring*, with staff adopting the tactics of their clients to sabotage the initiative through, for example, failing to turn out for planned learning events.

4. Case Study: Youth crime and the English Riots – the LINKS-UP Project

4.1. Description of the case.

LINKS-UP was another EU-funded project that began after BREAKOUT had ended and which further built on the results of BREAKOUT. LINKS-UP had a greater focus on ICTs and their potential application in addressing social exclusion. One of the interventions implemented in the UK within LINKS-UP was a pilot project working with young people in a Youth Centre attached to a school in London, and which provided additional support for the students, particularly for those *with special educational needs* and *challenging behaviours*. This pilot used a similar approach to that first developed in the HERO project and then refined in BREAKOUT. Although one of the main objectives of the pilot was to work with young people to explore issues around youth crime and anti-social behaviour, this objective was not centralised as the focus of the pilot. Instead, youth crime was covered in a broader learning programme aimed at reducing the social exclusion of the target group through developing digital literacy and competences. By sheer chance, the LINKS-UP pilot was ongoing when the London riots that occurred between 6th and 10th August 2011 broke out. Thousands of mainly young people took part in disturbances in fifty-eight separate locations across the capital. In most of these areas, shops were looted and buildings burned. The rioting then spread outside the capital to other UK cities, to Liverpool, Birmingham, and Bristol. Whilst the arson and the chaos mirrored scenes from three decades earlier – the Toxteth riots in Liverpool; the Brixton and Tottenham riots in London in the mid-eighties – what made this different was the scale of the disorder and the speed at which it spread, or, as one senior police officer put it, the "contagiousness of it." What also made this different was the use of BlackBerry Messenger (BBM) to stay one step ahead of the police. The

BBM messages, re-posted on Twitter and Facebook, were used to despatch rioters to areas where it was known there was no police presence. One BBM broadcast, for example, directed rioters to head for Stratford in East London:

> If you're down for making money, we're about to go down hard in East London tonight, yes tonight!!! … Doesn't matter if the police arrive 'cos we'll just chase dem out because as you've seen on the news they are NOT ON DIS TING. Everyone meet at 7 at stratford park and let's get rich" (Halliday, 2011, para. 11).

One of the more serious incidents was the burning down of Sony's main DVD and CD distribution centre – a 20,000 square metre warehouse in the area where LINKS-UP was working. The riots provided a unique opportunity for the young people working in the LINKS-UP pilot to use the digital skills they had acquired in the project to make their own contribution to understanding youth offending. The focus of the learning programme thus shifted to designing and carrying out media assignments on the riots (interviews, a radio jingle, a short video, a live radio show, and a podcast) and using the Ning platform to up-load and share the content created.

4.2. Research approach.

The LINKS-UP RTD approach provided an on-line learning environment that used a combination of multi-media and social media tools including NING, Tumblr, Soundcloud, and Vimeo. As with HERO and BREAKOUT, the pedagogic approach used a blended methodology, combining on-line tools with face-to-face workshops that applied the digital competences to action learning assignments. Four assignments were programmed: creating an online podcast/ radio station using Soundcloud and multimedia tools; creating an online TV station using iMovie, GoAnimate!, YouTube, Vimeo, handycams; creating an online magazine using the NING blog and tools like Tumblr; building networked instruments using sensors, motion tracking and Wii controllers.

In common with the other cases, an over-arching realist evaluation methodology was used and implemented through a combination of focus groups, in-depth participant interviews, observation, self-administered questionnaires, statistical analysis of platform and tools utilisation.

4.3. Key Results.

In common with BREAKOUT, the main objective of LINKS-UP was to create a holding environment, using multimedia and social media technologies combined with action learning events, to explore alternative paradigms and

approaches to offending prevention. This objective was set within a broader *social inclusion* agenda which aimed to support the participating young people in acquiring digital and media competences as well as enhancing their self-confidence, team-working, planning, problem-solving, and social skills.

A core group of 20 young people had signed up for the programme, but only 12 of these attended the workshops, with only 6 young people completing the entire programme. Attendance tailed off significantly after the first phase, in which the participating group were provided with a high level of *hand-holding* by the research team. The evaluation also highlighted significant variability in the utilisation patterns of the platform and tools within the participant group. This was mostly a factor of age, with younger participants showing less commitment to the programme.

The evaluation of the programme identified three main areas where the LINKS-UP approach made a contribution to learning outcomes: improving digital literacy, improving transferable skills, and increasing social awareness. Participants learned how to upload audio and video to Soundcloud and Vimeo, and embedding media into other sites. They used Facebook polls to canvas opinion and support debate (areas where they had no existing experience). The evaluation suggested that, as a result of acquiring these digital skills, participants had improved in three main areas of transferable skills: teamworking, independence, and creativity. Most participants also reported improved confidence and self-esteem. Finally, the evaluation suggested the programme could have a future impact on improving labour market prospects for participants, though this evidence is limited. The programme was on the whole perceived to have value in getting participants into work in creative and media industries in the future (a field shown by a number of studies to be particularly under-represented for at risk and *excluded* youth). As one participant observed: "In terms of this radio course we're getting an accredited award in radio which will help with our job prospects. I wouldn't mind going into music, you know, so this could boost my career."

The focus groups, interviews, and survey suggested that LINKS-UP had contributed to reducing *risk* of social exclusion in two main ways: firstly, by supporting confidence-building, leading to a greater sense of empowerment of the young people, and secondly by reducing social isolation. The project was youth led, with young people deciding on ideas and content for the live radio show, podcasts and film and workshop leaders and youth workers took on a *mentoring* role. This enabled the participating young people to rationalise, organise, vocalise, and present their views on important current events at a crucial time. The pilot experiment succeeded in engaging young people during the riots and helping them to understand the different aspects of what was happening. The use of social media showed them that other people were interested in what they have to say and also helped them to find out what other young people think (for example, through

designing and implementing a Facebook poll). In turn, participants reported feeling more "empowered" as a result of gaining "followers" on Soundcloud of the debates they had recorded, and views on Vimeo of the videos they had produced. This had a *multiplier effect* in that it gave them the confidence to interview local residents, youth workers, adults, and other young people, as they could see the outcome of their work. Moreover, they were also able speak to the media about their opinions, including participating in a BBC Radio interview, which gave them confidence in public speaking. As a visiting Reporter observed: "As I entered one of the youngsters was being interviewed by their peers about the riots and their response was being played throughout the building."

The contribution the programme made to enable young people to express and disseminate their own constructions of youth offending at a time when the agencies of governmentality were shaping how the riots were being conveyed to a world wide audience was an important outcome of the project. How these governmental agencies addressed the riots can be illustrated by two key sources of evidence: first, the findings of the official inquiry into the causes of the English riots and its recommendations for preventative strategies for the future and, second, the actual response of the justice system to the events. The Riots Communities and Victims Panel which was set up by the Government to investigate the causes and provide policy recommendations reported its findings in March 2012 (Singh et al., 2012). The Report's main conclusions focused on the failings of governmental agencies to address the problems faced by "troubled individuals and forgotten families." Its recommendations focused on making communities socially and economically more resilient by creating conditions in which individuals respect each other and the place they live in; providing joined-up public services; creating more opportunities for young people; supporting parents and schools in developing young people's values and character; promoting better communication between police and public to maintain law and order; ensuring that the criminal justice system punishes offenders.

All of these recommendations resonate with the current new penology discussed above in this paper, with its combination of retribution and risk-assessed, early intervention character-building programmes. Two of the six key prevention strategies outlined in the Report are particularly resonant: "Children and Parents" and "Usual Suspects." The Children and Parents strategy focuses on early intervention, highlighting for example the importance of initiatives like the Family Nurse Partnership Programme, and emphasising the need for "evidence-based support" interventions. Early interventions targeted at children, it is suggested, should focus on building personal resilience through promoting character-building programmes in schools, linked to regular assessment of students' strength of character. The Usual Suspects strategy reiterates the focus on early intervention, asserting the importance of risk assessment in applying "triage"

to identify young people at risk of offending to facilitate the involvement of Youth Offending teams in subsequent interventions.

The Government's response to the Report, published in August 2013, was castigated by a local Member of Parliament, whose constituency was at the core of the riots, as "an insult to the victims" (DCLG, 2013) since it committed itself to implementing only 39 of the 68 recommendations suggested by the Report. What the Government did commit itself to, however, was a similar combination of punishment and developmental intervention, albeit on a diluted scale to that set out in the Report. This covered a package of measures to support local authorities, businesses and citizens who had suffered losses as a result of the riots; a commitment to tackling crime and anti-social behaviour; measures to improve the effectiveness of policing; measures to address youth gangs – labelled as one of the major contributing factors in the riots – and measures to tackle the causes (Department for Communities and Local Government, 2013). Although the Government response unequivocally expressed the view that "the majority of those involved were motivated by nothing more than greed" it set out a "Strategy for Social Justice" which focused on "giving individuals and families facing multiple disadvantages the support and tools they need to turn their lives around." This, predictably, focused on early interventions based on identifying the risk factors to predict where problems are likely to arise.

Not everyone took the official line. An innovative study carried out jointly by the Guardian Newspaper and the London School of Economics addressed the causes of the riots by collecting detailed data on the experiences of young people involved – including an analysis of the 2.5 million *tweets* recorded during the riots – as well as those who did not get involved. The main conclusions of this analysis suggested that the key precipitating factors were: opportunism – the chance to get "free stuff"; a pervasive sense of injustice, for example the increase in student tuition fees and the scrapping of the education maintenance allowance; antagonism with what young people saw as over-bearing policing policies and a pervading perception that their lives, experiences, and aspirations were simply ignored by "the system." The Report concluded that youth gangs played no key role in organising the riots (Rusbridger et al., 2012). A second phase of the Report focused on capturing and analysing the perspectives of the police, the courts and the victims, as well as analysing the results of official data published by the Ministry of Justice on how the justice system dealt with rioters. Triangulation of the data from the first phase – which focused on the young people's perspective – with the second phase – highlighted significant differences between how young people constructed the riots and their underlying discourses about youth and crime, and how other constituencies constructed them. A key finding of the analysis highlighted the polarised positions between rioters and law enforcement. As one rioter observed: "The police is the biggest gang out there." A significant underlying factor in the antithetical stance adopted by young people towards the police was the high incidence of previous problematic encounters with

police reported by rioters – particularly those from minority ethnic backgrounds. One 17-year-old Muslim, who took part in the riots, told researchers of an episode when he was stopped by police on his way to school when he was 13:

> One of them said to the other one: 'Mate, why don't you ask him where Saddam [Hussein] is. He might be able to help out.' They're supposed to be law enforcement. I hate the police. I don't hate the policing system, I hate the police on the street. I hate them from the bottom of my heart.

But this pejorative view of law enforcement was widely shared by people who had not had previous dealings with the police. Yet, the interviews with police on the front line paint a contrasting picture of outnumbered officers besieged by an out of control mob and in fear of their lives. As one officer recalled: "[They] tried to lure us into alleyways and then set fire to the alleyway. They set fire to vehicles in front of us, trying to lure us into them, so when the fuel tank exploded the vehicle exploded."

The criminal justice system's response to the riots was swift and uncompromising. Analysis of the Ministry of Justice data showed that of the 3,051 cases of mainly young people who came before the courts, 37% received a custodial sentence by the Magistrates court, on average of 6.5 months. This compares with 12% of those who had come before the magistrates court over the preceding year and whose average sentence was 2.5 months. Similarly, 82% of convicted rioters who came before the Crown Courts (the 'higher level courts) received a custodial sentence with an average of 19.4 months, compared with 33% over the preceding year and with an average sentence was of 11.3 months.

Set in this context, what emerges from the evaluation of the LINKS-UP pilot is not evidence of a viable alternative to current youth offending prevention strategies but confirmation that a yawning gap exists between the norms of self-control and responsibility that are propagated through the techniques of governmentality, and self-control and responsibility as understood by young people. In fact, most of the young people participating in the pilot adopted a position that condemned the riots and supported the agencies of law enforcement, but at the same time took the view that the riots were entirely understandable, given the disassociation between the lives of many young people in British inner cities and life as portrayed in television adverts and in the meeting rooms of government agencies. It follows then that any approach to preventing youth offending, however well-designed, needs to understand and work to bridge this gap.

5. Discussion and Conclusions

This paper has reviewed current theory and practice in youth offending prevention and rehabilitation, in the light of assertions that many western

countries have adopted a new penology in youth justice, one which combines increasingly punitive sanctions with a developmental approach based on risk-assessed early interventions. These defining features of the new penology, it is further argued, are indications of techniques of governmentality that have made it possible for individuals themselves to become auto-regulating. These techniques have also worked to shape the knowledge and evidencce-base on what works in youth crime prevention and rehabilitation so that it gives credibility to these current policies and practices.

The paper then presented the results of three examples of initiatives in the youth justice field each of which represents an attempt to explore alternative approaches to the prevailing paradigm. A common feature of these case examples is the use of blended learning, combining ICTs with action-based *collaborative learning dialogues* to create a *holding environmen*'. The holding environment offers a safe space for critical review and reflection on the entrenched beliefs, perceptions, and learned behaviours that shape the different protagonists' experiences and actions around youth offending, and provides an opportunity to work with marginal practices to explore alternative behaviours and actions. The use of multimedia tools, as well as the use of filmic and dramatic devices to represent meaning, was also presented as an attempt to reinstate classical technologies of the self or technologies of self-mastery as alternatives to the adoption of techniques of governmentality in conventional approaches to prevention and rehabilitation.

Before turning to a final discussion of the results of these case study examples, it is important to take stock of the issues and difficulties encountered in their evaluation. In recent years, particularly in view of the fiscal restraints to which governments everywhere have been subjected, there has been an increasing call for more robust evaluation of complex social interventions, and the use of experimental methods and techniques based on randomised controlled trials. This trend has been reinforced by methodological innovations in how RCTs trials are carried out, with a particular focus on strategies to reduce the selection bias and high attrition inevitably encountered in situations where the intervention target groups constitute *hard to reach* populations. These strategies aim at introducing an element of randomisation into new or existing interventions whilst at the same time minimising disruption through techniques like oversubscription, phase-in, within-group randomisation, and encouragement design (Duflo et al., 2007).

Whilst this intention is both understandable and desireable, it has to be acknowledged that the domain of crime and offending is particularly prone to the effects of factors like history effects, complex intervening variables, and high rates of target group attrition that conspire to make it very difficult, some would say impossible, to meet the conditions of *temporal priority* needed to ensure equivalence in RCT design. As a number of authors have noted, there is a substantial debate within the literature on what is acceptable in the methodological design of a

crime reduction initiative evaluation (Dawson & Williams, 2009; Harper & Chitty, 2005; Hollin, 2008; Maguire & Raynor, 2006; Sherman et al., 1997). This debate focuses on maintaining a balance between quality and pragmatism, that is, striving to achieve the *gold standard* of RCTs whilst accepting the inevitability of compromised rigour. The question is how much compromise is acceptable to maintain confidence in the results?

To take one example – the evaluation of the "Diamond" initiative on offending in the UK – it was acknowledged that the opportunities for *true* randomisation were so limited that the only practical way of carrying out a robust evaluation was to adopt a quasi-experimental approach (Dawson & Williams, 2009). Conviction data, drawn from the Police National Computer (PNC), was used to compare the *proven reoffending* of an *evaluation cohort* of 368 individuals (less-than-12-month sentence offenders), referred to the Diamond Initiative during the first nine months of the pilot, against a well matched control group drawn from similar areas in London. Once a control group had been compiled, the quality of the match was verified at an individual level. In reality, however, the Diamond evaluation encountered a number of problems that undermined the integrity of this evaluation design. A major problem was attrition. Overall, only one in three of the evaluation cohorts actually started on the Diamond Initiative and only about half of those *completed* a period of engagement, without dropping-out or being removed from the scheme. As the evaluation report observes, the intervention never fully reconciled *working tensions* between the police and other partners and, ultimately, the evaluation found no evidence of impact in terms of reduced reoffending as a result of the initiative, although indications of more positive outcomes for particular sub-groups were identified.

In the case of the three case studies presented above, we experienced not only high rates of attrition in one case but the problem of unavoidable self-selection bias, as a result of the fact, as noted above, that programme participants were chosen by the authorities in the various institutions in which we were working. In this situation, the only practical evaluation solution was to adopt a *scientific realist* method that gives some form to the process or context mechanism of an intervention in order to explain subsequent outcomes that can be tested by observation (Pawson & Tilley, 1997). This strategy, it is argued, is not that far removed from the perspective adopted in recent work in international development evaluation carried out by Banjaree and Duflo (2011). In this field, Banerjee and Duflo's work with the MIT Poverty Action Lab had by 2010 involved more than 240 RCT-based experiments in over 40 countries to establish what kind of poverty-reduction interventions work under which circumstances in international development. What Banjeree and Duflo showed, was that, firstly, experimental methods like RCTs are easier to carry out and give better results if they focus on assessing the impacts of relatively small changes on people's lives and, secondly,

they work better when combined with constructivist and participatory evaluation approaches in order to "unravel the mystery of poor people's lives". This echoes an increasingly influential view that evaluation is far more effective when it *works with the grain* of the societies in which the programmes are being implemented and evaluated (Booth, 2011). In all of the three case studies cited here, working with the grain of the interventions, as noted above, meant accepting conditions that ruled out using any randomisation, whether *classical* randomised control trials or variations on RCTs like within-group randomisation and encouragement design. In reality, a participatory action research approach, combined with realist evaluation, was the only feasible solution to the field conditions encountered.

Whatever its limitations, the results of the evaluation of these examples, it is suggested, make a contribution to answering three important questions in this field. With regard to the first question – what can the examples contribute to the broader debates around neo-liberalism and youth justice – all three cases give some weight to the argument that the neo-liberal agenda is continuing to influence youth justice policy and practice in the EU countries in which the projects operated. In all of the pilot sites covered by the initiatives, we found evidence that young people who come within the jurisdiction of agencies responsible for applying prevention and rehabilitation policies are subject to increasingly punitive sanctions mixed with practices that seek to improve the well-being of offenders or those deemed at risk. We also found evidence of the routine adoption of risk profiling and risk assessment, the application of techniques of normalisation, and the adoption of techniques of responsibilisation in place within the organisational structures of agencies dealing with young people in the justice system.

It is difficult to provide a definitive answer to the second question – did the case examples presented above work as innovative experiments aimed at challenging prevailing paradigms and practices in the youth justice field. There is some evidence that the use of blended learning and its application through multimedia, drama, film and *lifeswapping techniques* enabled the young people participating in the projects to immerse themselves in a space – the holding environment – that allowed them to explore, without being threatened, coerced or compromised, different scenarios around crime, choice, consequences, and self-development. This at least offers some hope that youth offending prevention and rehabilitation strategies can shed their trappings of governmentality and provide a more authentic and collaborative environment that narrows the gap between the system's conceptions and constructions of self-control, responsibility, and self-development, and those of young people themselves. However, the experience of setting up and implementing these three innovations leaves a legacy of salutary lessons. In all three cases, it was necessary to work with *in situ* institutional and organisational structures and practices. With HERO, for example, the strongly correctional ethos of many of the sites in which the research team operated

made it impossible to fully achieve the desired goals and outcomes of the project. Similarly, with BREAKOUT, the organisational culture of the school and youth organisation systems was one of suspicion of change, and fear of and resistance to any perceived encroachment on its control. A common experience in all of the projects was the extent to which professional staff, with some notable and heroic exceptions, failed to deliver on planned activities, objectives, and outcomes. Indeed, there was some evidence that many staff operated in mirroring mode, unconsciously sabotaging the innovations by adopting the (assumed) anti-social behaviours of the young people under their jurisdiction.

Working in this environment had the effect of forcing the projects into positions of pragmatic compromise in order to salvage an optimal result from the initiatives. In turn, there is also a strong suggestion from the evaluation evidence that the young people taking part in HERO, BREAKOUT, and LINKS-UP were themselves working to some extent from a script that was similarly compromised or, more precisely, a negotiation. There was a sense that their behaviours and actions within the programmes reflected their own interpretation of the moral and ethical cues they detected, which were subscribed to by the research staff.

It is not therefore surprising that the answer to the third question – what can these examples contribute to identifying what works in youth crime prevention, rehabilitation, and reintegration – is also equivocal. There is clear evidence that project participants, in all three initiatives, gained positive benefits from participating. On a range of measures, the evaluation identified improvements in digital and media competences; in transferable skills like team-working, planning and task management; and in soft outcomes measures like self-confidence and self-esteem. Whilst these outcomes are eminently consistent with current youth offending prevention and rehabilitation benchmarks, since they tick all the right boxes of the self-control, responsibility, and well-being agendas of the prevailing youth justice paradigm, they by no means support the assertion that this prevailing paradigm works. What seems to be somewhere near the truth is that the *alternative* approaches applied in the three initiatives reported on in this paper worked to the extent that they were allowed to work by the agencies and institutional environments in which they were hosted.

In some locations, the main impact of the initiatives was to improve the correctional and disciplinary effectiveness of these agencies and institutions. In others – notably the One Spirit pilot – they gave a glimpse of what might be possible if young people themselves had a more incisive voice in shaping the discourses of youth justice theory, policy, and practice. In none of the three projects cited could the outcomes be described as transformational in the sense that they fundamentally changed young people's lives. What this underlines, ultimately, is the size, strength, and depth of the structural problems that shape youth crime and its management. The English Riots of 2011, which by a whim

of fate, played a big backdrop to the narrative of the third case presented in this paper, demonstrate this only too clearly. Although it would be a moral dereliction to romanticise the young people who took part in the riots, and to sanitise their contribution to enacting a theatre of terror that traumatised police, business and public, it is just as reprehensible to pretend that current youth justice policy and practice understands why and how the riots happened. The riots showed that youth crime is, at heart, about lack of trust, lack of power, lack of voice, and lack of opportunities. None of these issues are adequately reflected in current policy and practice.

Changing current policy and practice will not be easy. It has been argued in this paper that current policy and practice in youth justice in the EU, and elsewhere, is increasingly being shaped by governmentality which is in turn driven by the neo-liberal agenda. In the absence of a systemic political and cultural change towards a more egalitarian and redistributive political economy, it is hard to see how effective reforms in the system can be implemented. We are therefore left with limited opportunities for working within the prevailing system, and at its periphery, perhaps exploring the transformative capacity of what Foucault would call marginal practices. Some areas that might prove fruitful in promoting more effective youth offending prevention interventions in this context could consist in developing more effective methods and tools to assess the *cost consequences* of: (i) focusing on punishment rather than on prevention; (ii) experimenting with using 'mindfulness' programmes in correctional environments (in order to try to change the mindset of practitioners and encourage them to try new things); (iii) investing more resources in the broader field of emotional intelligence competence training (focusing particularly on developing the empathic competences of young people and of practitioners); (iv) exploring how *entrepreneurship* programmes can unlock the talent of young offenders and those at risk.

Note: Further information on the BREAKOUT and LINKS-UP project is available on: http://www.breakoutproject.odl.org/home/welcome-to-breakoutprogramme and http://www.links-up.eu/. No useful information is available on-line for HERO.

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A.2. A Moving Target for Research: Can We Measure the Levels of Ill-Being/Well-Being in Young Offenders Across Europe?

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Abstract: This chapter explores the potential for commonly understood concepts of child and youth well-being, and the available comparative survey and series data, to measure levels of ill-/well-being in populations of young offenders. Due to wide variation in youth offending rates, ages of criminal responsibility, and ages of legal rights for various *risk behaviours* in youth, the goal of measuring the well-being of youth offenders is very much a moving target for researchers wishing to inform national policy with cross-national comparisons. Nonetheless, the high public and private costs to youth offending highlight the need for such work to be undertaken. This chapter shows that although there is some international and national data to inform well-being measurement in young offenders, there is a lack of good quality information on the specific life experiences and life chances of young offenders in Europe to inform effective monitoring, and in turn, policy change.

Keywords: well-being; Europe; international comparison; ASSET testing.

1. Introduction

Measuring and monitoring the well-being of young offenders across countries is a big challenge, not only because international comparisons of child well-being are reasonably new data tools (with most studies coming out in the last five to 10 years), but because even these studies acknowledge their own incompleteness

[1] The views expressed in this paper cannot be attributed to the UNICEF or its Member governments, they are the responsibility of the authors alone.

and non-repeatability in the context of limited data across countries, across child well-being concepts, and across the child's lifecycle.

Some of the weaknesses in the available well-being studies highlight major challenges for the monitoring of young offenders. Specifically they lack representativeness through the absence of child and youth populations who are out-of-school (all of the major child surveys are school-based), youth living in out-of-home-care, in transient families, or missing from surveys due to suffering from abuse or neglect. Moreover, in a comparative sense, monitoring the well-being of young offenders is also hard to achieve due to differences in rights, responsibilities, cultures and norms across countries.

What available child well-being data can tell us however, is the variation in behaviours associated with young offending in the youth population, like drunkenness, use of illicit drugs, violence and violent behaviour, petty theft in school, and engagement with the police. But again, these comparisons are not specifically tailored to young offenders.

Together the limitations and differences in the available data make the monitoring of young offenders' well-being – and the policy solutions to young offending – a moving target for researchers and policy makers alike. What is clear is that to complement what is known about offending in the youth population, and to more comprehensively capture and measure the well-being of young offenders themselves, new data and new approaches are needed.

The chapter will open by asking "why measure the well-being of young offenders?", before introducing statistics relevant to accurate cross-national comparisons of young offenders, such as ages of criminal responsibility and ages of legal rights. The third section then interprets key well-being measures related to youth offending derived from the published child well-being studies and child surveys. Section 4 then analyses young offender's data from the United Kingdom (data from a Youth Offending Team (YOT) area in the north of England), to analyse variation in the well-being of young offenders – by sex, age and type and severity of offense committed – and highlight key well-being dimensions for young offenders in reducing the likelihood and gravity of future offending. The chapter concludes with a discussion that draws together the evidence on available comparative data, its quality and coverage, and evidence from the young offender data, to recommend ways to measure the levels of ill-being/well-being in young offenders across Europe.

2. Why Measure the Well-being of Young Offenders?

Measuring the well-being of all children and youth is important for monitoring purposes: monitoring how well the needs and rights of children are being met, and monitoring how successful are attempts by policymakers, and other stakeholders, to ensure that efforts' and investments designed to improve the lot of children

in any given country are both effective and efficient. Comparative monitoring of child well-being is particularly important for these purposes because of the relative nature of rights achievement ("best achievable standards" [UNCRC, 1990]), and the value of both good and bad examples to policymakers and stakeholders when assessing their own systems.

Specifically, monitoring the well-being of children and youth who are vulnerable – like young offenders – should be a priority. The OECD (2009), in its inaugural child well-being publication, stated two key reasons for better monitoring of children's life chances and prioritising interventions for vulnerable children. First, it is fair: vulnerable children and youth have not chosen the families into which they are born, are most likely to be deprived of rights and most in need of supports, and so a fair society will attempt to identify and provide for these children. Second, it is efficient: vulnerable children also represent a group with the potential to create high private and public costs if their needs are not addressed effectively. Identifying and supporting these children's needs is likely to pay for itself, in lower crime rates, lower benefit dependency, and higher rates of productivity.

3. Young Offenders Across Countries: Populations and Policies

An internationally-comparable definition of young offender is needed in order to measure the well-being of this population, but the complication of providing an appropriate definition cannot be understated. The criminalisation of youth by country is dependent on few factors, such as age of criminal responsibility, and whether the child or youth has broken the law in that country. But to define who is a youth offender for the purpose of well-being measurement, or as a target for research, it is also subject to the usual constraints of recording rates of criminality, such as including unreported crimes and offenses, and the length of time in a given country it takes for criminal convictions to be *spent*, struck off records, or still active offenses (even if not reported) in regards to a statute of limitations.

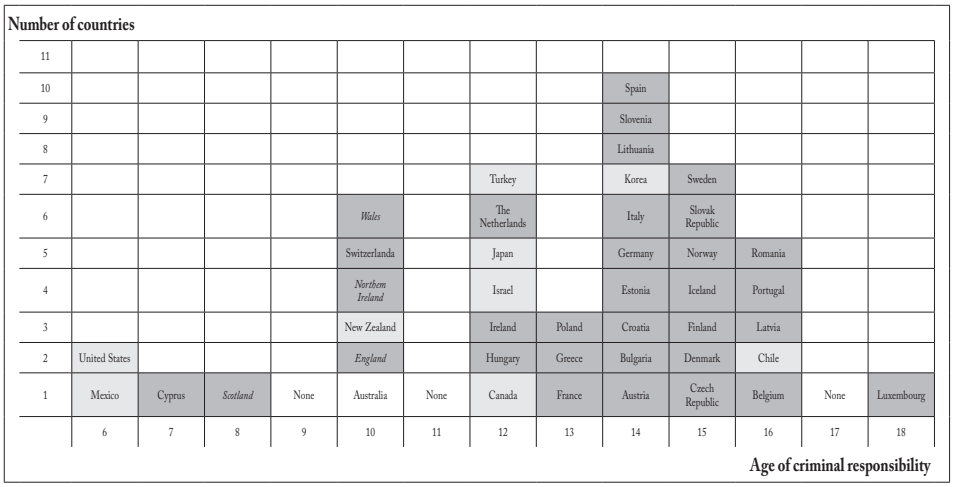
However, unfortunately, it is not possible to measure all of these salient well-being factors across countries, and so in order to provide a meaningful starting point for comparisons of the well-being of young offenders across countries, the following sections introduce: the age of criminal responsibility across countries, recently reported rates of juvenile offending across Europe and the OECD, and information on the legal rights of youth across countries.

3.1. Defining the population: who can be a young offender?

Figure A.2.1 presents frequency results for age of criminality across countries. These results show two important things, first that children in different regions and States in Mexico and the United States can be criminalised from as early as

the age of 6, whereas in Luxembourg, the legislationdoes not consider children under the age of 18 to be responsible for offenses. Second, there is geographical/ cultural clustering in these groups of countries. Anglophone countries are found between ages 6 to 12, the majority see children as criminally responsible from the age of 10 onwards. The continental European group, with a couple of marked exceptions of Switzerland and Luxembourg, are all mid-range – with all Nordic countries using age 15 as the criminal responsibility age threshold. With the exception of Hungary, no ex-soviet state legally identifies a child as criminally responsible for their actions before age 13.

Figure A.2.1. The age at which children can enter into the judicial system varies widely across countries
Countries ordered by age of criminal responsibility (alphabetically), circa 2008.



Note: Countries in light shading are non-European countries. United Kingdom is presented separately by home countries (in italics) as the Scottish age of criminal responsibility is different from the other UK home countries. In Mexico and the United States the age of criminal responsibility is determined by the regions and States, and range from 6 to 12 years. In Portugal from 12 to 15 children can be held in juvenile detention centres. In Hungary (12-14) and New Zealand (10-14) age of criminal responsibility varies by severity of crime (in both cases more serious crimes have the ages of responsibility).
Source: For OECD countries see OECD family database, 2013, remaining data from Hazel, N. (2008).

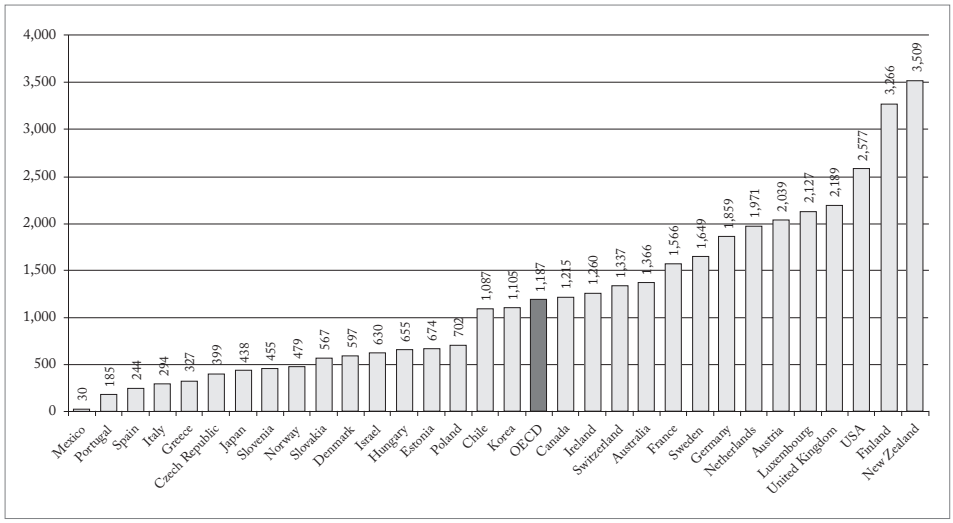
3.2. The cross-national differences in Young Offending rates.

Youth offending varies widely across developed countries, although it is difficult to discern economic or geographical patterns, or clear associations with the age of criminal responsibility in these countries.

Figure A.2.2 reports the most recent data available from the UN Criminal Trends data on juvenile crime, and in particular measures the number of youth

aged 14-19 having been in formal contact[2] with the police or criminal justice system per 100,000 youth aged 14-19. Across the OECD as a whole, around 1,200 youth per 100,000 have had formal police or justice system contact – or in other words around 1.2% of all children. The highest rate, almost three times the average, is seen in New Zealand, and the lowest rate, at just 30 in 100,000, is seen in Mexico. Finland is the highest ranked European Country, and Portugal is the lowest ranked European country.

Figure A.2.2. Juvenile crime rate, 2003-2009
Juveniles brought into formal contact with the police and/or criminal justice system, all crimes per 100 000 population



Notes: 2003 data for Czech Republic, Greece, Israel and Italy refers to 2004, Slovakia, Spain and Switzerland for 2005. No 2003 data available for Australia, Mexico and Luxembourg. No data available for Turkey. For the UK data, juvenile criminal rates refer to Northern Ireland only.
Source: United Nations Surveys on Criminal Trends data, 2013.

A number of other differences should be noted. All countries, with the exception of Mexico, with criminal responsibility rates below the age of 12 have higher than average police or criminal justice system contact rates – indeed, this is true for all Anglophone countries. Mexico and the four Mediterranean countries – Portugal, Spain, Italy and Greece – have the lowest rates of youth criminality. Finally, Mexico and the United States both have very low ages of criminal responsibility, but differ widely in the rates of youth having had formal contact with the police.

[2] *Formal Contact* with the police and/or criminal justice system may include persons suspected, or arrested or cautioned.

3.3. What might contribute to differences across countries: legal ages?

What makes children in some countries more susceptible to contact with the criminal justice systems than children in other countries? Youth is a period for risk taking here and elsewhere, and engaging with the adult world through adult behaviours, yet in some countries these risky behaviours are legal, and in others, they are not.

The differences between criminal responsibility and legal rights create a number of pathways by which youth can then engage with the criminal justice system. First, simply drinking or smoking at age 16 may be a criminal offense and lead to engagement with the police. Second, to consume alcohol or tobacco, some young people will have to go through other means to access these products (such as engaging with older age groups, or stealing from home or shops). Third, and in particular with the case of drinking alcohol, it is likely underage drinking is undertaken unsupervised, can be over-consumed, and lead to further behaviours which would in turn lead to engagement with the police.

Tables A.2.1 and A.2.2 report the minimum legal ages for purchasing and consuming tobacco and alcohol products and show, that in most OECD countries, youth are committing a crime if purchasing and consuming either product under the age of 18.

The minimum age for purchasing tobacco product in most developed countries is age 18 or over, yet in almost half of all countries there is no minimum age for consuming tobacco products. Five European countries and, Chile, will sell tobacco product to children under the age of 18, in North America and East Asian countries youth have to be older than 18 years of age (in some cases as old as 21 years of age).

Table A.2.1. Minimum ages to purchase and consume tobacco products in OECD countries

Age 16	Age 18	Age 18+
Austria[b], Belgium[b], Chile[b], Luxembourg[b], Netherlands[b], and Switzerland[a].	Australia[b], Czech Republic[b], Denmark[b], Finland, France[b], Germany, Greece[b], Hungary, Iceland[b], Ireland, Italy[b], Mexico, New Zealand[b], Norway[b], Poland[b], Portugal, Slovak Republic[b], Slovenia[b], Spain, Sweden[b], Turkey, and the United Kingdom.	Canada[a], Japan, Korea, and the United States[a, b].

Notes: [a]Varies by province, state or territory: in Switzerland 16 or 18 years, in Canada and the United States this can be as high as 21. [b]These countries have no minimum age for smoking, just purchasing.
Source: OECD Family database, 2013.

More countries will sell alcohol to children under the age of 18 than se sell e tobacco products to children under the age of 18. All five European countries

with the lowest minimum age for purchasing tobacco also have the lowest age for purchasing alcohol and consuming this off licensed premises (Austria, Belgium, Luxembourg, the Netherlands, and Switzerland). Denmark, Germany and Portugal will also sell alcohol to under 18s, and Greece has no minimum age limit for purchasing and consuming alcohol off licensed premises. Again, North American and East Asian countries have the highest age limitations, though this time joined by Sweden. In a number of countries age limits vary by the strength (per cent of alcohol or ABV) of the alcoholic drinks purchased.

Table A.2.2. Minimum ages to purchase alcohol for consumption off licensed premises in OECD countries

Age 16	Age 18	Age 18+
Austria[a], Belgium[a], Denmark, Germany[a], Luxembourg, Netherlands[a], Portugal, and Switzerland[b].	Australia, Chile, Czech Republic, Finland, France, Hungary, Ireland, Italy, Mexico, New Zealand, Norway[c], Poland, Slovak Republic, Slovenia, Spain[d], Turkey, and United Kingdom.	Canada[b], Iceland (20), Japan (20), Korea (19), Sweden[a] (20), and the United States (21).

Notes: Age levels refer to purchasing alcohol for consumption off premises. [a]Varies by type of alcoholic drink: in Austria (six federal states), Belgium, Germany, the Netherlands (over 15% ABV), Portugal and Switzerland have a minimum age of 18 years for purchase of distilled spirits. Sweden lowers its limit to 18 for beer with an ABV of 3.5% or less. [b]Canada (18/19) and Switzerland (16/18) some provinces and cantons have different minimum ages. Greece has no minimum age limit for purchasing and consuming alcohol off premises. [c]Norway has an age limit of 18, with an increased limit to 20 for distilled spirits over 22% ABV. [d]Except for the region of Asturias.
Source: OECD Family database, 2013.

4. International Comparisons of Well-being and Measures of Youth Offending

Present international comparisons of child and youth well-being are likely to capture the experiences of young offenders, but not distinguish them from the general child population. All of the present indicators used in international comparisons of child well-being are collected via administrative series, or through school or household surveys which cover most of the population in each country. But the comparisons themselves are not tailored to young offenders, and none of the series, or surveys provide a distinct measure on experiencing of offending, and so it is not a simple task to understand how the well-being of young offenders fits into to the broader well-being picture.

What the international comparison of well-being studies can elucidate are differences across countries in behaviours that are associated with young offending in the youth population, such as drunkenness, use of illicit drugs, violence and

violent behaviour, petty theft in school, and engagement with the police. The international comparisons can also be used to link these behaviours with social-economic characteristics such as gender, wealth or poverty across countries (see section 4.2). However, it is important to interpret these findings cautiously given that youth offenders who are not in mainstream school (truants, or in custody, or other) are not covered in child surveys and these results better represent the youth in the mainstream school population (Richardson, 2013). This limitation highlights the need to run comparative surveys on young offenders and non-offenders, or to include items within mainstream survey's that can be used to identify youth who have experiences of offending.

Further caution in interpretation is required as the variation in these results may be affected by cultural response bias. Social and cultural norms play a role in the willingness of youth return accurate reports on risk behaviours and may lead to under-reporting. On the other hand, evidence from ESPAD shows that some youth report taking drugs that do not exist (ESPAD uses a dummy drug *relevin* to test for response validity – see ESPAD, 2013) which infers that there may be over-estimates of risk taking in some countries. These norms also affect data availability at the national level, in the HBSC study some countries do not include questions on more sensitive topics (drug use for instance – see HBSC 2012).

4.1. Using behaviours as a measure of risk of arrest.

Almost all international comparisons of child well-being include measure on risk behaviours (see Annex Table A.2.8). In some cases these risk behaviours refer to illegal activities, or activities that could increase the likelihood of the young person getting into trouble with the police. The following subsections explore measures of risk behaviours, interaction with the police, violence and violent behaviour. The evidence highlights the pervasiveness of risk taking in the teenage years, in particular that which would lead to engagement with the criminal justice system.

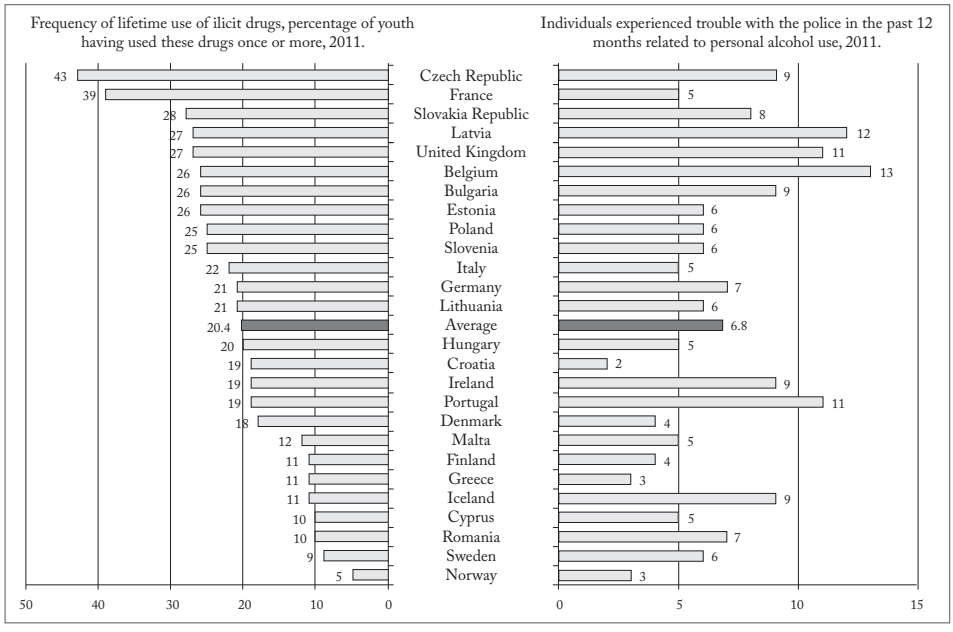
4.1.1. Drug abuse and alcohol use leading to involvement with the police.

Below Figure A.2.3 compares data for 26 European Union countries on the lifetime use of illicit drugs by youth aged 16, and international data on youth aged 16 that have had contact with the police in the past year following personal alcohol use. On average, one in five young people across Europe self-report the use of an illegal substance, whereas one in 14 young people has recent experience trouble with the police because of alcohol use.

A closer look at the data also shows that countries with higher risk takers in terms of drug use also are more often countries with higher alcohol-related engagement with the police. Only six countries with above average use of illicit

drugs have below average alcohol-related engagement with the police (France, Estonia, Poland, Slovenia, Italy and Lithuania). Just four countries with low levels of lifetime illicit drug use have above average levels of alcohol-related engagement with the police (Ireland, Portugal, Iceland and Romania). Five countries stand out as countries where experiences of youth offending is high for both drugs (over one in four youth) and alcohol (around one in ten youth), these are: the Czech Republic, Latvia, the United Kingdom, Belgium and Bulgaria.

Figure A.2.3. International comparisons of illegal activity and engagement with the police



Notes: Data for Germany covers 5 of the Lander only. Data for Belgium is for Flanders only. UK school participation rate was below the expected level, and therefore results should be compared with caution (See ESPAD, 2012, p. 246 for more details).
Source: ESPAD 2012.

4.1.2. Violence and Violent Behaviour.

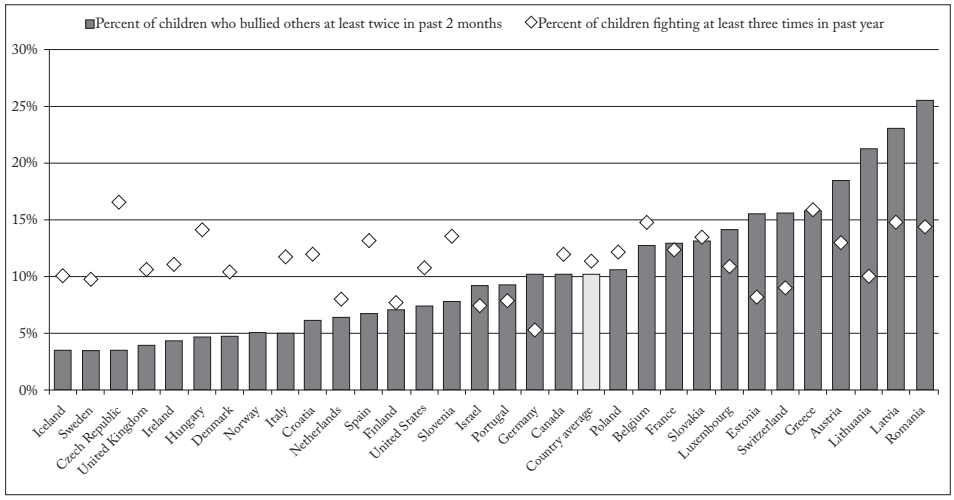
Indicators of violence and violent behaviours are also commonly used in international comparisons of child well-being. Violence and violent behaviour covers indicators of bullying, being bullied, and fighting amongst children, usually between the ages of 11 and 15 years.

Figure A.2.4 presents two comparisons: 1) rates of school children (aged 11 to 15) who have bullied others at least twice in the past two months, and 2) rates of children who have been involved in at least three physical fights in the last year. These data refer mainly to European countries, but also include Canada and the United States. For both measures, around one in ten children aged 11 to 15

reports bullying or fighting, although the distribution of rates across countries differs, with the range of bullying responses being notably larger.

Bullying is lowest in Iceland, Sweden, the Czech Republic, the United Kingdom and Ireland, where fewer than 1 in 20 children report bullying others. Germany reports the fewest fights. Bullying is highest in Latvia, Lithuania and Romania where more than 1 in 5 children are involved in bullying. In contrast to their low levels of bullying, the Czech Republic reports the highest rate of fighting. High ranking bullying countries, where fighting is also higher than average, include Belgium, Greece, and Slovakia. Finland and Spain stand out as countries with relatively low levels of both fighting and bullying.

Figure A.2.4. International comparisons of bullying and fighting in school



Notes: Average proportions for 3 cohorts aged 11, 13 and 15 years in each country. United Kingdom data does not include Northern Ireland. Norway has no data for rates of children fighting. For sample methodology in each country and caveats please refer to source.
Source: Health Behaviour in School aged Children Study, 2009-10.

4.2. Poverty and engaging in risky behaviours.

Although HBSC does not collect figures on all forms of illicit drug use, it does collect information on underage drinking and cannabis use, as well as measures of violence and violent behaviour, and compares the rates of these at the country level with a measure of family affluence (see HBSC, 2012, p. 14). Poverty, usually in the form of income, is commonly considered a driver of youth offending, and is an ever-present (in the form of income, material deprivation, or subjective perceptions of poverty) in comparative child well-being studies.

Results reported in the most recent HBSC study (HBSC, 2012) show the associations between family affluence (measured using a household material deprivation index) and the likelihood of boys and girls having been drunk before the age of 13, and having been drunk on two or more occasions.

– Early drunkenness data show that there are few countries with significant differences in rates of poor and rich children engaging in this risk behaviour. Out of 38 countries responding to these questions, four report significant differences for girls, and in only three countries (Canada, Lithuania and the United States) are poorer girls at a significantly higher risk of early drinking. Five OECD countries report significant differences for boys, in two of the countries (Italy and Slovenia) richer boys have a significantly higher risk of early drinking. In Iceland, Norway and the United States, poorer boys are more likely to be early drinkers.
– Results for repeated drunkenness, for 37 countries, showed that on 12 occasions there were significant differences between poor and richer boys drinking habits. On ten occasions, including in the OECD countries of Denmark, Hungary, Portugal, Italy and the Czech republic, higher income children were higher risk takers. In the United States and Iceland poorer boys were more likely to have been drunk repeatedly. There are fewer significant differences for girls. In Portugal and England richer girls are more likely to have been drunk at least twice, again poorer girls are at a higher risk in the United States and Iceland (HBSC, 2012, pp.152-153).

Cannabis use shows a very different picture in regards to associations with family wealth. Of the 37 HBSC countries providing responses on recent use (last 30 days) of cannabis by 15 year olds, two OECD countries (Italian boys and Belgium (Flemish) girls) have higher rates of cannabis use in richer children. In contrast, in three countries, Canada, Finland and the United States, poorer girls are more likely to have recently smoked cannabis, and in England, Luxembourg, Denmark, Norway, the United States and Iceland poorer boys are more likely to have smoked cannabis recently (HBSC, 2012, p.165).

The pictures for fighting and bullying (to highlight aggressive behaviour) by family affluence are clearer.

– For fighting most countries show significant differences between rich and poor children's risk behaviours, and importantly, strong gender differences. In countries where richer children fight more, mostly eastern European countries, the significant differences are only found for boys (the exception is Croatia where both richer boys and girls are significantly more likely to have been in a physical fight 3 or more times in the past year). In countries where the poor children are more likely to be fighting, in Western Europe and North America, the significant differences are found amongst groups

of girls. England and France buck this trend with poorer boys also showing higher prevalence of fighting (HBSC, 2012, p.185).
– For bullying, significant differences for girls are only found in the United States, Wales, Canada, Austria and Iceland, where poorer girls are more likely to be repeatedly bullying others in the past couple of months. In Denmark, England, Iceland and Sweden, poorer boys are more likely to engage in bullying; in Croatia and Slovakia it is richer boys who are significantly more likely to be bullying (HBSC, 2012, p.193).

What is clear from these results, is that risk behaviours, which would under normal circumstances lead to interaction with the criminal justice system or police, are undertaken more or less equally by children across the income distribution. In most countries, poorer children are not at an obviously higher risk of committing offenses – indeed associations with affluence measures are commonly insignificant. In many countries the differences seen between rich and poor risk takers is small (except for fighting, though gender effects are important there), and where differences exist there is no clear pattern based on high or low affluence family backgrounds. It may however be that poorer children are more likely to enter the criminal justice system for various reasons, including: living in areas with a higher police presence, or lacking knowledgeable or resourceful support from parents or other adults at the time the risks are taken.

5. Learning from the Micro Data: A Case Study of Young Offenders in the North of England

Having undertaken a review of the behaviours and risk data collected in international comparisons of child well-being, and exploring trends in associations with poverty, this chapter will go on to assess how well-being of young offenders (as defined and measured by practitioners) relates to offending practices.

The analysis is undertaken using data provided by the Youth Offending Team (YOT) in a local area in the north of England in the United Kingdom. The dataset includes records of all offenses by young offenders in the city over recent years (few date back to 1995, though most from around 2000 onwards up until mid-2013), by type and gravity of offense, and sentence (or treatment), and includes both demographic and ASSET test information (the latter is used to assess life outcomes [originally designed to be predictors of the likelihood to reoffend], and applied here to measure the well-being of the offender – see section 5.1 and Annex 2 for a summary of YJB, 2013).

The availability of such a rich and relevant dataset for exploring the well-being of young offenders allows for two important contributions to be made to this chapter. First it is used to assess how well-being in young offenders varies by the

type of offense committed, the gravity of offense, and the likelihood of reoffending by gender. Second the data provides an opportunity to test whether particular aspects of well-being or ill-being (for instance education, health neighbourhood factors, or risk behaviours), and changes in those aspects of well-being, can be used to predict offending patterns. Together these results, alongside what is known about available international data and studies on well-being (sections 2 and 3), will be used to inform the discussion of whether and how to measure the well-being of young offenders across Europe and beyond (in section 6).

5.1. Preparing youth offending data for analysis: cleaning and harmonising the sets.

The youth offending data was received from administrative sources in four separate data sheets that covered offenses (in new and old category approaches) and ASSET tests (again, new and old collections). Key case numbers were used to match the old offenses with ASSETs by person (approximately 65 thousand cases) and match the new offenses with ASSETs by person (2500 cases). The two datasets were then harmonised – insofar as matching variables were reformatted in a way to enable the data to be merged – and a number of non-matching variables were excluded (including additional identifiers and data from the smaller *new* set containing detailed information on living arrangements, risk, and legitimate income [all of which would provide excellent controls for future tests, but for this work, covered only a very small percentage of the available cases]).

The remaining matched dataset included:

- Gender, ethnic background, age, age at first offense, age at last offense (all in between), time of first and last ASSET(all in between, categorised by assessment stage).
- Type and gravity of offense committed, resultant conviction/treatment.
- Observed measures of core ASSETs (well-being – see Annex section 2.2) including: living arrangements; family relationships; education; neighbourhood; lifestyle; substance use; physical health; emotional health; perception of self; thinking and behaviour; attitudes to offending; and, motivation to change.
- Observed measures of resilience including: positive Education, Training or Employment (ETE) experience; qualifications; positive friends; positive spare time use; positive self-efficacy; positive goals and ambitions; positive life opportunity for turning points; positive resilience; previously engaged with support in a positive manner; stable parent; positive personal and parental value of ETE; pro-social role model; receiving professional support; positive school progress; positive non family adult role model; positive community opportunities; and positive cultural or ethnic examples.

The observed measures of resilience were collected using different scales in the two datasets, which despite efforts to match, resulted in incomparable outcomes (in the older data – which runs consecutively to the newer data, only one resilience factor was identified, whereas in later tests young offenders were scored as having the resilience factor or not, for each measure). Measures of resilience have therefore been excluded from the tests but outlined here to highlight the practices of the YOTs regarding data collection, and to inform potential future research questions (although the useable response rate in the combined is lower than 10%).

The data covered several years in total from around 1995 up to mid-2013 for children and youth mainly between the ages of 10 and 18 years at time of offense. The data covered offenses – insofar as it counted individual offenses committed – even if youth were charged for different offenses at the same time under the same arrest. The dataset also included separate records for persons who had been arrested on more than one occasion. The final dataset, therefore, had a nesting of offenses within groups of separate convictions for different individuals.

For each case the date of birth and the date of offense were used to indicate the age of the youth at the time of offense. Following exclusions of individual cases (based on lack of a birth date, an offense date, an age of offense outside the range of 10 to 20 years, available ASSET information, and basic socio-demographic information) the clean dataset contained just over 43,500 offense cases of the original 74,881 supplied to the researchers. The 43,500 offenses were committed by 9,150 individuals with one or more recorded offenses. Where youth received more than one ASSET test, the average time between tests was 17.9 months.

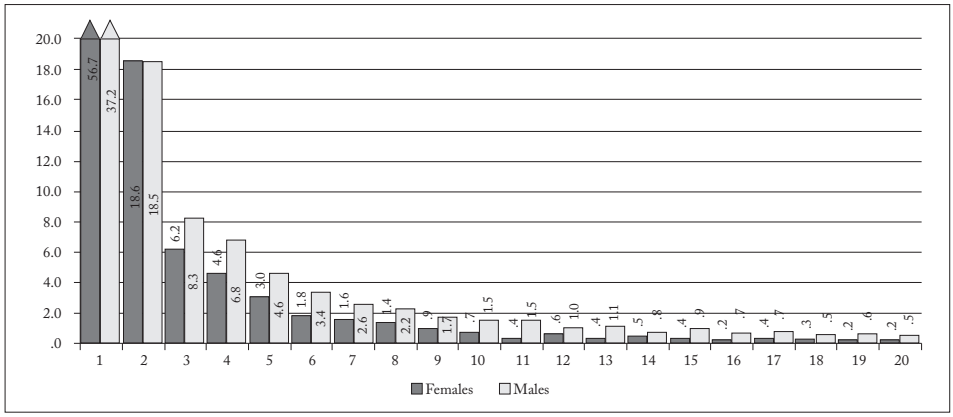
As with the comparative data, interpretation of the micro-survey data and results require cautions, in particular, in relation to coverage of offenses and selection into the YOT dataset. First of all, the data analysis only includes cases where substantive outcomes have occurred. This means specifically that the offense has been reported, recorded and prosecuted under law. Importunately, for this work, this means the data will not include: unreported crimes and reported crimes that do not result in prosecutions, cautions or warnings. Second, reported crimes may also suffer from a degree of selection bias. For instance, in better-off families with more resources and access to legal or parental supports, offenses may – to different degrees – go unrecorded, be prevented from going to court, or sentenced differently (i.e. custodial sentences in cases where no suitable home environment or guardianship is available for the young offender). This type of selection bias has the potential to overestimate the role of income, or home wealth, or even family structure in the results – and is a good reason to recommend the use of new methods, such as randomised control trials, or mainstream longitudinal youth surveys (with items to record offending behaviours and outcomes), in future research on young offending.

5.2. Number of offenses, and types of offense by age, sentence, and gravity for males and females.

This first section of the analysis provides some descriptive statistics on number of offenses, and type for male and female youth offenders in the YOT sample.

Figure A.2.5 records the proportions of recorded offenses by the sex of the young offender (y-axis capped at 20). At one end of the scale, over half of all females and over one-third of males have just one recorded offense. At the other end (not shown on the chart) 5% of males and 1.1% of females have more than 20 recorded offenses in the dataset.[3] The main message here is that males are much more likely to reoffend than females, and the vast majority of youth commit fewer than 5 recorded offenses (90% of females and 75% of males).

Figure A.2.5. Over half of all females and over one-third of males are not reoffending



Note: Offenders recording over 20 offenses accounts for 1.1% of females and 4.9% of males. Total number of females in chart, 5501, total number of males, 13,165.
Source: Author's analysis of YOT data.

In terms of the types of offenses committed, crimes of theft and violence account for the majority of first offenses in both males (62%) and females (81%) (Table A.2.3). Public order offenses and drug offenses (for males only) account for between 7% and 10% of first offenses. Sexual offenses are the least commonly recorded offenses.

The proportion of offenses by type changes when looking at final recorded offenses. Theft falls for both males and females, whereas although violence and hate crimes fall for males it increases for females. Breach of bail offenses are rarely recorded as first offenses (these will have been cases entering the system after first offense)

[3] The existence of such outliers in this distribution (multiple repeat offenders) may offer the opportunity to single out this group for particular research attention. This has not been done here considering it is the first attempt to analyse these data, but may offer valuable insight to the treatment of the group most vulnerable to repeat offending.

but make up over 1 in 20 recorded final offenses. Drug crimes also increase as a proportion of all offenses for both males and females.

Table A.2.3. On average young males start offending earlier and finish later, violence and theft account for the majority of youth crimes

	% of females (mean age)		% of males (mean age)	
	First offenses	Final offenses	First offense	Final offenses
Other	6.3 (14.9)	8.5 (16)	17.5 (14.7)	21.8 (16.6)
Breach of bail or statutory order	1.7 (13.6)	5.3 (16.5)	2.7 (13.3)	6.7 (16.9)
Violence or hate crime	33.6 (14.4)	38.8 (15.9)	33.3 (14.2)	28.2 (16.1)
Crimes of theft	46.6 (14.5)	34.4 (16)	28.6 (14.1)	27.5 (16.2)
Drug crime	2.1 (15.2)	2.4 (16.4)	7.3 (14.7)	7.5 (16.5)
Sexual offenses	0.2 (15.1)	0.2 (15.8)	1.6 (14.2)	1.1 (15.9)
Public order offense	9.6 (14.6)	10.4 (15.9)	9 (14.6)	7.2 (16.4)
Total	100 (14.5)	100 (16)	100 (14.3)	100 (16.3)

Note: Figures report proportions of youth by sex by type of recorded offense for first and last recorded offenses (identified using date of offense by individual). Figures in parenthesis report the average age of the group. Data have analysed at the individual level to remove double counting.
Source: Author's analysis of YOT data.

In terms of age, on average, males are younger than females at point of first recorded crime, and older at the point of last reported crime. The youngest average final offense age is found for sexual offenses (the average for both males and females is below the age of 16 and may relate to the age of sexual consent). Notably, the average age of drug offenders, at first and last offenses, are around one-third to one-half year older than the average for both males and females, and at last offense are older than all other types of recorded offenses with the exceptions of breaches of bail (which is expected to be high on average, given this type of offenses requires a previous offense to have been committed).

Table A.2.4 reports the types of sentence or treatment for young offenders based on the type of crime recorded, and by gender. Behavioural order and final reprimands or warnings are most common form of response to young offending. Females get more reprimands and warnings than males, and males receive more custodial sentences, a finding likely to be influenced by the gravity of the offense.

Within each sentence or treatment type, action support or rehabilitation orders are most commonly used as first offense response for females committing violent or hate crimes, and for males committing theft. Community services show a similar gender disparity. For less common offenses, the biggest proportion of youth drug offense treatments are found in community services for females and custodial or bail sentences for males. The biggest proportion of youth public order offense treatments are found in action support or rehabilitation services for females and final warnings or reprimands for males.

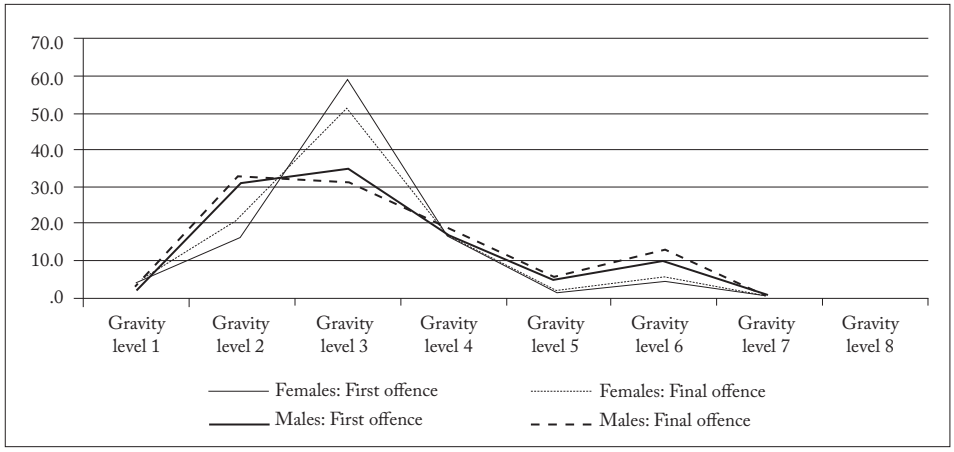
Table A.2.4. The majority of first offenses are treated with a final warning, reprimand, or a behavioural order

		First offense						
		Other or unknown	Action, support, or rehabilitation order	Behavioural order	Custodial, bail	Community service	Final warnings, reprimands	Reports or reviews
Female	Other	3.8%	5.7%	6.1%	2.6%	6.3%	6.4%	5.2%
	Breach of bail or statutory order	.0%	11.3%	4.5%	7.9%	6.3%	1.1%	5.8%
	Violence or hate crime	61.5%	45.3%	41.1%	31.6%	43.8%	40.1%	35.1%
	Crimes of theft	19.2%	18.9%	35.1%	34.2%	18.8%	40.7%	41.4%
	Drug crime	3.8%	1.9%	2.2%	13.2%	18.8%	2.5%	5.2%
	Sexual offenses	.0%	.0%	.0%	.0%	.0%	.1%	1.0%
	public order offense	11.5%	17.0%	10.9%	10.5%	6.3%	9.2%	6.3%
	Count	*26*	*53*	*667*	*38*	*16*	*846*	*191*
	Rate	**1.4%**	**2.9%**	**36.3%**	**2.1%**	**.9%**	**46.1%**	**10.4%**
Male	Other	11.4%	13.3%	16.0%	15.6%	15.6%	12.9%	12.0%
	Breach of bail or statutory order	.0%	9.2%	4.2%	10.1%	10.4%	.5%	6.0%
	Violence or hate crime	28.1%	31.8%	35.3%	22.5%	25.9%	41.8%	29.6%
	Crimes of theft	37.7%	36.9%	29.2%	32.8%	31.1%	27.1%	34.3%
	Drug crime	7.2%	2.6%	6.2%	11.6%	10.4%	6.8%	6.6%
	Sexual offenses	9.0%	.0%	1.0%	2.1%	1.5%	2.5%	4.4%
	Public order offense	6.6%	6.2%	8.2%	5.3%	5.2%	8.6%	7.1%
	Count	*167*	*195*	*2104*	*378*	*135*	*1991*	*756*
	Rate	**2.9%**	**3.4%**	**36.7%**	**6.6%**	**2.4%**	**34.8%**	**13.2%**

Note: Figures report proportions of youth by sex by type of recorded offense and sentence for first recorded offenses only. Data have analysed at the individual level to remove double counting.
Source: Author's analysis of YOT data.

Figure A.2.5 shows the distribution of the gravity of first and last offenses in the dataset by sex of offender. Gravity of offense is linked to the type of offense, but not identically matched, with one being the lowest level of gravity (or seriousness of offense) and eight being highest. In both sexes, the majority of offenses cover the categories one to four for both first and final offenses. The most notable difference between genders and between first and last offenses is seen in gravity three and gravity six rates. Females report significantly higher levels of gravity three offenses than males for both first and last offenses, a picture explained by the recording of theft crimes. The fall in gravity 3 cases is contrasted, though to a much a smaller degree, to increases in gravity 6 offenses – which could be explained by increased proportions of drug use by reoffenders.

Figure A.2.6. Differences in the distribution of offense gravity by gender and first and last recorded offense



Note: Figures report proportions of youth by sex and by gravity of recorded offense on a scale of one to eight. Data have analysed at the individual level to remove double counting.
Source: Author's analysis of YOT data.

5.3. Using the ASSET test data to look at well-being.

For every ASSET test taken, and included in the dataset, the YOT practitioner has ranked the child or youth on a scale of 0-4 for ASSETs in their lives. A number of these ASSETs match well to international comparative dimensions of well-being (although data availability and scalability differ considerably – see below).

Data on family and personal relationships match to relationships measures in UNICEF (2007) and Bradshaw et al. (2007, 2009) studies. Data on neighbourhood match to housing and environment (OECD, 2009). Data on Education match to education dimensions in all studies (these can cover attainment, achievement, or

even attendance). Perception of self matches the subjective well-being dimensions used in the international reports, as does thinking and behaviours, as well as motivation to changes (aspirations – again Bradshaw et al. [2007, 2009] and UNICEF [2007]). Substance abuse clearly links to risk factors identified in child well-being dimensions, as does the lifestyle measure (see Annex 1). Finally health dimensions, an ever-present in child well-being comparisons, are adequately covered using the two measures of physical and emotional health in the data.

In all, ten of the available 12 measures of well-being can be used (cross national comparison can have up to 40 separate indicators – mainly health focussed). The two excluded ASSETs are better applied as controls (living arrangements, and attitudes to offending), excluding family living arrangements from well-being measures is now common in the international studies (compare for instance the 2007 and 2013 UNICEF child well-being frameworks).

The scores within the core ASSET assessment rate the extent to whether the ASSET is linked to the likelihood of the youth re-offending. Each factor is scored between zero and four: zero where no evidence of any association between this factor and future offending behaviour, to four where, in the judgement of the assessor, this factor directly contributes to the risk of future offending. The scalability of the measures is low, as each contains only five distinguishable categories (naturally, all international studies use discrete or continuous scale variables as they report aggregated rates or percentages in the majority of cases). This means that they will be included in the analysis separately as binaries with low (0-2) or high (3 and 4) well-being, and averaged to provide a score between 0 and 1 for a composite well-being measure (an average is used rather than a sum as there are missing values for some measures).

Although the ASSETs are a measure of the likelihood of re-offense, they can also be used to interpret the quality of life (positively) experienced by the young offender in each of the areas. Young offenders in family relationships considered to be a likely driver of future offending are living in poor settings, where they are not considered a driver of re-offending, then the settings are qualitatively better.

This use of ASSET date to measure well-being does carry both cautions and opportunities however, and two in particular: first, the opinion of the interviewer that a setting will not drive reoffending does not equate to a positive environment, rather the absence of negative influences. Second, and more positively, observation uses subjectivity to complement objectivity, and the linear operationalisation that comes with it: that is to say, on any measure the objective level may be observed (higher or lower education, or health, or single parent family settings for instance) but an interpretation of the child's individual experience of the setting (and so uniqueness) is included in the results.

More complex forms of aggregation, other than averaging, are not attempted at this point due to the limits here to address the methodological issues (such as potential

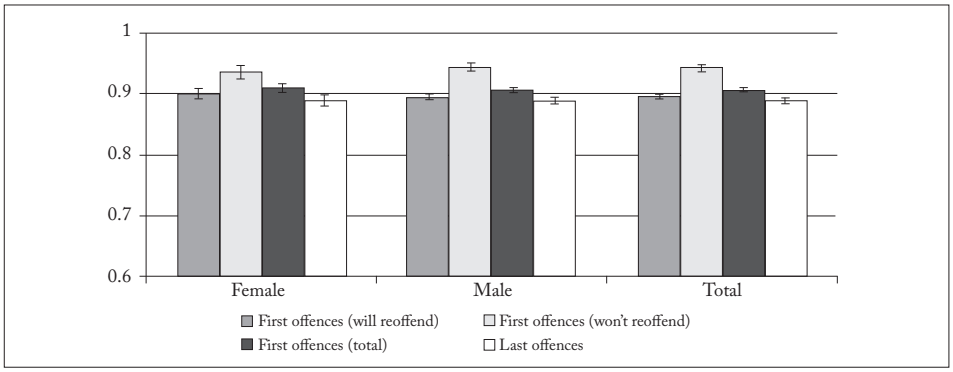
for weighting measures within a composite). Moreover, the composite measure of well-being is mainly developed for indicative purposes in the descriptive analyses (more complex analysis will also include individual ASSET measures), and practitioner or academics following up on the finding of this work are encouraged to treat aspects of dimensions of well-being separately in treatment or further analysis of these cases.

5.3.1. The well-being of single offenders and recidivists: differences by sex, age, type, gravity and treatment of offense.

The following figures compare the well-being of young offenders by first and last offense, splitting first offenses by youth that will go on and commit another recorded offense and those that will not.

The most striking result of Figure A.2.7 is that, for both males and females, reoffenders have significantly lower well-being than youth that only have one recorded offense. Males who won't reoffend have slightly higher well-being than females, but this is not significant; finding that matches results for England in the most recent HBSC study (2012, pp.72-73). All youth have reasonably high well-being, insofar as many have positive ASSETs from which they can draw support and resilience. Notably the well-being of youth at the point of last recorded is significantly lower than the point of first recorded offense in the sample as a whole. Together these results suggest that not only is well-being, as measured using ASSET scores, a potential predictor of likelihood to reoffend in both males and females, but youth who continue to reoffend are likely to see their well-being fall over time.

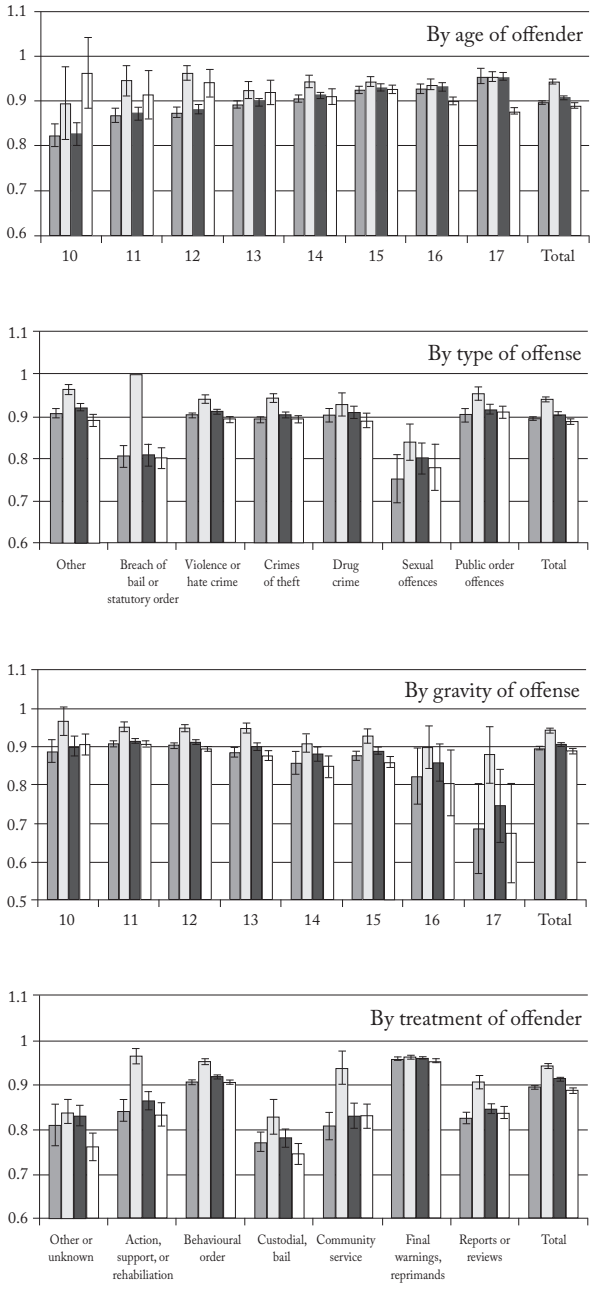
Figure A.2.7. There are no significant differences in well-being by sex of offender



Note: y-axis measures well-being on a scale from 0-1. Where 0 equals the worst levels of well-being, and 1 with the highest levels of well-being.
Source: Author's analysis of YOT data.

Figure A.2.8 contains four charts mapping the well-being of offenders by the age at time of offense, gravity of offense, type of offense and treatment or sentence received.

Figure A.2.8. Well-being is almost always higher among youth offenders with only a single reported offense



Source: Author's analysis of YOT data.

The well-being of offenders increase as they get older, and the variation in well-being by age group falls. The association between age and well-being is in contrast to the English results from the HBSC study, which show lower well-being in older children (ibid). Why young offenders have higher well-being as they age may be expected to reflect the extreme circumstances needed for children as young as ten to engage in criminal activities. The differences in well-being between offenders with one recorded offense and those who will reoffend are most stark up until the age of 14. From 15, the picture changes round, with no significant difference in the well-being of first offenders, and from 16, significantly lower levels of well-being of offenders at point of exit from the system.

In regards to gravity of offense, for first offenders with the most serious convictions (of which there are fewer, explaining the large margins of error) there are large reported differences between reoffenders and single offenders. This picture of lower well-being in reoffenders is matched across all levels of offense gravity, with the exception of gravity level five, where results are marginally insignificant. Unsurprisingly, more serious offenses are committed by youth with lower levels of well-being on average, and with the exception of gravity level 1, well-being at the last offense (or exit from the system) is always lower, and in three cases significantly lower (3,4 and 6) than average well-being at the time of first offense.

The pictures by type of offense and treatment of offense look a little more complicated. Two cases stand out by type of offense: breach of bail and sexual offenses. In these two categories, average well-being in first and last offenses is significantly lower than average well-being in the other categories. For sexual offenses, the pattern of well-being by stage of offending differs slightly insofar that first time offenders who repeat offend have lower reported well-being than those exiting the system. With these exceptions, well-being by stage of offending closely matches the pattern of higher well-being in single offense cases compared to lower well-being in repeat offenders, and on system exit.

Finally, well-being by the sentencing of offenders shows that higher well-being cases are also the cases that are treated with final warnings and reprimands (regardless of the stage of offending, or likelihood to re-offend) and behavioural orders (the latter shows the now-expected pattern of well-being). There are large differences between single and repeat offenders' well-being at first offense in *action, support and rehabilitation', 'community service' and 'reports and reviews* – in these cases, youth with single reported offenses have well-being levels close to the highest average levels in the sample. Well-being for young offenders experiencing community service and reports and reviews is insignificantly higher on exit than for first offense reoffenders. Youth who are subject to custodial or bail sentences have the lowest levels of well-being (which may relate to the gravity of the offense).

The analyses above show that well-being as measured using the ASSET scores can be used to predict the likelihood of re-offending in youth across offense

type and gravity, and across all forms of treatment. That some types of offense are undertaken by youth with significantly lower well-being, that more serious offenses are related to lower well-being, and that some types of sentence or treatment may contribute to higher levels of well-being, on average, at system exit.

5.3.2. Does well-being in youth offenders associate to recidivism and changes in the gravity and types of offenses they commit?

It is clear enough from the descriptive analysis that the group of young people with higher well-being factors also report lower rates of re-offending. To test the robustness of this association, analysis need to control for other personal and social factors. Thanks to the rich data made available in the YOT sets, a number of more detailed questions can be addressed:

- Does well-being measured at the first offense associate with the re-offending rates after controlling for treatment, family factors, gender, gravity of the first offense and attitudes to offending?
- Does the measured change in well-being between recidivist's first and last offenses relate to changes in the gravity of offenses, after controlling for treatment, family factors, gender, and attitudes to offending?
- Does the measured change in well-being between recidivist's first and last offenses relate to changes in the type of offenses, after controlling for treatment, family factors, gender, type of first offense and attitudes to offending?

To prepare the data to answer these questions using logistic regression tests for the likelihood of being a reoffender (where yes=1), changing gravity of offense (more serious=1), and changing offense type (yes=1), independent variables are set in binary matrices, sex is entered as a binary, and age as a continuous variable. The use of binary matrices for the controls deals with problems of order and value in nominal sets (i.e. ethnic group, offense type), comparisons of the matrices are done using deviations comparisons to provide effect sizes (and odds ratios) and significance values interpretable to the average effect for the group. This removes the need for a reference category, and allows for the effect of being in each of the nominal groups to be interpreted.

For ease of interpretation, dimensions of well-being, or ASSET values, these have also been transferred into binary form. The higher scores in the ASSET tests (3 and 4) are recoded as 1, and lower scores (0-2) are recoded as zero. Positive coefficients (and odds ratios) show an increased likelihood of recidivism or criminal gravity.

In these analyses, types of crime and gravity of crime are separated in each of the models to remove the potential for multi-colinearity. When practitioners record the offenses, gravity of crime is allotted with reference to the types of

crime committed at the time of charge. This means that gravity is not considered independent of type of crime, and that the assumption of independence is not valid here. The numbers of offenses committed was highly positively skewed, and so was also excluded from the analysis.

5.3.3. Does well-being measured at the first offense associate with the re-offending rates after controlling for treatment, family factors, gender, gravity of the first offense and attitudes to offending?

To test whether well-being effect the likelihood of being a recidivist two models were run: the first including the composite well-being score and the second using individual ASSET scores for dimensions of well-being. Both models included controls for living conditions, attitudes to offending, age and sex and ethnic group, gravity of offense and treatment or sentence received. Both models employ logistic regression techniques, and use a binary dependent variable where being a recidivist is equal to 1 and not reoffending is equal to 0.

When looking at the well-being composite in model 1, there is a large but insignificant negative association, suggesting that despite the descriptive tests above, well-being at first offense is not associated with the likelihood of reoffending after controlling for personal and social factors. However, when model two introduces the dimensions of well-being as measured by the ASSET tests, two well-being measures are significantly associated to being a recidivist, and these are: Neighbourhood and Lifestyle.

Neighbourhood scores are given on the basis of the place where the youth spends the majority of their time, and considers factors such as drug dealing and age-approximate or affordable facilities for the young people. This neighbourhood effect translates into an odds ratio of 2.7, meaning youth living in neighbours with worse conditions are 2.7 times more likely to be reoffenders than those spending most of their time in less problematic areas. This finding is not so surprising given that youth unable to engage in age-appropriate or affordable activities will seek other options. Moreover, the peer effects and accessibility to illegal substances in these places will also have an impact. In short this risk factor can be explained by a lack of supply of the positive options, and an over-supply of negative options.

Lifestyle, where age-appropriate friendships, mainly having friends engaged in criminal activities, or undertaking reckless activities also loads significantly on the likelihood of reoffending. The lifestyle effect in the model suggests that young offenders with negative lifestyles are 1.45 times more likely to reoffend; again peer effects and lack of appropriate activities are at the heart of the matter.

Table A.2.5. Well-being effects on the likelihood of being a recidivist

		Model I		Model II	
Well-being factors	Well-being index	-0.469		…	
	Family and personal relationships	…		0.046	
	Education	…		-0.192	
	Neighbourhood	…		0.989	***
	Lifestyle	…		0.358	*
	Substance use	…		-0.121	
	Physical health	…		-0.030	
	Emotional and mental health	…		-0.261	
	Perception of self and others	…		-0.019	
	Thinking and behaviour	…		-0.006	
	Motivation to change	…		0.379	
	Living conditions	0.041		-0.062	
	Attitudes to offending	0.222		-0.002	
Age at first offense	Years	-0.481	***	-0.568	***
Sex	Male =1	0.110		0.090	
Ethnic group	White or white British	0.069		0.135	
	Black or black British	0.240	*	0.118	
	SE Asian, or SE Asian British	-0.041		-0.129	
	Other ethnic groupings	-0.268	a.	-0.124	
Gravity of first offense	1	0.588	*	1.414	***
	2	0.733	***	0.787	***
	3	0.610	***	0.540	***
	4	0.457	**	0.472	**
	5	-0.552	**	-0.525	**
	6	0.295	a.	0.037	
	7	-1.210	**	-1.361	**
	8	-0.920		-1.364	*
Treatments	Other or unknown	-0.739	**	-1.074	***
	Action, support, or rehabilitation order	0.129		0.108	
	Behavioural order	-0.142		-0.099	
	Custodial, bail	0.569	a.	1.127	***
	Community service	0.761		1.179	*
	Final warnings, reprimands	-0.640	***	-1.218	***
	Reports or reviews	0.061		-0.024	
Constant		**7.504**	***	**9.244**	***

Note: Offense gravity is gravity of first offense. Coefficients are Beta coefficients; equivalent odds ratios for binary variables are reported in the text. Significances are reported as follows: *** p<0.001, **p<0.01, * p<0.05, a. p<0.10. Overall explanatory power of the model is interpreted using the Nagelkerke R^2: for Model I this is 0.215, for model II this is 0.315.

Source: Author's analysis of YOT data.

When looking at other significant factors in the tests, older ages, higher levels of gravity of crime at first offense, and receiving final warnings and reprimands, all result in a greater likelihood not to reoffend. In most cases introducing the well-being factors by dimension increase the explanatory power of these factors.

5.3.4. Does the measured change in well-being between recidivist's first and last offenses relate to changes in the type and gravity of offenses?

The tests for the likelihood of the end of youth re-offending involving more serious offenses is again tested in two models, the first with a composite measure of well-being and the second using well-being dimensions. Reoffenders are categorised as *1* in the logistic regression if their offense on exit from the system is more serious (higher in gravity score) than their first offense.

The results show that youth with higher overall levels of well-being (model I) are less likely to commit more serious offenses on exit from the YOT system, although this is only significant at the $p<0.1$ level. Dimension level results as measured by changes in ASSET scores (model II) and show mixed results. Education ASSETs – measured using school reports and interviews with stakeholders (including children themselves) and observation (see Annex 2 for a summary of YJB, 2013) – that increase over the same period are associated with less serious offenses on exit, and falls in education are associated with more serious offending later on. Positive increases in thinking and behaviour, which measures patterns of the young person thinking and behaviour across all other ASSET measures, is associated with a reduced likelihood of being a more serious offender in the future, and – counterintuitively perhaps – falls in the positive perceptions of self and others (which may reflect negative self-esteem based on criminal activity).

Table A.2.6. Well-being effects on the likelihood of crimes of recidivists increasing in gravity

		Model I		Model II	
Well-being factor	Change in well-being index	-0.420	a.	…	
	Education increase	…		-0.158	a.
	Education fall	…		0.166	*
	Thinking and behaviour increase	…		-0.194	*
	Perception of self and others, fall	…		-0.193	*
	Living conditions	0.046		…	
	Attitudes to offending	0.135		…	
Age at first offense	Years	-0.012		-0.057	a.
Sex	Male =1	0.190	*	0.284	
Ethnic group	White or white British	-0.048		-0.036	
	Black or black British	0.027		0.102	
	SE Asian, or SE Asian British	0.142		-0.174	
	Other ethnic groupings	-0.122		0.108	

Treatments	Other or unknown	0.159		-0.126	
	Action, support, or rehabilitation order	0.011		0.027	
	Behavioural order	0.042		0.113	
	Custodial, bail	-0.186		-0.020	
	Community service	0.263		0.472	
	Final warnings, reprimands	-0.079		-0.060	
	Reports or reviews	-0.210	a.	-0.405	*
Constant		**-0.717**	*	**-0.172**	

Note: Coefficients are Beta coefficients; equivalent odds ratios for binary variables are reported in the text. Data does not include insignificant changes to dimension of well-being variables. These are available from the author on request. Significances are reported as follows: *** p<0.001, **p<0.01, * p<0.05, a. p<0.10. Overall explanatory power of the model is interpreted using the Nagelkerke R^2: for Model I this is 0.01, for model II this is 0.033.
Source: Author's analysis of YOT data.

There are few other significant factors in the tests. Males are more likely to undertake more serious crimes than females on exit of the system (they are 1.2 times as likely as females), and younger offenders are less likely to commit more serious crimes on final offense (though this is only significant at the p<0.1 level). When looking at treatments, most interventions show insignificant effects on changes to the gravity of offense, but youth under report or review are significantly less likely than the average to re-offender to commit more serious crimes on exit from the system (in model II this translates an odds ratio of 0.67, so two-thirds as likely as average to commit more serious crimes).

It should be noted, whilst reflecting on the very low r-squared values, that changes to the gravity of offenses is not readily explained by either model (using a composite of well-being or when using dimensions). To be sure this was not a result of using a binary measure of gravity change, two robustness test were undertaken. First, a scale measure of gravity of change was tested using a linear regression, and produced much the same results. Second, an independent variable of the gravity at first offense was added to both the logistic and linear tests, results were mixed and are not presented here.[4] Including the gravity of first offense as an independent variable resulted in a much higher rate of explanation of increases in gravity of offense, yet it's inclusion was considered unreliable due to floor effects (lower scores can only stay the same or rise) and had potential endogenous effects. In all, the result here are unsatisfactory, and it is probably better to attempt further analysis of this change in gravity using a subsection of the population of offenders, by clusters of homogeneous offenders across the population, or by changing the variables used to explain its variation.

[4] All additional analysis is available from the authors on request.

5.3.5. Does the measured change in well-being between recidivist's first and last offenses relate to changes in the type of offenses?.

Finally, evidence suggests that the measured change in composited well-being (model I) is not significantly related to differences in the types of reoffenders' first and last recorded offense (a change in offense = 1 in the logistic regression dependent variable). However, when decomposing the change in well-being to measure changes in ASSET scores, significant associations emerge. Youth with a lower likelihood of changing the type of offense also report a significant worsening of family and personal relations (family members involved in crime of with drug addictions), no change to lifestyle score, decreases in physical health (physical conditions, delayed maturity, substance abuse and risk taking), and increases in substance use (and its effects on education, relationships and lifestyle). These conditions, and particularly for substance users, may lead to habit forming or a stagnation of life conditions, associated with the initial offense. Increases in the likelihood of changing the type of offense undertaken is seen in young offender experiencing increases in health outcomes over the period, and no changes to their thinking and behaviour – this latter finding may include changes in criminal patterns of reformed substance users, whose previous addictions would otherwise lower health ASSET scores.

Table A.2.7. Well-being effects on the likelihood of recidivists changing offense types between first offense and last offense being different

		Model I		Model II	
Well-being factors	Well-being index	-0.262		…	
	Family and personal relationships, decrease	…		-0.260	*
	Family and personal relationships, no change	…		0.154	a.
	Lifestyle, no change	…		-0.158	*
	Physical health, decrease	…		-0.476	**
	Physical health, increase	…		0.486	**
	Substance use, increase	…		-0.242	**
	Thinking and behaviour, no change	…		0.217	**
	Living conditions	0.109		…	
	Attitudes to offending	0.010		…	
Age at first offense	Years	-0.043	a.	-0.022	
Sex	Male =1	-0.022		0.040	
Ethnic group	White or white British	0.075		-0.010	
	Black or black British	-0.128		-0.060	
	SE Asian, or SE Asian British	0.003		0.361	
	Other ethnic groupings	0.049		-0.291	

Treatments	Other or unknown	-0.133		-0.077	
	Action, support, or rehabilitation order	0.015		0.018	
	Behavioural order	-0.035		0.038	
	Custodial, bail	0.177		0.111	
	Community service	-0.343	a.	-0.229	
	Final warnings, reprimands	0.118		0.147	
	Reports or reviews	0.202	a.	-0.008	
Offense type	Other	0.101		0.192	
	Breach of bail or statutory order	0.378	*	0.279	
	Violence or hate crime	-0.261	**	-0.310	*
	Crimes of theft	-0.203	*	-0.196	
	Drug crime	0.419	**	0.391	
	Sexual offenses	-1.383	**	-1.656	**
	Public order offense.	0.950	***	1.300	***
Constant		**0.919**	**	**0.750**	

Note: Coefficients are Beta coefficients; equivalent odds ratios for binary variables are reported in the text. Data does not include insignificant changes to dimension of well-being variables. These are available from the author on request. Significances are reported as follows: *** p<0.001, **p<0.01, * p<0.05, a. p<0.10. Overall explanatory power of the model is interpreted using the Nagelkerke R^2: for Model I this is 0.044, for model II this is 0.08.
Source: Author's analysis of YOT data.

The only other meaningfully significant factors in changes to types of crimes are the original offense types (first offense types). Across both models, youth involved in violence or hate crimes and youth involved in sexual offenses are significantly less likely to change the type of offense they were first sentenced for. Youth involved in public order offenses however, are significantly more likely to diversify their criminal activity. Again, it should be noted, that together these independent variables do not represent well the factors that drive variation in the likelihood of diversifying offense types. Neither model explains more than 8% of the total variance in the sample.

6. Recommendations for the Development of Well-Being Measures for Young Offenders.

The chapter opened with the question "Can We Measure the Levels of Ill-Being/Well-Being in Young Offenders Across Europe?" The answer is of course "yes", insofar as methodologically it is possible, and it should be done – there are good private and public reasons to do so – but unfortunately the available cross-national data sources are not up to the task. The role of this final discussion section is therefore to make suggestions on where to go from here, by drawing key lessons from the analysis, suggesting how to measure the well-being of young

offenders, and reiterating the value of such a cross-national monitoring tool for researchers and policymakers alike.

6.1. Measuring the well-being of young offenders: key lessons from the available data.

The first lesson for measuring the well-being of young offenders across Europe is that young offenders' populations differ widely, and in some countries an action undertaken by one youth is an offense whereas the same action in another country does not constitute an offense (based on age of criminal responsibility and legal rights etc.). This creates the need for a unique internationally-comparable definition of young offender in order to measure the well-being of this population across countries. Because offenses are not treated equally across countries, and populations of young offenders will differ, their needs and treatments are very likely to differ considerably limiting the value of a comparative study without a common definition.

The second lesson is that most of the available comparative data collected in present comparison of child well-being do not adequately cover the important aspects of youth offending; mostly low level risk behaviours, and more serious types of substance use. They do not for instance allow for the distinction of youth who have offense records – or other ways to allow direct comparisons to non-offenders. Moreover, the surveys are mainly school-based, meaning children who are truants, in special educational needs settings, or in custody, do not make it into the survey – which is likely to mean estimates of offending in the youth population do not account for the experiences of the more serious offenders.

Third, the analysis of YOT data shows that levels of well-being map to likelihood to reoffend, offense types and gravity, and the sentences received for young person's first offenses. And that knowing how young offenders are faring in regards to their overall quality of life at the time of offense can be used to inform their likelihood of rre-offending, and the most effective form of intervention (the need for information on *what works* in terms of intervention is also a good case for longitudinal surveys that distinguish young offenders from non-offenders) .

Fourth, well-being also maps to ages of offenders, with older reoffenders have higher well-being, perhaps showing that children who are undertaking offenses from the age of ten are experiencing uniquely difficult circumstances – highlighting that the need early interventions are particularly critical for this group.

Fifth, most first-time young offenders commit relatively lower level crimes, and do not receive custodial sentencing. This means that they return to the lives and environments they experienced prior to engagement with the criminal justice system. To develop effective and efficient services and supports for these youth, and to ensure the best chance of reform, it is appropriate to know about their quality of life, as well as living conditions, and identify points for targeted intervention.

Sixth, some dimensions of well-being are related to the likelihood of reoffending, and changes to the gravity and types of reoffending. Neighbourhood and lifestyle factors are important for reoffending, and changes to the levels of education and health, substance use and personal relationships are likely to be important for understanding the progression in gravity of offenses and changes to the types of crime undertaken by reoffenders. These could be used (with further re-affirming analysis from other settings/countries) as a starting point for a list of key factors to be included in new measures of youth offending across countries.

Finally, and associated, evidence suggests that it is not just the levels of well-being, but changes to well-being dimensions that can matter. However, because well-being changes do not explain large amounts of variation in the behavioursof young offenders - and does not shed light on the reasons young people beginoffending - more tests could be undertaken to further explore the role of well-being factors on the choices of young offenders.

6.2. How to measure the well-being of young offenders?

Measuring well-being focusses on measuring life outcomes or achievements, focussing on the child, covering appropriate age groups, ensuring indicators are amenable to intervention (without being susceptible to perverse forms of targeting), capturing a comprehensive range of concepts, and being repeatable, reliable, and comparable across countries. Achieving all of this has not been possible for the child population as a whole in Europe (and has led to new data collection methods in recent years), and so is a big ask for populations of young offenders who are often less visible, less inclined to be measured, and can represent a heterogeneous group in terms of type and severity of crime.

To start, data collections and studies need to capture representative and comparable populations of young offenders. This requires a European-wide definition, and data collection to be extended to various institutions, such as children's homes, special-need educational institutions and classes, and prisons with children in them, to assess their well-being.

Age coverage is also an important consideration. On average, for both males and females in the YOT dataset, the first recorded offense is around the age of 14 and last recorded offense is around the age of 16 and suggests that an appropriate age focus for youth offending measurement that includes the United Kingdom may be around 13 to 17 years of age. However, the well-being data suggests that children from the age of 10 are experiencing the biggest challenges with their well-being and quality of life, suggesting a need for earlier measurement. Moreover, policies of prevention and early intervention will need data prior to recorded first offense. A conservative recommendation would therefore be to begin collecting information on specific dimensions of well-being (e.g. family

relationships, parental substance abuse, neighbourhoods) from all children from the age of 10.

When selecting the well-being outcomes to measure in a comparison of the well-being of youth offenders across Europe, the ASSET set of question from the YOT data is a good place to start. Not only is the composite measure promising for distinguishing the single offender from re-offenders, but certain dimensions proved to be associated to the risk of reoffending after a range of available controls were included in the models. As noted above, neighbourhood and lifestyle factors are important for reoffending, and changes to education and health, substance use and personal relationships are important for understanding changes to gravity and types of offenses. However, each of these measures would need to be tested for cross-national sensitivity, and instead the factors they attempt to represent might be better suited to the task, such as: access to age-appropriate and affordable activities, positive relationship with peers and parents, substance use (selves, peers, and family), health and educational development, and the availability of positive role models.

Evidence from the YOT data also suggests that parental factors are important, so efforts could be made to measure the offending rates in households where the children live, as well as the neighbourhoods. Preventative policy may mean treating the problems and risks seen in the family as a whole, or the neighbourhood as a whole, as a way to help young offenders, and break cycles of offending.

The value of a monitoring tool for well-being across countries is driven by its ability to accurately inform policy, which means effectively matching policy to outcomes to explain variance in the well-being of children and young offenders. To do this, efforts need to be made to make measures of access to services such as education and health comparable across countries and the well-being outcomes themselves. One solution is to use the rights-based question of adequacy to overcome these challenges of comparability, and apply it to the youth offending population as a whole in a *relative* sense. Question could include:

- What proportion of youth offenders in country X as a total of all youth offenders have access to adequate health care?
- What proportions of youth offenders in country X as a total of all youth offenders have access to adequate education support?

Measures on youth justice will also be required when informing policy. To develop international definitions for these contextual factors, such as the length of time and type of sentence of treatment for offenders in different countries, basic categories will need to be agreed also. In the first instance, these should be, at the very least, rates of young offenders receiving custodial and non-custodial sentencing, calculated as a proportion of the youth offending population as a whole.

6.3. The importance of measuring well-being of young offenders for the purpose of policy making.

Finally, it is important to note that policymakers also stand to gain in the development of measures of well-being for the most vulnerable groups in society, of which young offenders are one.

The standard arguments for measuring children's well-being apply here: identifying the needs of the youngest generations, early, and addressing them, will create social returns, which have the longest time to accrue across the lifecycle. This is acutely true for populations of vulnerable children who have the potential to live independent and productive lives given the appropriate supports and interventions – and who, if left to struggle against adversity will create large private and public costs for themselves, their children, and for society as a whole.

The value of cross-national information is that it significantly increases the available samples, policies and social contexts that would inform the youth justice policy reform in national contexts, as well as education policies for youth and beyond. European governments, and the European Commission, would do well to support the expansion of standard child and household surveys to children in out of home care, as well as invest on new surveys, if necessary, to understand the well-being of children and youth not captured in present surveys due to standard data collection practices.

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Annex 1. Indicators Used in Comparative Analysis of Child Well-being

Table A.2.8. An overview of behaviour and risk indicators used in comparative child well-being analysis

Study	Indicators
European multidimensional indices (Bradshaw et al. 2007 and 2009)[1]	Risk behaviour (smoking; alcohol; drugs, cannabis; drugs, inhalants, [2007]). Sexual health (Fertility 15-19; active <15; safe sex). Violence and violent behaviour (fights; bullying)
UNICEF Report Cards 7 (2007) and 9 (2010)[1]	Risk behaviour (smoking; alcohol; drugs). Sexual health (pregnancy 15-19; active <15; safe sex). Violence and violent behaviour (fights; bullied)
CEE CIS index (Richardson et al., 2008)	Crime (juvenile rate; petty). Risk behaviour (smoking; alcohol; drugs x 2). Sexual health (Fertility 15-19; safe sex x3; active <15). Violence and violent behaviour (bullied x 2)
Doing Better for Children (OECD, 2009)	Risk behaviour (smoking; alcohol). Sexual health (Fertility 15-19). Violence and violent behaviour (bullied)
Save the children (2008 and 2011)[1]	None
European Commission Child poverty and Well-being (2008)[2]	Crime (offered drugs[c]; offending[c]; victimisation[c]). Risk behaviour (accidents x 2[b,c]; alcohol[c]; smoking[c] x 3; drugs[c]). Sexual health (pregnancy 15-19[b]; fertility 15-19[c]). Violence and violent behaviour (bullied[c]; experiences of[c])
TARKI (2011)	Risk behaviour (smoking; alcohol x 2; drugs – illicit; drugs – medicinal)
US Dept. of Commerce (Hobbs and Lippman, 1990)[3]	Sexual health (abortions 15-24; pregnancy 15-19; fertility 15-19); Violence and violent behaviour (mortality)
OECD Family Database (since 2007)	Risk behaviour (smoking; drugs)

Notes: (1) Indicators included in both studies have not been dated. Indicators marked "x 2" means multiple indicators of that type are included in the framework. (2) Indicators from the European Commission report are recorded with a postfix of "b' or 'c'. 'b" are not common EU indicators, but could be available across EU sources, and only used by some EU countries. "c" are alternatives to EU indicators used in some countries for which EU sources are not suited (EC, 2008, p. 78). (3) Indicators exclusively falling outside the age range of children (0-17) have been excluded, as have demographics indicators included in the publication.
Source: Richardson (2012).

Table A.2.9. The most commonly used survey-based child well-being indicators

Indicator	Uses
Educational achievement (literacy at 10 and 15, mathematics, reading, science)	20
Income poverty (absolute, gaps, relative)	18
Deprivation (educational items, household)	16
Subjective well-being (health, home, life, peers and school safety)	14
Peer or family relationships	12
Health behaviour (nutrition)	9
Risk behaviour (hard drugs, Cannabis, inhalants, medicinal)	9
Risk behaviour (smoking)	9
Violence and violent behaviour (bullied, bullying and fights)	9
Health Problems (BMI, mental health, morbidity)	8
Overcrowding	8
Sexual health (active <15, safe sex)	8
Health behaviour (physical activity)	7
Risk behaviour (alcohol)	7

Table note: commonly used indicators are those used 7 or more times across the child well-being frameworks.
Source: Richardson (2012).

Annex 2. Background to the Youth Offending and Asset data5

In 1999, the Youth Justice Board of England and Wales set out a specification for a structured assessment tool to be used by all Youth Offending Teams (YOTS) in England and Wales. The University of Oxford Centre for Criminological Research undertook the development and design of the assessment tool called ASSET. The key requirements for the tool were to:

- identify the factors most closely linked with offending by young people;
- measure changes in needs and risk of reoffending over time;
- assist practitioners in planning intervention programmes;
- highlight the need for further assessment in specific areas.

The theoretical basis for ASSET was around a review of the research literature relating to young offenders. The current version of ASSET was piloted and amended and then introduced across England and Wales in April 2000. Since then, ASSET has been validated through the collection of qualitative data on practitioners' views on the use of ASSET and analysis of data from 3,395 completed ASSETs collected from 39 YOTs across England and Wales. The analyses found that the accuracy of ASSET in predicting reconviction (within 12 months) was as good as – or better than – similar tools used with adult offenders in the UK.

A2.1. Explanation of the data.

The scores within the core ASSET rate the extent to which this factor is linked to the likelihood of further offending. Each factor is scored between zero and four: 0 – where no evidence of any association between this factor and future offending behaviour to 4 where, in the judgement of the assessor this factor directly contributes to the risk of future offending.

A2.2. The Scored ASSET factors.

A2.2.1. Living arrangements.

This factor examines the accommodation and living arrangements for the young person by focusing on who has the young person been mostly living with over the last six months. This area will seek to identify factors such as No fixed abode, including those who are homeless, living on the streets, staying in night shelters or constantly moving between different friends' houses. Whether accommodation is

[5] This Annex summarizes the Youth Justice Board for England and Wales ASSET Guidance. Please see the Youth Justice Board website for further details. http://yjbpublications.justice.gov.uk/en-gb/Resources/Downloads/Asset.pdf

considered unsuitable in that it fails to meet their needs specifically in relation to physical conditions/facilities in the accommodation (e.g. amenities, safety, hygiene, personal space). Whether the individual is living with other known offenders within the same home/household/institution as the young person. Whether the living arrangements are disorganised or chaotic, examples of this might include different people constantly moving in/out of the accommodation, living in a squat, or a young person unable to cope with the practical/domestic aspects of living alone and miscellaneous other issues include anything else which the assessor might consider to be problematic for example isolation, or where the accommodation provides opportunities for offending, or availability of drugs within the residence.

A2.2.2. Family and personal relationships.

This section focuses on some of the key relationships in a young person's life and highlights situations where s/he may have lost contact with someone. The phrase "in contact with" is designed to capture a variety of interactions, both positive and negative (e.g. personal contact, letters, phone calls and so on). Once again the assessment is looking for evidence of relationships within the previous six months which are deemed to have an impact on the likelihood of future offending. Factors which are of interest here are family members or carers with whom the young person has been in contact over the last six months being involved in criminal activity, evidence of family members or carers with whom the young person has been in contact over the last six months being involved in heavy alcohol misuse, drug or solvent misuse.

Evidence that significant adults fail to communicate with or show care/interest in the young person (e.g. a step-parent who is not really interested in him/her or an absent parent who fails to communicate with him/her). Whether the young person has experience of abuse regardless of when it occurred. Witnessing other violence in family context. Significant bereavement or loss and most specifically the impact of loss on the young person rather than the event itself where such bereavement or loss continues to have a significant impact on his/her everyday life functioning, regardless of when the event actually occurred. Difficulties with care of his/her own children. This includes anything which makes it difficult for the young person to provide appropriate care and support for his/her own child (e.g. limited financial resources, his/her own emotional immaturity, or lack of support networks).

A2.2.3. Education, training and employment.

The ASSET assessments draw on a range of evidence, including educational records such as test/exam results, educational plans (in particular Statements of Educational Need and Personal Education Plans for young people in the care

of the local authority), school/college reports, records of achievement/progress files; interviews/discussion with young people, their parents/carers and other professionals such as teachers/tutors; practitioner observation of the way in which a young person speaks, listens, reads, writes and approaches concepts related to numbers, time, directions etc. This section will also identify issues such as non-attendance at school where the young person is of statutory school age or lack of training or employment where the young person has left statutory education.

A2.2.4. Neighbourhood.

The assessment looks to outline factors associated with the neighbourhood in which the young person spends most of their time. Factors such as obvious signs of drug dealing and/or usage or a lack of age-appropriate facilities, including situations where facilities are available but most of the young people in the neighbourhood cannot access them for reasons of cost.

A2.2.5. Lifestyle.

Factors such as lack of age-appropriate friendships, association with predominantly pro-criminal peers focussing on whether the majority of his/her friends are involved in criminal activity and/or whether s/he spends most of her/his time with pro-offending peers and an absence of non-criminal friends. Participation in reckless activity, not just offending. It includes activities which are often done to get a *buzz* or to impress friends, and are likely to place the young person and/or others at risk of physical injury (e.g. playing on railway lines, building sites or major roads, and racing cars around residential areas).

A2.2.6. Substance use.

The focus of this section is on the young person's own attitudes and choices about substance use. The details in the table, therefore, should normally relate to occasions when s/he has used substances independently or with friends/associates. It does not need to include certain instances of use within a family context (e.g. moderate use of alcohol with meals at an appropriate age). If parents/carers are giving him/her inappropriate access to substances, however, this should be included (e.g. his/her first use of illegal drugs was with family members, adults allowing excessive alcohol use at a young age). When addressing the issues in this section it may be helpful to re-emphasise to the young person that the purpose of the assessment is to get a picture of his/her life, pastimes and problems in order to know how best to help him/her stop offending. It is important for him/her to understand that information about substance use will be used within this context and not for instigating new criminal proceedings.

Decisions on when and how to discuss substance use with the young person will depend on his/her age and willingness to engage. It is advised that issues about tobacco, alcohol and solvents should be raised before moving on to illegal drug use. Within such a dialogue, the young person may then be more ready to disclose information about frequency and context of illegal drug use.

A2.2.6.1. Practices which put him/her at particular risk.

Methods of substance use that place the young person at particular risk include injecting, sharing equipment and poly drug/alcohol use. Any occurrence of blackouts, overdosing or withdrawal symptoms will also be of significant concern.

Sees substance use as positive and/or essential to life This is when the young person believes the *benefits* of substance use outweigh the risks and problems associated with it. Noticeably detrimental effect on education, relationships, daily functioning

Consider the effects of substance use on the following: education – attendance, concentration, attitudes/interest in school, goals/aims for the future; relationships – with family, friends, teachers, staff/other professionals; daily functioning – lifestyle, use of free time, health, finances (e.g. a young person going without food in order to have money for cigarettes).

A2.2.7. Physical health.

A comprehensive assessment of the young person requires some consideration of his/her physical health and development. Health problems may have an adverse impact on many other aspects of his/her life, including educational and school experiences, peer group interactions, self-presentation and self-esteem.

Health needs will clearly vary according to age and gender and this needs to be borne in mind throughout the section. Consideration should also be given to any cultural or religious beliefs of the young person and his/her family which may affect health care.

A2.2.7.1 Health condition which significantly affects everyday life functioning.

This could include on-going conditions such as epilepsy or diabetes, temporary conditions such as pregnancy or broken bones; mobility, sensory or communication impairments, or other illness or injury. The emphasis here is not on the nature of a condition, but on the impact which it has on his/her everyday life. Tick "yes" if you feel that this is significant. Physical immaturity/delayed development

This question refers to those whose physical development is visibly and substantially behind that of their peers. Problems caused by not being registered with GP or other appropriate health care services (e.g. dentist)

A2.2.7.2. Health put at risk through his/her own behaviour.

This links with issues raised in the "Substance use" section but also covers a broader range of behaviour, including behaviour caused by a lack of knowledge, a decision to ignore known consequences, or *thrill seeking* behaviour. Some examples are given on the form. Others might include binge drinking or refusing to take medication as prescribed.

A2.2.8. Emotional and mental health.

Mental and emotional well-being will be influenced by issues such as personal relationships and social environment as well as medical factors. Different cultural groups will vary in their views about what constitutes emotional well-being and this needs to be borne in mind. The following three factors, however, may provide a useful framework for understanding the young person's mental health needs within the context of his/her particular situation.

Events/circumstances – Events which are unpredictable and which the young person feels they have no control over are likely to be particularly stressful. The research literature also makes a helpful distinction between *normative* events which all young people experience at some time (e.g. peer pressure, puberty, changing from primary to secondary education) and *non-normative* events which affect particular individuals at specific times (e.g. family breakdown, illness, bereavement, abuse). A young person facing a cluster of these events is more likely to have difficulties in managing the resulting emotions.

Support networks – What help and support (either formal or informal) is available to the young person?

Coping abilities – The young person's age, gender and maturity will all affect the range and type of coping strategies used. Some common approaches include *problem-focused coping* (e.g. trying to remove or reduce the cause of the stress), *emotion-focused coping* (e.g. trying to change the emotions associated with a problem) and *withdrawal* (e.g. denying the existence of a problem). Young people will vary in the way that they perceive stressful situations and those who have a realistic understanding of a difficult situation will be better placed to cope with any on-going stress. Having some sense of control will also help the young person to feel that s/he can cope. Focusing on the connections and interactions between these three factors helps to ensure that assessment of the young person's emotional and mental health is rooted in the context of his/her on-going life experiences.

Coming to terms with significant past event/s – This question looks at the impact of different events on the young person's emotional well-being. It can include events affecting the young person directly and problems faced by family members, carers, or friends who have an impact on him/her. Some of the events will have been identified in earlier sections (e.g. abuse, loss). The focus here is not on the events themselves, however, but on the way in which they currently affect

his/her thoughts and emotions. Tick "yes" if there are thoughts and feelings that have a persistent and powerful impact on his/her everyday life.

Current circumstances – This question looks at the impact of current circumstances on the young person's emotional well-being. It can include circumstances affecting the young person directly and problems faced by family members, carers, or friends who have an impact on the young person. The focus here is not on the events themselves, however, but on the way in which they currently affect his/her thoughts and emotions. Tick "yes" if there are thoughts and feelings that have a persistent and powerful impact on his/her everyday life.

Concerns about the future – This question looks at the impact of the young person's concerns about the future on their emotional well-being.

Has there been any formal diagnosis of mental illness? Any other contact with, or referrals to, mental health services? Are there indications of self-harm?// he is affected by other emotional or psychological difficulties. This could include phobias, hypochondria, eating or sleep disorders and obsessive compulsive behaviour. Suicidal thoughts and feelings which the young person has not yet acted on. /he has previously attempted suicide.

A2.2.9. Perception of self and others.

S/he has difficulties with self-identity. The purpose of this question is to highlight cases where a young person is experiencing particular difficulties in this regard (more so than the average adolescent). Some of the common factors that may contribute to a poor or confused sense of self-identity are: a lack of knowledge of personal and family history (e.g. a young person subject to a care order who has little knowledge about his/her birth family); experience of discrimination; a feeling of cultural/social isolation; a very unstable or highly dysfunctional family background. /he has inappropriate self-esteem. A young person's level of self-esteem may vary at different times and in different contexts. S/he displays discriminatory attitudes towards others. S/he perceives him/herself as having a criminal identity.

A2.2.10. Thinking and behaviour.

This section draws together information about the young person from all the other ASSET sections in order to identify patterns of thinking and types of behaviour which cause difficulties for him/her. Evidence for your judgements in this section can be drawn from information about his/her behaviour at home, at school, with friends, in the neighbourhood, with staff and, of course, details of his/her offenses. Impulsiveness/Need for excitement /Giving in easily to pressure from others/Inappropriate social and communication skills.

A2.2.11. Attitudes to offending.

The first four questions in this section focus on the young person's attitudes towards the offenses which triggered this assessment. If there are issues about attitudes to past offenses which you think are particularly significant, however, these can also be included. Please indicate whether the young person displays any of the following attitudes. The focus of these questions should be on the young person's attitudes to the offense/s which triggered this assessment. If there are issues about attitudes to past offenses which you think are particularly significant, however, these can also be included. Denial of the seriousness of his/her behaviour/ Reluctance to accept responsibility for involvement in most recent offense/s/Lack of understanding about the impact of his/her behaviour on victims/Does the young person recognise that there is a victim or that there has been an adverse effect on the community?/Lack of remorse/Lack of understanding about impact of his/her behaviour on family/carers.

A2.2.12. Motivation to change.

Has an appropriate understanding of the problematic aspects of his/her own behaviour; this can include offending behaviour and non-offending behaviour which nevertheless causes difficulties for the young person and others. Does s/ he understand which particular aspects of his/her behaviour are problematic? Does s/he understand why they are problematic? Is this level of understanding appropriate for a young person of his/her age? Understands the consequences for him/herself of further offending This includes both short-term consequences (such as arrest and sentence) and longer term consequences (for example, the difficulties of getting a job with a criminal record).

A2.2.12.1 Positive factors.

As well as assessing problems facing the young person, it is also important to identify the positive aspects of the young person's life. This is essential for building up a complete picture of the young person and will also help to identify factors that may help the young person to curb or stop offending.

The questions in this section cover a variety of factors. Some relate to the young person's own attitudes and behaviour, whilst some will depend on the actions of other people. It is important to focus on factors that are specifically relevant for this young person. There might be a range of good facilities and services available in the local neighbourhood, for example, but if these are not addressing his/her particular needs then it may not be appropriate to identify this as a positive factor for him/her. It is also helpful to think about different contexts in which a factor might be relevant (e.g. *resilience* could refer to coping with problematic family relationships or a serious health condition). Sometimes there may be just one positive factor among a range of problems. A young person experiencing severe

difficulties at school may have a good relationship with one particular teacher, for instance. Similarly, in a family setting there might be one relationship that has a stabilising influence on the young person. With an issue such as motivation, it may be that the young person is willing to deal with certain problems while refusing to acknowledge others.

A.3. Making Policy Effective: Evidence-Based Foundations for an Effective Juvenile Justice System

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Abstract: The purposes of the paper are to (a) explore links between antisocial behaviour of youth and well-being, and (b) identify strategies to reduce risk for antisocial behaviours and thereby enhance well-being. The commission of antisocial behaviours (including criminal acts) may be said to bear on well-being in two senses. First, engaging in these actions reflect negative well-being, and, second, the factors placing the youth at risk for criminal actions (dysfunctional family environment, school failure) are themselves indices of negative well-being. The paper is guided by the Risk/Need/Responsivity (RNR) model. This model is designed to assist in analysing factors placing the youth at risk for criminal activity and to guide case planning and case management efforts directed toward effective risk management and rehabilitation efforts. The key concepts in the model are criminogenic risk (characteristics of the youth or his/her circumstances placing them at risk for criminal activity), criminogenic needs (risk factors that can be changed, and, if changed, reduce level of risk), and responsivity (factors not necessarily related to criminal activity but possibly relevant to case planning and management). Negative peer associations and dysfunctional family environment are two examples of need factors, while developmental delay and cultural/ethnic group membership are examples of responsivity factors. The model also provides for the identification of strength or protective factors useful in case planning. These concepts are developed in the paper, as are principles of best practice designed to guide intervention efforts.

A variety of systems for addressing youth crime have been developed (Corrado, 1992). However, formal justice systems composed of police, courts, custody, probation, and community-based services form the most common type. These systems may reflect a punitive or rehabilitative model, although most reflect elements of both. This formal type of system will form the focus of the discussion in this chapter, although many of the observations and conclusions presented in the chapter apply as well to other types of systems.

A justice system should embrace a number of goals. First, the system bears some responsibility for insuring protection of the public. This is an inherently

important goal; criminal activity and fear of criminal activity are major factors associated with the well-being of a community. This is also an important goal from the point of view of public support for the system. Promoting victim accountability constitutes a second important goal. Victims have a right to see that individuals causing them harm are held accountable for their actions and, where appropriate, adequate compensation is received. Third, and related, the juvenile justice system is responsible for holding the youth accountable for his/her actions. Ignoring criminal activity or risk of criminal activity does not accomplish anything. However, and as will be stressed in this chapter, the means for holding them accountable must be selected with care.

Fourth, systems should focus on addressing the factors placing the youth at risk for criminal activity. This is the key to reducing the chances the youth will continue to engage in criminal activity and thereby helps to address the first three goals as well. Finally, because juvenile justice systems should embrace a broader human service mission, the ultimate goal should be enhancement of the general well-being of the youth by providing him or her with the resources to lead a positive, productive life, and happy life.

This chapter will embrace the child welfare/rehabilitation orientation implied in the fourth and fifth goals identified above. The focus, in other words, is on addressing the personal, social, educational, and situational needs of the youth and on promotion of the general well- being of the youth. The discussion in the chapter is organised around the Risk/Need/Responsivity (RNA) model described below. It should be noted that the RNR model was originally developed in Canada and that much of the research on the model has been conducted in North American settings. However, exceptions will be noted below. As well, applications of the model have been seen in many foreign settings, including Ireland, Portugal, Croatia, Chile, and Singapore. In fact, the recent revision of the Russian juvenile justice system was based to a great extent on the RNR model.

Keywords: criminal behaviour; youth; well-being; Risk/Need/Responsivity Model.

1. Risk/Need/Responsivity Model

The RNR model provides for a focus on the personal characteristics of the youth and his or her circumstances relevant to decisions about case planning and management (Andrews & Bonta, 2010; Andrews, Bonta, & Hoge, 1990; Hoge & Andrews, 2010). It is an empirically derived model with considerable research support as will be shown below. The model is an important component of principles of best practice discussed in a later section. We begin with definitions of the three key terms within the model: risk, need, and responsivitiy.

1.1. Risk factors.

Risk factors refer to characteristics of the youth or his or her circumstances placing the youth at risk for criminal or other antisocial behaviours. A history of conduct disorder is one factor correlated with antisocial actions. Those with such a history are more likely to engage in criminal acts than those without. Associations with antisocial peers is another risk factors. Those in close association with youth who engage in criminal actions or who have antisocial attitudes are at increased risk for engaging in antisocial behaviours. Considerable research now exists helping to identify major risk factors (see Andrews & Bonta, 2010; Farrington, 1998, 2003; Heilbrun, Lee, & Cottle, 2005; Hoge, Vincent, & Guy, 2012; Lipsey & Derzon, 1998; Loeber, Farrington, & Waschbusch, 1998). These are summarised in Table A.3.1 where they are divided into two groups: proximal factors are those having a direct impact on the youth, while the distal factors generally operate indirectly through the proximal factors.

Table A.3.1. Major Risk/Need Factors

Proximal Factors
Antisocial attitudes, values, and beliefs
Dysfunctional parenting
Dysfunctional behaviour and personality traits
Poor school/vocational achievement
Antisocial peer associations
Substance abuse
Poor use of leisure time
Distal Factors
Criminal/psychiatric problems in family of origin
Family financial problems
Poor accommodations
Negative neighbourhood environments

1.2. Need factors.

Need factors refer to the subset of risk factors that can be changed through interventions, and, if changed, reduce the chances of future antisocial behaviours. These are sometimes referred to as dynamic risk factors. To illustrate, a history of conduct disorder constitutes a risk factor; youths exhibiting such a history are at higher risk for criminal behaviour than those who don't. However, this is an historical variable and can't be changed. Antisocial peer associations is another risk factor, but this can be considered a dynamic risk or need factor. We can intervene to reduce these associations, and, if we succeed, will reduce the youth's risk for reoffending (see Andrews & Bonta, 2010; Andrews et al., 1990; Hoge,

2001) for further discussions of these concepts). All of the factors in Table A.3.1 except the historical factor (history of conduct disorder/criminal activity) can be considered need factors.

1.3. Responsivity factors.

Responsivity factors represent characteristics of the youth or his or her circumstances that, while not directly related to his or her criminal activity, should be taken into account in case planning and case management. We also include here strength or protective factors relevant to treatment decisions. Table A.3.2 provides examples of responsivity factors. To illustrate, reading ability may not be directly related to the youth's criminal activity, but it may be relevant in assigning the youth to an intervention. Treatments requiring reading complicated material may not be relevant for the youth. Treatment readiness or motivation represents another important responsivity factor. Treatment decisions must take into account the youth's willingness to participate in treatments directed toward behavioural or attitude change. Very different approaches may be relevant to youth differing in motivation to change behaviours and attitudes.

Table A.3.2. Examples of Responsivity and Strength Factors

Individual Responsivity Factors	Depression/anxiety
	Developmental delay
	Victim of abuse
	Poor social skills
	Pregnancy issues
	Suicidal ideation
	Gang involvement
	Low self esteem
Family Responsivity Factors	History of criminal activity
	Emotional distress/psychiatric
	Marital conflict
	Financial/accommodation
	Cultural/ethnic
Situational Responsivity Factors	Problem neighbourhood
	Lack of recreational facilities
	Poor schools
	Lack of mental health services

Individual Strength Factors	High self esteem
	Positive, prosocial attitudes
	Good social skills
	Good problem-solving skills
	Strong academic skills, motivation
	Interest in sport, hobby
	Physical health
Family Strength Factors	Competent parents
	Cooperative parents
	Other supportive family member
	Financial stability
	Small family size
Situational Strength Factors	Good schools
	Good mental health services
	Positive neighborhood
	Recreational facilities
	Positive, supportive peers

Table A.3.2 also provides examples of strength or protective factors. These are factors representing positive characteristics of the youth or his or her circumstances that may be relevant to case planning and management. For example an interest in a sport or other positive activity may be useful in directing the youth away from antisocial peer associations. Building on an existing interest in an academic subject may be the key to developing a more positive attitude toward educational achievement. The availability of positive and cooperative parents, teachers, or peers may also represent important strength factors. While the amelioration of risk conditions can be seen as a major goal of the rehabilitation process, the other important goal is enhancing the individual's strengths or human capital (Guerra, Williams, Tolan, & Modecki, 2008; Guerra, Kim, & Boxer, 2008). This is the key to insuring that the individual has the resources to confront risk factors they may confront in the future. Attention to the strengths the youth brings to the treatment is also important from the point of view of developing a positive relationship with the youth, a theme developed in more detail below.

1.4. Other considerations.

A question can be raised regarding the relevance of age, gender, and cultural considerations to the risk, need, and responsivity factors. Considerable evidence now exists showing that the major risk factors identified in Table A.3.1 are predictive of criminal activity for males and females (Gendreau, Little, & Goggin, 1996; Simourd

& Andrews, 1994). However, it should be acknowledged that the pattern of risk and need factors may differ. For example it is possible that girls are more affected by dysfunctional elements in parenting and family dynamics than boys. As well, different responsivity factors may come in to play for boys and girls. For example, while emotional distress is not itself a significant predictor of criminal activity, it is an important responsivity factors, particularly in the case of girls.

While the set of risk and need factors identified above generally apply across the age range, it is clear that the relative emphasis on factors varies across the childhood and adolescent years (Farrington, 2005; Farrington & West, 1993; Gendreau et al., 1996; Hoge, et al., 2012; Vincent & Grisso, 2005). For example, the role of parenting tends to decline over time while peer group experiences assume increasing importance.

Differences among ethnic or cultural group membership in risk/need factors has not been fully explored. However, research in the United States has suggested that similar risk factors predict for African American and Caucasian groups (Bechtel, Lowencamp, & Latessa, 2007), while research in Canada has shown that the risk/need factors listed in Table A.3.1 predict as well for Aboriginal youth as non-Aboriginal Canadian youth (Jung & Rawana, 1999; Gossner & Wormith, 2007).

2. Risk, Need, and Responsivity Principles

The identification of risk, need and responsivity factors is important because of three evidence-based principles of the RNR model. Support for these principles continues to emerge (Andrews & Bonta, 2010; Andrews & Dowden, 2007; Bonta & Andrews, 2010; Lipsey, 1995, 1999; Lipsey & Wilson, 1998). Much of this research has been conducted in North American settings. However, a recent meta-analysis of research conducted in Europe has provided support for the efficacy of the RNR principles (Koehler, Losel, Akoensi, & Humphreys, 2013).

The *risk principle of case classification* states that intensive intervention services should be reserved for high risk cases, while lower risk cases should receive less intensive services, or, in the case of youth with very few risk factors, no intervention at all within the judicial context. This principle is important from the point of view of efficient use of resources and of insuring that youth are subject to minimal exposure to the justice system. Increasing evidence is accumulating that actual involvement in the police, judicial, and correctional systems can itself increase risk for continued criminal activity (McAra & McVie, 2007; Petitclerc, Gatti, Vitaro, & Tremblay, 2013; Wilson & Hoge, 2012). Two considerations are relevant. First, charging and processing a youth as a juvenile offender produces a label (juvenile delinquent, criminal) that may have negative effects on attitudes toward the youth and placement of the youth in inappropriate settings. Many schools, for example,

are reluctant to admit students with a criminal record. Secondly, involvement in the system may increase the youth's contacts with negative peer and thereby increase risk level (see Dishion, McCord, & Poulin, 1999; Dodge, Dishion, & Lansford, 2006).

The *need principle of case classification* states that interventions should target the specific risk and need factors of the youth. In other words, interventions should be individualised and tailored to the youth. If the criminal activity appears to be primarily related to parenting deficiencies, school failure, and negative peer associations, those should be the focus of intervention. If, on the other hand, school failure and truancy are the major factors, those should be targeted. Direct evidence now available indicate that addressing specific needs of the offender is associated with reduced recidivism (Vieira, Skilling, & Peterson-Badali, 2009).

The *responsivity principle of case classification* states that the choice of interventions and case management strategies should reflect responsivity and strength factors. In other words, treatments should reflect not only risk and need factors but other characteristics of the youth relevant to outcomes. For example, there is no point in placing a youth with no interest in addressing his or her substance abuse problem in a programme addressed solely to teaching abstinence or moderated use. You must begin at the earlier stage of promoting a readiness for change. Similarly, assigning a youth with developmental delays into a cognitive modification programme would make little sense. The importance of incorporating strengths the youth brings to the situation into case plans is widely recognised (Guerra, et al., 2008).

3. A Comment on the Issue of Well-being

A comment on the issue of well-being is appropriate at this point because (a) this volume is directed toward that issue and (b) there is sometimes a misunderstanding of the link between the RNR model and well-being (Andrews, Bonta, & Wormith, 2011). The RNR model is directed as we have seen to the identification of factors placing the youth at risk for criminal activity and the development of strategies for addressing those factors to encourage desistance from criminal activities. This entails promoting a positive home and parenting environment, improving educational performance and adjustment, moving the youth away from negative peers, addressing substance abuse issues, improving use of leisure time, addressing personality and behavioural issues, and developing positive attitudes, values, and beliefs. Addressing issues in each of these areas will contribute to the objective well-being of the youth.

It should be understood, though, that the link between objective and subjective well-being is a complicated one. What responsible adults may view as signs of a positive life may not be viewed the same way by antisocial youth. For example, a

young person may not place a high value on a good relationship with a parent or superior school performance or engaging in a positive leisure time activity. These may not contribute to the youth's subjective feeling of well-being or happiness. The youth may on the other hand derive significant rewards from engaging in antisocial behaviours, associating with antisocial peers, using drugs or alcohol, etc. The RNR model places a great deal of stress on shifting the reward system of the youth from a focus on antisocial attitudes and behaviours and toward more positive sources of reward. This involves convincing the youth about the desirability of change and promoting a confidence in his or her ability to make the changes. This is the means for promoting sustained well-being.

4. General Conclusions from the Research and Theory

Considerable research from the fields of criminology and forensic psychology is providing valuable information about the most effective approaches for addressing the problems of high risk families and youth. It is encouraging as well that research methodologies are continuously improving; we now have improved research designs and statistical procedures to analyze the issues. The development of meta-analytic procedures has been particularly fruitful in synthesising results from multiple studies. This research is discussed in the literature cited above in connection with the RNR model (Andrews & Bonta, 2010; Andrews et al., 1990; Lipsey, 1995; Lipsey & Wilson, 1998). The following are brief summaries of major conclusions from this body of work.

4.1. Importance of early intervention programmes.

While there was a certain skepticism at one time about the long-term effectiveness of early childhood interventions, we now have evidence that these programmes can be associated with later positive outcomes such as reduced criminal activity and improved school and job performance (Farrington & Welsh, 2007). Especially effective are those programmes introduced early in the life of the child, carefully targeted to the needs of the parent and child, continued for a sufficient length of time, and reflective of best practices. There is also evidence for the effectiveness of carefully targeted behavioural interventions for children at risk for criminal activity delivered during the early childhood years (Offord, Chimura-Kraemer, Kazdin, Jensen, & Harrington, 1998; Tremblay & Craig, 1995; Trentacosta & Shaw, 2012). For example, a group of Canadian researchers has shown that a family and school-based intervention programme directed toward boys showing conduct problems during the preschool years can be effective in reducing the likelihood they will continue to develop antisocial behaviours during later childhood and adolescence (Tremblay et al., 1995).

4.2. Ineffectiveness of punitive sanctions.

Evaluation research demonstrates conclusively that punitive sanctions do not have positive effects on reoffending rates (Andrews & Bonta, 2010; Bales & Piquero, 2012; Lipsey & Wilson, 1998; Petitclerc et al., 2013)). This is particularly true of punitive sanctions involving incarceration. There are circumstances under which it may be necessary to confine a youth to custody, but there is no reason to believe that the action will itself produce significant reductions in reoffending rates. First, incarceration is generally not accompanied by interventions directed toward the deficits placing the youth at risk for criminal activities. The youth will likely leave the institution with the same problems as on entry. Second, as we saw above, congregating antisocial youth together will often have the effect increasing the risk level of lower risk youth. Third, removal of the youth from his or her home, neighbourhood, and school disrupts the normal socialisation process and handicaps the youth once returned to society.

A broader issue concerns the effects of simple involvement of the youth in the juvenile police and justice system. This is often seen as part of the punishment process and presumably helps hold the youth accountable for his or her actions. However, and as we saw above, involvement of the youth in the police, court, and correctional systems in itself can be detrimental to the youth. Thus, not only is it likely that the sanction will not have the desired impact on risk of reoffending, but will have unwarranted consequences for the youth as well. There may be some circumstances where youth must be involved in the formal system and subject to punitive sanctions, but the evidence cited above suggests that should be done with great care.

4.3. Effectiveness of appropriate interventions.

The reviews and meta-analyses cited above clearly support the conclusion that interventions addressing risk and need factors are available that can have a positive impact on youth's risk for continued criminal activity and on his or her general well-being. There are, however, two qualifications to this conclusion. First, the intervention or treatment strategies must reflect best practices and be based on evidence-based programmes. We will explore these further shortly. Secondly, the interventions must be delivered with integrity. This means that interventions must be delivered by qualified and trained personnel who are supported and monitored carefully. In many cases strategies proven effective in other settings do not work because they are not delivered well.

4.4. Cost effectiveness.

A growing body of sophisticated cost/benefit research has become available evaluating the RNR model and the principles of best practice. This research demonstrates that intervention programmes reflecting the model and principles

can be cost effective (Aos, Phipps, Barnoski, & Lieb, 2001; Welsh, Lipsey, Rivara, Hawkins, Aos, & Hollis-Peel, 2012; Romani, Morgan, Gross, & McDonald, 2012). In other words, money spent on these programmes can produce significant savings later in reduced criminal activity, improved school and employment performance, better mental health, etc. For example, the Washington State Institute for Public Policy meta-analysis (Aos et al., 2001) concluded that Aggression Replacement Training, one of the cognitive-modification based anger management programmes, yields an average return of $49.51 for every dollar invested, while the Functional Family Therapy programme yields an average return of $28.34 for every $1.00 spent in delivering the programme. This is important information because it can be employed in negotiations with policy makers and politicians. We can show them that public funds represent a good investment in the future of youth and of society.

5. Research-Based Principles of Best Practice

A number of principles of best practice have emerged from programme evaluation research. The quality of this research has improved over the years, and new statistical procedures have emerged. The development of the meta-analytic strategies is particularly encouraging. The major principles are described below. Empirical tests of these principles are summarised by Andrews et al. (1990), Lipsey (1995, 1999), Lipsey & Wilson (1998) and Andrews & Bonta (2010). The efficacy of the principles is also supported by a recent meta-analysis based on data collected from European settings (Koehler et al., 2013). Additional clinically based principles are discussed subsequently, as is evidence regarding specific intervention programmes.

5.1. Employ standardised and validated assessment procedures.

programmes that employ standardised and validated assessments of risk, need, and responsivity achieve better results than programmes with no formal assessment procedures or only informal clinical procedures. The instruments must be used by qualified and trained personnel, but they are capable of yielding more accurate and unbiased assessments of the youth than the informal procedures. A wide range of assessment tools are now available (Hoge, 2008, 2012; Hoge & Andrews, 1996, 2010).

5.2. Observe the risk, need, and responsivity principles.

these principles have been identified above. They indicate that the level or intensity of service should reflect the risk level of the youth, interventions should be directed toward the specific needs of the youth and responsivity factors considered in the development of case plans. The reviews cited earlier provide strong support for this principle of best practice.

5.3. Address issues in the community setting.

research demonstrates that delivering interventions to the offender in his or her community setting is more effective than delivery in institutional settings. While we may be able to make some gains in the institutional setting, the youth will be returning to his or her home, neighbourhood, and school environment, and there is no guarantee that the gains will transfer. The young person's risk for criminal activities relates to conditions in those home environments and the risk factors are best addressed in those settings. We will see below that wrap-around programmes such as Multisystemic Family Therapy (Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 1998) are particularly effective, and one reason is because they are delivered in the youth's environment. The Canadian law governing youthful offenders (Youth Criminal Justice Act) places considerable emphasis on diverting youth out of the criminal justice system and delivering interventions in community settings, and this is fully consistent with this principle. One caution though: the success of these efforts will depend on the availability of quality services in the community.

5.4. Address needs in the institutional setting.

research demonstrates that, where institutionalisation is necessary, success depends on providing interventions addressing the needs of the youth. Simply incarcerating youth without any efforts to address, emotional, social, or educational needs does not reduce reoffending rates. In fact, as noted above, confinement often increases risk of reoffending as well as having a deleterious effect on objective and subjective well-being. To the extent possible, we need to address the social, emotional and educational needs of the youth while in the custody setting. This also involves providing them with competence and confidence to address the various risks they will face on release.

5.5. Utilise multimodal interventions with higher risk youth.

effective programmes address the entire range of interacting problems presented by the client. Youth do not come to us with isolated issues. Instead they often present to us a range of connected risk and need factors, and interventions that address the set of needs are more effective than those with a narrow focus. This is why, for example, placing a youth in a substance abuse programme without acknowledging that the problem is linked with supervision problems in the home, an association with substance abusing friends, and frustration with school failure will not be very successful. The success of the wrap-around programmes can be explained by their goal of addressing the totality of the youth's situation.

5.6. Employ evidence-based structured programmes with concrete goals.

considerable evidence exists supporting the efficacy of juvenile offender interventions that are highly structured and directed toward altering specific behavioural and attitudinal deficits in the youth (Guerra, et al., 2008; Tolan & Guerra, 1994). The most effective programmes focus on social problem solving and decision skills, moral reasoning, and the development of prosocial attitudes, values, and beliefs. Programmes based on behaviour modification, cognitive-behavioural, and skill training procedures are particularly effective. This conclusion likely reflects the fact that most youth involved in law breaking do not enter the system with serious psychiatric problems. Rather, their criminal actions are related to acquired dysfunctional behaviours and attitudes, and these are amenable by these structured programmes. These programmes must be administered within a humane context, and, where evidence of severe behavioural and emotional problems are evident, those must be addressed through appropriate mental health interventions.

5.7. Provide after-care.

by offering continuing services to the youth after release from custody or other institutional settings. This is essential to insure that any gains made in the institution transfer to the youth's home, community, and school environment. Release planning should be an important part of any residential programme.

5.8. Monitor programme services following institutional treatment, delivery and impact.

Research shows that effective programmes have in place formal procedures for describing and evaluating service delivery (process evaluation) and programme impact (summative evaluation). An expanding body of research demonstrates that the effectiveness of our interventions depends very directly on the care with which programmes are delivered. Ideally, evaluation efforts will be done internally and externally. The importance of independent external evaluations is particularly crucial.

6. Clinically-Based Principles of Best Practice

A number of other rules for effective programming derive from clinical experience. There may be less research or no research on these, but they represent guidelines worth consideration.

6.1. Select and train personnel with care.

all professionals within a programme or agency play important roles in addressing the needs of youth in care, but front-line workers are particularly important. They are the ones in direct contact with parents and youth. It is important that these individuals be selected carefully. Youth engaged in antisocial actions present special challenges and not everyone is capable of dealing with those challenges. This means that the temperament of the applicant should be assessed. As well, individuals selected should have some background in child/developmental psychology, with particular attention to special needs youth. Continued educational programming should be offered the workers.

Because many of the youth entering this system have serious behavioural and emotional problems, it is also important that front-line workers receive competent clinical supervision. This should be offered by professionals with extensive training and certification in mental health practices.

6.2. Establish a positive relationship with the youth.

progress in treatment will depend very directly on the type of relationship established with the youth. A negative, rejecting attitude will simply turn the youth off and impede progress in treatment. On the other hand, a positive and trusting relationship will facilitate the change process. The problem, of course, is there are often challenges in establishing such a relationship with youth who have a history of antisocial behaviour. Youth are often angry, depressed, or anxious. They may also be suspicious of adults in positions of authority. The only guideline is that every effort must be made to develop a working relationship with the youth and encourage his or her participation in the change process.

Two related points can be noted. First, it is important to insure consistency in adult contacts with the youth. Some of these young people may have been moved from one institution or foster home to another. Promoting a feeling of security by allowing a relationship to develop with one adult may be beneficial. Second, it is important for all professionals in the system to recognize that they serve as important role models for youth, and their actions should be governed accordingly. These are both aspects of specific responsivity considerations.

6.3. Set Realistic and attainable goals.

while it is important to address the needs of the youth and move them forward, it is also important to do this in a realistic way. Many youth have experienced many failure experiences, and there is no point in setting the youth up for failure. Careful formulation of short and long term goals is important. These issues are

stressed in the Stages of Change (Prochaska, DiClemente, & Norcross, 1992) and Motivational Interviewing (Miller & Rollnick, 2002) models. It is also important to keep in mind that we are asking these youth to change entrenched attitudes and behaviours. This will be a difficult process, and relapse and failures are to be expected along the way. Some measure of patience is often called for.

6.4. Consider the developmental level of the youth.

setting realistic goals must also consider the developmental level of the youth. Children and adolescents exhibit a range of limitations relating to cognitive and emotional functioning, many of which relate to the neurological maturation process (see Steinberg, 2009). For example, adolescents are generally limited in their ability to grasp abstracts concepts, and this in turn affects the maturity of moral judgements. Limits on behavioural and emotional control also exist.

6.5. Recognize the well-being of the youth as the ultimate goal.

Improving the quality of the home environment and parenting, enhancing academic performance, encouraging association with positive peers, reducing substance use, moving toward positive activities, addressing personality problems and negative attitudes all contribute to enhancing the objective well-being of the youth. However, and as noted above, these may not all contribute to the youth's subjective well-being or happiness. The challenge is to help the youth shift the focus of rewards from negative to positive events. This involves two challenges (Guerra, Kim, & Boxer, 2008): convincing the youth of the desirability of positive changes in attitudes and behaviours and convincing him or her of the ability to make the changes.

7. Identification of Evidence-Based Programmes

The discussions in the previous two sections provided general guidance regarding the conduct of effective programmes. The concern in this section is with specific evidence-based programmes. The use of these programmes is one feature of effective systems.

Evidence-based programmes are those for which empirical evidence is available showing that the programme is having the intended impact. Impact evaluation research employing a randomised group design is the ideal research strategy. In this case youth exposed to the programme are compared in terms of changes in offending rates with a matched sample of youth not exposed to the programme. However, this type of research is difficult to conduct, and a number of alternative designs have been developed. Note that the impact of the programme on reoffending should not be the only outcome of interest. Research

should also explore the effects on variables such as attitudes, school performance and adjustment, leisure time activities, use of drugs, etc.

Research on programming for antisocial youth is expanding, and we now have a considerable number of programmes shown effective in producing significant reductions in the probability that a youth will continue to engage in criminal activities. Three examples will be noted briefly; comprehensive reviews are provided by Elliott (1997), Office of Juvenile Justice and Delinquency Prevention (1998), and Washington State Institute for Public Policy (2004).

7.1. Aggression replacement training.

aggression Replacement Training (ART; Goldstein, 2004) is a cognitive-motivation programme particularly addressed to youth with high levels of aggression and anger management problems. It is designed for delivery in groups located in community or educational settings. The goals of the programme are to provide youth with the skills to manage their impulses in a positive manner and to interpret social cues appropriately.

7.2. EQUIP programme.

the Equip Programme (Gibbs, Potter, & Goldstein, 1995) addresses a range of deficits often exhibited by antisocial youth, including social skills deficiencies, sociomoral developmental delays, and primary and secondary cognitive distortions. The latter involve a self-centred orientation, a tendency to minimize the consequences of ones behaviour, and a tendency to perceive negative intentions in others. The procedures of the EQUIP programme are based on cognitive modification principles, and the programme is normally delivered in a group setting.

7.3. Functional family therapy.

this represents one of the most popular and well researched of the family intervention programmes (Sexton & Alexander, 2000). It is based on social learning theory and advances in cognitive therapy and family systems. The goals of the intervention are to improve relations among family members and promote better problem solving skills on the part of parent and youth. This short term programme is delivered in the home by trained counselors.

7.4 . Other Considerations

Intervention plans are advised to incorporate evidence-based programmes. However, some conditions must be acknowledged. First, it is important to

insure that the programme is appropriate to the needs of the youth and relevant responsivity characteristics. A problem is that some programmes have been developed and evaluated for a narrow range of individuals. In many cases, for example, the development of programmes has focused on Caucasian males in urban centres in the United States. The programmes may be relevant to youth from other backgrounds, but they should be used with some caution.

Evidence-based programmes should have detailed manuals available and directions regarding training protocols. The instructions must be strictly followed. Any modifications of the procedures should be done with caution. It follows as well, that the programmes must be delivered by qualified and trained personnel. In some cases evidence-based programmes are ineffective because of faulty delivery (Andrews & Dowden, 2005).

8. Examples of Programmes Designed Around Best-Practices

It may be useful to describe some intervention programmes that illustrate applications of the RNR model and principles of best practice. Two examples are described.

8.1. Residential programme for homeless youth.

a Different Street is a programme of Eastern Ontario Youth Justice Services and John Howard Society of Ottawa. It is designed for 17 and 18 year-old males released from custody who would be homeless on release. These are generally high risk youth that would normally end up living *on the street* or with friends. Participation in the programme is voluntary and usually part of their post-release probation disposition. They can remain in the programme for up to one year.

An apartment house was constructed especially for the programme. Twenty-four youth can be housed in 12 apartments, each of which has two bedrooms and common bath and kitchen areas. Residents are free to come and go during the day, but they are expected to keep staff aware of their movements. The staff is composed of clinical managers and youth workers. Social workers, psychologists, and other professionals are available for consultation.

An intensive intake assessment is conducted based on standardised assessment instruments. The assessment provides evaluations of the youth's risk, need, and responsivity characteristics. A detailed case plan based on need and responsivity factors is developed in cooperation with the youth. Staff of the programme provide individual counseling, and youth are referred to community-based services addressing specific needs. These include mental health, substance abuse, education, vocational counseling and other services.

Two general goals are represented in the programme. First, it is designed to assist the youth in developing basic living skills. These may involve personal hygiene, appropriate modes of social interaction, budgeting, and job application and performance skills. These youth have often experienced disrupted socialisation experiences and never acquired adequate living skills. The second goal is directed toward addressing educational, vocational, social, substance use, leisure activities, personality, and attitudinal needs. These are addressed through in-house counseling and referrals to community agencies.

The A Different Street programme reflects a number of principles of best practice, including the use of standardised assessment procedures, a focus on high risk youth, a focus on the specific needs of the youth, and a dependence on evidence-based practices. The programme has undergone process and impact evaluations.

8.2. Precharge community diversion programme.

this diversion programme is managed by Ottawa Police Services and Boys and Girls Club of Ottawa. It reflects a requirement of the Youth Criminal Justice Act of Canada that each community must have a community-based precharge programme for low and moderate risk youth. The goal is to divert youth out of the police and judicial system but still address any needs that might exist. Participation in the programme is voluntary, and the youth must accept responsibility for this or her actions.

The initial decision rests with the police officer first dealing with the youth, either as apprehended in a criminal action or in response to a complaint. Officers are trained to make the initial decision as to whether a youth may be eligible for diversion or should be referred on for further legal processing. If the officer decides that a youth might be eligible for diversion, he/she refers the youth to another police officer attached to the programme. That officer interviews the youth and parent and consults any file information. If the officer decides the youth is not a good candidate, he or she is referred on for further police processing. If the decision is made to refer, the staff of the diversion programme become involved. The staff member, usually a social worker or youth worker conducts a thorough assessment using the Youth Level of Service/Case Management Inventory (YLS/CMI; Hoge & Andrews, 2012). If this staff member decides the youth is eligible for the programme, a case plan is developed based on the assessment of risk, need, and responsivity. Interventions are then provided by community-based agencies. Examples of these services include substance abuse treatment, anger management, parent education, and vocational training. The programme has been evaluated.

This diversion programme reflects a number of features of the RNR model. It provides intermediate levels of service for low and moderate risk/need clients, conducts systematic assessments, is community-based, employs evidence-based practices where possible, and incorporates evaluation procedures.

9. Barriers to Implementation of Best Practices

While research evidence and clinical experience support the application of the principles of best practice and the use of evidence-based programmes, a number of barriers exist to limit their application (Andrews & Bonta, 2010; Guerra & Leaf, 2008; Griffen & King, 2006; Siggins & Seidlitz, 2008). These will be discussed under the headings political, economic, and practical barriers, although it should be clear that these are often related to one another.

9.1. Political barriers.

The basic premise of this chapter is that a child-welfare, rehabilitation focus, following the principles of best practice along with a concern for accountability represents the optimal approach for dealing with youth crime. This approach, if applied effectively, holds the best hope for reducing the chances that the youth will continue to engage in criminal activities and also enhance his or her well-being. However, this view is not universally shared. Support for such a system depends on the political process and requires a commitment to such an approach on the part of the public, lawmakers, and other policy makers.

The major political barrier to this commitment is a popular belief that punitive strategies, particularly incarceration, represent the only appropriate response to youth crime. This is often expressed in terms of retribution or fear ("these are just bad kids, and they have to be punished," "we are too soft on these kids", "old enough to do the crime, old enough to do the time"). Much of the fear is produced, of course, by media coverage of rare but serious crimes. However, advocates of this position want to apply strict sanctions to all youth who commit crimes, no matter how serious. In any case, the basic assumption is that punishment, particularly incarceration, is the only effective deterrent of future criminal behaviour on the part of the individual and other members of society.

However, as research cited in this chapter shows clearly, punishment in itself is not an effective deterrent. In fact, under many circumstances punitive sanctions, particularly involving incarceration, are associated with increased criminal activity. Further, incarceration is very expensive, especially in comparison with community-based interventions (Aos et al., 2001).

While the opinions of the public and policy makers are important, the attitudes and beliefs of professionals within the judicial system are also relevant. Some professionals within juvenile justice systems embrace a rehabilitative ideal, while others a more punitive stance (Prilleltensky & Prilleltensky, 2006). Often, although not always, mental health and social workers embrace a rehabilitative ideal, while correctional personnel a more punitive strategy. This type of conflict is

not very productive, and must be addressed through continual educational efforts to promote a culture of rehabilitation within the system.

Confronting these political barriers is difficult and must depend on individuals providing leadership within the system and broad efforts to educate the public and politicians regarding effective strategies for addressing youth crime. There is some evidence that the public is more willing to accept a rehabilitative approach to youth crime than sometimes suspected (Schwartz, 1992), and it is important to build on that in the future.

9.2. Economic barriers.

A close link exists between the funding of programmes and the political process since most police, judicial, and community-based services for youth derive more or less directly from government funds. For various reasons these funds are often limited. It is a rare public service organisation that does not struggle to obtain sufficient funds for its programmes. An unfortunate consequence of this is that many programmes do not receive adequate funding and are forced to make compromises in the nature and quality of services.

The economic situation is complicated by the fact that some of the evidence-based programmes are expensive. For example, the Multisystemic wraparound programme requires a significant commitment in hiring and training professional staff and in accessing educational, therapeutic, and other services. On the other hand, the various meta-analyses of cost-benefit research (Aos et al., 2001) demonstrate that initial investments in this programme can yield significant benefits in reduced reoffending, reduced school drop-out, etc. in the future. In addition, the cost of delivering the programme is considerably less than incarceration, a strategy associated with increased reoffending.

While public funding of services will always be limited, advocates of a rehabilitative approach have a responsibility to provide leadership and engage in educational efforts with the public and policy makers regarding the most effective utilisation of public funds. Washington State is an example of the type of leadership required. The state legislature has mandated that agencies receiving public funds must be able to demonstrate through research effective achievement of programme goals. Further, evidence must be presented demonstrating positive cost/benefit ratios. This is the sort of effort all agencies must engage in to justify their services.

9.3. Practical barriers.

Many of the practical barriers noted in this section arise from political and economic issues cited above. A scarcity of qualified workers is a major barrier

and one very closely linked to economic factors. Ideally workers in juvenile justice systems will have personal qualities necessary for working with sometimes challenging youth, the appropriate educational background, sufficient on the job training, and a high level of motivation for discharging his or her responsibilities. This applies to the whole range of individuals involved in the system, including police, judges, probation officers, custody staff, and those delivering community-based services. It is sometimes difficult to find individuals with the special qualifications needed for these jobs. The situation is complicated by the fact that monetary rewards and conditions of work are not always attractive. It is ironic that individuals doing important work with youth are so often undervalued by society.

Continuing education of workers and managerial support are also important. As indicated, dealing with antisocial youth presents special challenges, and this must be recognised in the work situation. Training is particularly important if a rehabilitative strategy is to be used. All personnel in all cooperating agencies require education in the principles of best practice.

Many interventions consistent with the principles of best practice require specialised treatment services, relating, for example, to substance abuse, anger management, parenting, antisocial attitudes. As far as possible these services should be based on evidence-based programmes. However, these programmes may not be available in the community, or they may not match the specific needs of the youth. For example, while substance abuse treatment programmes may be available, they may not serve youth with serious behavioural or emotional disorders. At the very least, efforts should be made to document the unmet needs for lobbying purposes.

Fragmented services are a problem within many systems. The youth dealt with in the juvenile justice system often have contact as well with special services in the schools, the mental health system, child protection services and other such agencies. It is essential that effective communication be maintained among all service agencies. If a youth with serious behavioural problems is being seen by special services in the school and counseled by a probation officer, it is essential that these professionals work together in addressing the problems. A positive feature of the Canadian Province of Ontario juvenile probation system is that a single probation officer monitors the youth from the time of the initial court disposition until they leave the system. The officer makes an effort to coordinate all contacts and services provided the youth.

A lack of resources for evaluating the delivery and effectiveness of services is frequent problem. First, the conduct of process evaluation is essential. This involves determining whether the programme is being delivered by qualified individuals and whether the procedures are consistent with guidelines. This is often referred to as evaluation of programme integrity. In many cases, for example,

an evidence-based anger management programme may be offered. However, close inspection may reveal that the programme is not being delivered effectively. Second, efforts should be made to conduct impact evaluation studies to determine if the programme is having the desired impact. Is the substance abuse treatment programme altering attitudes and behaviours regarding the substance abuse or is the intensive probation supervision programme associated with decreased reoffending? This type of research is difficult and expensive to conduct, but it is important.

10. Final Words

It is important to take seriously the criminal actions of young people. These actions are often harmful to victims, the families of victims and the well-being of the larger community. However, a central theme of this chapter is that it is also important to focus on the needs of the young person committing the crime, or, to use other terms, the factors that led that youth to the criminal activity. Where we successfully address those needs, we reduce the likelihood the youth will continue to engage in antisocial actions. We also improve both the objective and subjective well-being of the young person. The argument presented in this chapter is that the needs are most effectively addressed through programmes based on the RNR model and other principles of best practice. It should, however, be recognised that this represents part of a larger goal, one focusing on the development of competent families in strong communities. The rewards for addressing both sets of goals are incalculable.

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B

Psychological Dimension

B.1. Maureen O'Hara and Graham Leicester
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B.1. Growing Up Human: Adolescence, Incoherence and the Services for Youth

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Abstract: The paper makes the argument that the framing narratives of late modernity that underpin many contemporary ideas about young offenders are influenced by erroneous and misanthropic views of human nature. It describes a cultural ambivalence about youth, drawing on research that suggests that in place of the welfare oriented world view that informed much post-war service to young people in trouble in recent decades there has been a punitive turn which comes down most heavily on the poor and marginalised, including children. The adolescent metamorphosis is staggeringly complex, incoherent and often disorienting; yet when supported by a caring adult world most people come through it intact and without committing significant criminal offenses or serious self-harm. Taking a humanistic developmental perspective based in theories of salutogenesis and human developmental systems that emphasize an intrinsic self-organising vector towards growth, adolescents can be considered experts in growth, change and transition. They are naturally adapted to navigate the context of rapid change, hyperconnectivity and complexity that many adults and institutions are struggling to cope with. With less investment in the *status quo* and willingness to innovate and take risks they are better adapted for dealing with life as a moving target. When guided by responsible caring adults who affirm their potential this natural flexibility could provide a cultural resource to societies where traditional anchors of identity and social stability are breaking down and social renewal is called for. The chapter identifies culture, setting and practice, as contexts in which change must occur in order to be more youth supportive. Also discussed is a cultural polarity that exists in social services fields between an ethic of love and one of fear which increasingly places caring youth workers in a conceptual emergency where they must meet outcomes that are objectively measured within tight financial constraints and at the same time meet each child as beings for themselves. A hopeful note offered is that the fluidity of the times encourages innovation in practice. A selection of projects, in which teenagers – some of whom have

committed offenses – are at work, as empowered contributors to the creation of a healthier society that can sustain the new persons of tomorrow, provide a sign of hope.

Keywords: salutogenesis; misanthropy; cultural leadership; adolescent flexibility; empowerment; emancipation; persons of tomorrow.

> *The world is changing so quickly, and the way our young must adapt to these changes far outpaces adults' assumptions and axioms about who teenagers are, how they feel, and what growing up is like from their perspective.* (Chap Clark, Hurt 2.0, p.1)

1. Introduction

In the following pages we argue that if we are to support our young people, nurture their well-being and help them stay out of self-destructive and anti-social behaviour their lives must be understood within the context of huge cultural shifts underway in the twenty-first century, destabilising fundamental aspects of contemporary life and the assumptions that underpin it, including those about youth itself.

These shifts are upending once stable psychospheres[1] and creating existential incoherence and uncertainty for us all. Twenty-first century youth must try to make sense of the transformations of adolescence as generations have had to, but unlike their forebears today's youth must do this where cultures are in flux and where even the adults to whom they might look for guidance are faced with similar existential challenges. We should not be surprised to see the consequences in an increasing number of casualties, whether they show up in the youth offending systems, the drug dependency clinics, or simply in the ranks of the bored, confused and disaffected.

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[1] The term *psychosphere* (O'Hara, 2009; O'Hara & Lyon, 2014) is to mental life or psychology as ecosphere is to biological life or ecology. It refers to the "holistic, interconnected, mutually influential system of narratives, symbols, images, representations, languages, metaphors, patterns of life, values, epistemologies, cognitive habits, rituals, religions, power relationships, sports, forms of commerce, governance, metaphysics, art, and technologies" (p. 115) that comprises the psychological context of individual and group life. It covers more than *culture* in that it includes inner psychological realities such as neural pathways, identities, conceptual schemas and emotional responsiveness which have all been shown to be age sensitive and context responsive. A football club, for instance, is rich with psychologically compelling elements such as member demographics, home ground, uniforms, etc. that result in distinctive ways of being of its members. Proposed changes to any of these can provoke strong responses at emotional, cognitive and social levels.

Yet at the same time this same age group carries within it, as younger generations always have, the seeds of hope for the future. They are more likely to adapt to the new operating environment, more ready to experiment in order to do so, quicker to learn and quicker to share.

This essay explores these twin poles of vulnerability and opportunity present in the contemporary adolescent condition. It concludes that in order to minimize the damage of cultural incoherence and maximize the opportunities for well-being and healthy development our policy and practice in relation to youth will need to make a significant cultural shift that must in turn be reflected in settings and in professional practice. A number of promising examples are offered to illustrate that not only are these kinds of shifts possible, they are happening already.

2. Deep Ambivalence About Adolescence.

Adolescence – that period of life after childhood *cuteness* has turned into gangling awkwardness and before a state of reliable maturity is reached – has long been seen with ambivalence in Western societies. Aristotle warned that "young men have strong passions and tend to gratify them indiscriminately... They are hot-tempered, and quick-tempered, and apt to give way to their anger; bad temper often gets the better of them, for owing to their love of honour they cannot bear being slighted, and are indignant if they imagine themselves unfairly treated". On the other hand he points out how optimistic and trusting they often are. "They look at the good side rather than the bad, not having yet witnessed many instances of wickedness. They trust others readily, because they have not yet often been cheated." (Honeycutt, 2007, Book II, Chapter 12, para. 2)

William Shakespeare is also of two minds. One of his characters in *As You Like It* wishes "there were no age between ten and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting." (Hylton, 1993, Act 3, Scene 3) Yet on the other hand he attributes to teenage Romeo and Juliet a capacity for great transcendent and self-sacrificing love that puts their prejudiced elders to shame.

Contemporary culture is similarly ambivalent. In a track on the 1979 Pink Floyd album, The Wall, sullen youngsters protest an education that produces "just another brick in the wall," while in the same year The Who sold out a global tour called "The Kids are Alright." Twenge claims that The Millennials/Gen Y (those born after 1980) are more narcissistic than previous generations and that their high self-esteem has negative consequences in lowered empathy and less civic engagement (Twenge, 2013) while Arnett responds to such claims by vigorously countering both Twenge's evidence and her conclusion (Arnett, 2013). He offers evidence that today's young people do not exhibit any rise in behaviours associated

with narcissism such as impulsivity or antisocial conduct and states that in fact such behaviour is "diminishing" (p. 5).

Policy and professional practice cannot help but reflect this same sense of ambivalence. The 1989 United Nations Convention on the Rights of the Child (UNCRC) is the most widely accepted of all UN Conventions (Muncie, 2008). It established a global expectation that all children have a right to protection, participation in the issues that concern them, basic material security and personal development. It also advanced the principle that approaches to youthful offenders must recognize the particular needs of youth, that interventions be made in the best interests of the child, and that incarceration be a last resort. When considering interventions for those in trouble with the law the special circumstances of their youth should be taken into account and their dignity preserved (United Nations Convention on the Rights of the Child, 1989). Yet Muncie concludes that the UNCRC may be the most ratified of all international human rights instruments but "it is also the most violated" (p. 111).

Despite the UNCRC consensus that incarceration should be a *last resort*, researchers have described a *punitive turn* across the USA and Europe starting in the 1990s in which public opinion, political rhetoric – left and right – and the prevailing paradigm of professional youth services practice reflect a *get tough* attitude, intolerant even of minor breaches of probation. Despite research that shows incarceration is counter-productive for most youth offenders (see Cullen and Hoge, this volume) imprisonment is resorted to well before other measures have been exhausted (Bateman, 2011; Muncie, 2008). Eadie and Canton (2002) point out that "ambivalence between punishing or helping, controlling or caring, is a context in which youth justice agencies have always had to function"(p. 15). But in their view in recent years "the agenda . . . has moved from a primary focus on welfare, to justice and currently to punishment" (p. 15). Such a shift is not justified by juvenile crime statistics – which over the same period actually decreased – but serves the needs of a fearful public more than it does children in need. (Bateman, 2011; Eadie & Canton, 2002; Muncie, 2008; Muncie & Goldson, 2006)

Contemporary assumptions in professional and lay circles about the nature and needs of young people are typically embedded in a world view that interprets their lives through the framework of adults' emotional, economic and political interests (Bolzan, 2003; Eckersley, 1998; Zelizer, 1985). In Western industrialised societies in the twentieth century assumptions about young people can be located on a continuum (Kurth-Schai, 1988). At one pole they are seen as vulnerable and in need of protection from exploitation and abuse from adults, as underdeveloped *adults in waiting* to be molded by adult-designed socialisation processes into competent adults sometime in the future. At the other pole they are seen as potential threats to adult society that must be contained and controlled by force if necessary.

Zelizer's study (1985) of changes in attitudes towards children tracks a trajectory from the 19th century where young people were important contributors to family and society to the contemporary attitude that she describes as sentimentalisation, valuing them as *priceless* for the emotional satisfaction of their parents but *useless* in terms of their perceived contribution to society. Elkind's (1981) classic description of the *hurried child* suggests that by loading them with the responsibility to provide parents with pride and self-validation children have become *objects* to be used for the purposes of others—parents, industry, society. Recent studies have suggested that today's youngsters are the products of a culture that undervalues them (and everyone else) as competent participants in society (Checkoway et al., 2003) and fails to provide the necessary care, respect and guidance to help them negotiate the life-tasks of the adolescent life-stage (Bolzan, 2003; Clark, 2011; Currie, 2004).

3. Responding to Conceptual Emergency

The existential challenge for today's young people is immeasurably more complex than it was for earlier generations. This is because they must make the passage from child to adult in a world that neither they nor their parents can adequately understand or control. They struggle to make sense of what the International Futures Forum[2] has termed a cultural *conceptual emergency*. (Leicester & O'Hara, 2009).

Social identity researchers link positive well-being as persons to membership in social groups that are supportive of their individual identities and vice versa. In the absence of such affiliations negative effects on well-being can be identified (Haslam, Jetten, Postmes, & Haslam, 2009). This research points to the importance of stable collective identities of groups or communities with distinct boundaries that can offer their members a coherent sense of meaning and purpose.

To remain stable human groups – from football clubs to academic disciplines and entire societies – must take for granted a coherent set of narratives, customs, epistemologies, language, facts, values, institutions and social structures from which members construct their identities and sense of belonging (Shweder,

[2] *The International Futures Forum* is a non-profit multi-disciplinary international community of scholars and practitioners whose focus is on aiding persons in organisations and communities to take wise action while facing constellations of challenges that seem intractable and defy simple intervention. Headquartered in Scotland projects have included innovation in Scottish public education, innovation in higher education accreditation in the US, improving physical and mental health in the population of Glasgow, the future of public health services, innovations in the National Health Service, youth services, mental health counselling in high schools, self-healing resources for use in high stress work settings and capacity building for senior managers seeking to introduce innovation in complex bureaucracies. For more on these see www.internationalfuturesforum.com

1991). To remain stable beyond the life of its current members and adapt there must also be socialisation processes by which these patterns are transmitted to the next generation and by which innovation can occur without it disrupting overall coherence. Schools, universities, parenting styles, mentoring, apprenticeship, chivalric and martial arts training, religious education, workplace training, academic disciplines, rites of passage – those tried and true institutionalised processes for cultural transmission and adaptation – have long been able to assume that the future will be more or less like the present and what was important to the ancestors, and is to the present generation of adults, will continue to be important in the future.

But as we proceed into the global twenty-first century this assumption is less and less tenable. The world is becoming ever more complex and there is a widening gap between what adults take for granted about the world and what young people actually experience (Clark, 2011). In affluent and impoverished societies alike in these hyper-connected times boundaries are in motion and an almost universal unraveling of the social fabric is occurring that is making the years from 8-18 fraught with uncertainty for children everywhere (Arnett, 2012).

Sociologist Zygmunt Bauman's phrase *liquid modernity* (Bauman, 2010) eloquently conveys the fluid nature of the twenty-first century context and the fact that coherence, consensus and reliable points of reference for conduct are hard to find. Touchstones of identity formation derived from our social context that were once relatively stable such as gender, class, ethnicity, nationality, family, customs, school and religion are being negotiated and renegotiated on a cultural scale and at unprecedented speed. A global media now offer young people a continuous flow of images of lives far different from those either parents or teens see around them. For the adolescent, successful and competent adulthood is a moving target. It doesn't help that the adults in their lives – parents, caretakers and institutions – are as bewildered as they are.

Uncertain times generate existential anxiety at individual and collective levels (Alpastlan & Mitroff., 2011; Hämäläinen, 2014; Michael, 2010; O'Hara, 2010; Pauchant & Mitroff, 1992; Schein, 1993; Voyer, Gould, & Ford, 1997). Such a state is tolerable for only a short time before we must respond to reduce conceptual ambiguity and bring anxiety down to manageable levels. When incoherence threatens to become overwhelming predictable responses fall into three patterns: defensive – trying to hang on to certainty and predictability by resisting awareness; chaotic – collapse of integrity, disorder and disintegration, often with psychotic and violent reactions; and transformative – expansion of capacity and new coherence through awareness, learning, and growth.

Defensive responses attempt to manage anxiety by suppressing awareness of its causes. There are many forms of defense. Denial is one of the most obvious and ubiquitous (Cohen, 2001; Norgaard, 2011; Pauchant & Mitroff, 1992; Specter, 2010;

Voyer et al., 1997). Cohen suggests that denial occurs when: "people, organisatios, government or whole societies are presented with information that is too disturbing, threatening, or anomalous to be fully absorbed or openly acknowledged." (p.1). Complexity, ambiguity and cognitive dissonance are reduced by ignoring or misinterpreting troubling signals. In Norgaard's case study of climate change denial in Norway (2011), for example, a community maintains its sense of itself as a snow culture despite the fact that changes in its climate mean the snow no longer comes when it should. Social threats such as economic crisis, nuclear stockpiles and social inequities can also be met with collective denial.

Projection is another defensive strategy and often exists alongside denial. In projection the blame for an anxiety provoking threat is laid at the door of others. In Norgaard's study, despite enjoying great prosperity as an oil-producing nation the Norwegian townspeople blame the larger countries like the US and China for high carbon dioxide levels. Projection may show up as social exclusion, blaming victims for their own misfortune or, at its most extreme, scapegoating. By attributing blame to *others* – immigrants, ethnic groups, adolescents, the elderly, politicians, poor people, aristocracy, religious groups, benefits recipients, those addicted to narcotics and on down a long list of those who have been singled out as different across history – outgroups can be made to carry the blame for threats to prevailing narratives that contribute to a group or society's sense of its coherence or that undermine faith in the collective prospects for survival (Bion, 1959; Gregory, 2001; O'Hara & Omer, 2013).

When defensive maneuvers fail altogether – as they often do eventually – anxiety becomes unmanageable and individuals and groups may give up on attempting to control it and instead become overwhelmed by it. This can result in chaotic, nihilistic, violent or irrational acts. Examples of collective insanity are not hard to find even in the twentieth and twenty-first century – genocide, mass shootings, suicide bombings, gang rapes, a staggering increase in the rate of suicides across the globe, and a global mental health crisis.

Genocidal wars and sectarian and criminal gang violence rage across the world often in contexts that are chronically unstable, where sovereignty is contested and where a coherent sense of identity and belonging is virtually impossible. Adolescents are often visible players in disruptive times. Pictures in the press of trucks packed with smooth faced children-soldiers brandishing machetes or Kalashnikov rifles, their expressions a combination of fear and triumph, are commonly used to exemplify the dehumanisation that occurs in sectarian or tribal conflicts. As will be discussed below, the combination of a capacity for intense passion and sensation seeking with social instability and exploitation by elders make adolescents – especially boys – easy targets for recruitment into collective madness.

The effects of psychotic contexts are felt among young people far from where they occur. Refugees who have lived through horrific trauma as children are part of the youth services landscape of most developed nations today. British born Somali writer Ismail Einashe (Einashe, 2012), for example, describes the impact of the experience of child refugees from the Somali civil war in the 1990s, dropped into deprived British communities that were also disorganised and chaotic, with no maps, guidance or pathways for healing to contain their distress. While some escaped through education and meaningful employment that enabled them to find a place within their new communities, many could not and succumbed to a street life of crime, violence and drug addiction. Taken together these pressures are creating a huge mental health burden on young and old alike. According to World Health Organisation figures over 1 billion individuals are in need of mental health treatment and over a quarter of those are under 21 (World Health Organisation, 2002)

Not all anxiety is necessarily bad for us. If managed effectively, moderate levels of anxiety can drive learning and growth and the achievement of higher levels of integration (Schein, 1993). Out of the fluidity and complexity may emerge new possibilities, creative action, enhanced capabilities and higher levels of conceptual integration (Csikszentmihalyi, 1996; Kegan, 1982; May, 1950). Anxiety can thus become the engine of transformative change. Of the traumatised Somali refugee children, those who had sufficient natural capacity to succeed in school, enough community or family support, or who were lucky enough to be placed in schools with relatively more resources and supportive counseling were able to imagine a farther horizon before them and grow their way towards it (Einashe, 2012). As we will discuss later, interventions with youth in crisis and public policy generally appear most likely to succeed if they are aligned with the adolescent's inherent impulse to learn and grow.

4. Teenagers as a Resource in an Age of Incoherence

Adolescents are the future in the present and are our promise of continuity. But they are also precariously situated. The profound transformations in their inner physiological and psychological worlds and in their relationships to the outer worlds with which they engage during the journey from immature child to responsible adult is staggeringly complex – a metamorphosis in fact. When looked at as a whole the adolescent period from onset of puberty to achievement of adult identity and mature social roles defies linear age and stage descriptions.

Physical changes include rapid increase in body size, growth of muscles and bones, enlargement of breasts in girls and penis and scrotum lengthening in boys, a rise in gonadal hormones, growth of body hair, changes in body odor, skin texture, and a deepening of the voice in boys. In a comprehensive and transdisciplinary

review Dahl (Dahl, 2004) identifies at least three hormone-controlled processes involved in the journey from child to adult. Changes in the affective domain are also significant at this time of life. Adolescents experience events more intensely and they seek out situations that elicit strong sensations such as fast driving, risky sexual behaviours, altered states of consciousness brought on by alcohol and drugs, loud music, mass gatherings. They fall in love quickly and deeply and are capable of intense and self-sacrificing devotion to causes and people. Romantic motivation, sexual interest, emotional intensity, novelty seeking, sleep patterns and tendency towards depression represent puberty related affective changes (Dahl, 2004, p. 17).

Studies show that the onset of puberty is occurring at ever earlier ages (Herman-Giddens et al., 1997) meaning that these immense physical and affective transformations are now often well underway before cognitive and social maturation has advanced very far. This leaves a mismatch between the onset of adolescent affective drives and the cognitive capacities to manage them. Dahl describes the adolescent situation as having the "engines fired with an unskilled driver" (p.18).

Much of the focus of research on teenagers focuses on problems and pathology but it is important to bear in mind that most young people make this transit successfully, without becoming totally overwhelmed or falling into defensive or serious self-destructive or anti-social behaviour. Indeed, it is the prolonged period of brain development and accelerated learning that occurs between childhood and full adulthood – longer than for any other primate – that has been key to the success of human communities and human evolution. Teenagers are in a way specialists in transformation – adapted by evolution for living at the edge of an expanding experiential horizon. They are primed by biology and mentality to explore, learn, adapt, innovate, play, seek novel experiences, take risks, seek out romantic and sexual encounters and try out diverse roles with peers and elders. They have insatiable appetites for testing limits, to see how far they can bend the established rules and what they can get away with and in doing so they open space for innovation. They are not hide-bound by the conceptual orthodoxies of their society and are cognitively freer than adults to play, experiment and create in ways that violate conventional norms. They have fewer *sunk costs* in the status quo and so can take chances that adults might label *reckless*. This is what makes them so maddening to well behaved adults who must hold up the rules and establish the boundaries of acceptability even when the changing social context makes it ever harder to do so.

As their young minds and hearts encounter the paradoxes and conundrums of worlds beyond childhood, adolescents are mentally prepared to engage the existential tasks of meaning making, building a coherent sense of identity and self, and seeking an understanding of the world and their place in it such that

adult life is made predictable and can be managed effectively. But to succeed in this passage, they need both adult guidance and support and an external world that makes sense to them. Such resources are in increasingly short supply to young people today as adults are increasingly preoccupied with finding their own way in turbulent circumstances where moral and social conventions are unclear and often contradictory. In the youth services world, for example, professionals who genuinely care for their young charges are subject to increasing pressures from stricter policies, budget cuts, organisational restructuring, shortage of time, elaborate bureaucratic constraints and the like making authentic and formative relationships with challenging young people difficult. In these circumstances young people must try to find coherence with little adult help or most likely with the support of friends and peers who are struggling themselves.

5. Coherence and Well-being

Social incoherence has a negative effect on well-being (Eriksson & Lindström, 2014; Ristkari, Sourander, Rønning, Nikolakaros, & Henenius, 2008). Antonovsky was among the first to develop a theory of salutogenesis and empirical data that links *sense of coherence* (SOC) with well-being, health and mental health (Antonovsky, 1987). He argues that environments which permit youngsters to develop a strong SOC are salutogenic – health promoting, and those which result in low SOC render youngsters vulnerable to stress disorders, mental health and conduct problems. The link with environmental coherence is explicit in his definition of SOC as "a global orientation that expresses the extent to which one has a pervasive, enduring though dynamic feeling of confidence that (i) the stimuli from one's internal and external environments in the course of living are structured, predictable, and explicable; (ii) the resources are available to one to meet the demands posed by these stimuli; and (iii) these demands are challenges, worthy of investment and engagement" (Antonovsky, 1987, p. 19). The 2010 Chief Medical Officer Report for Scotland, describes Antonovsky's idea that having a sense of control over one's life promotes both physical and mental health as a central element in Scottish policy on health and well-being (Burns, 2011).

Though some controversy exists about whether SOC is a trait (which is permanent) or a state (which is context dependent), recent studies have found that if life circumstances remain stable SOC scores remain stable over the lifespan, but in the aftermath of traumatic life events or serious disruptions in externalities SOC may change, perhaps permanently (Ristkari et al., 2008). A recent review (Eriksson & Lindström, 2014) includes extensive research at individual, group and population levels that shows that "in general a strong SOC is associated with good functioning, well-being and health" (p. 78) and suggests that a strong SOC offers some protection against negative effects of stress from adolescence through to old age.

In a comprehensive exploration of the conditions for well-being in the twenty-first century Hämeläinen advances the theory that the increasingly incoherent externalities of late capitalism and post-modernity are bad for our health. Many young people and their parents are exposed to increasing levels of economic and status uncertainty, accelerating pace, societal disruption, incoherence, meaninglessness, unpredictability, stress, excessive workload demands, taxing capacity and increasing anxiety on a cultural scale (Hämäläinen, 2014). The full effects of this may be seen in the global mental health epidemic among young people (Patel, Flisher, Hetrick, & Patrick, 2007).

Though much of the well-being research on young people focuses on the needs of the adolescents themselves, the cumulative challenges to SOC at population levels have a larger social impact. Beyond their own states of well-being, young people also play important social roles in any society. Young people have a keen sense of fairness and serve important roles as peacemakers and activists for social justice (Sherrod, 2006). Whilst elders are often esteemed for their wisdom and sense of history, in traditional societies young people carry the aspirations for the future. This can concern practical affairs – will elders be supported by these children in their old age? Or spiritual – will the journey in the after-life be eased by dutiful descendants? In societies where ancestor reverence is a key ingredient in cultural coherence and continuity, for example, young people are the promise that older generations will not be forgotten. Adolescents are also key resources by which societies renew themselves. They are the human species' early adopters, boundary benders and paradigm straddlers (Dodds, 2011). In a healthy society it is in the tension between the young person's impulse to "seek out new worlds and to boldly go where no one has gone before" (Roddenberry, 1966) and society's need for continuity and stability where the cultural dynamism needed to adapt to changing times emerges.

If this inherent youthful drive to master their destinies is frustrated by circumstances it does not go away – it is too important to the success of the species to be easily extinguished. Instead it can become channeled into behaviours that though adaptive to their given situation may transgress society's norms and laws and generate damaging responses from others. When their attempts to maintain a sense of self-efficacy and meaningfulness – or just survive – fail in the face of tumultuous and toxic circumstances young people may become overwhelmed and driven to destructive behaviour, self-harm and even suicide. Such outcomes are serious losses of the potential youth brings at both individual and societal levels.

Even these desperate actions, however misguided and ultimately unsuccessful they may seem, are best understood as the expression of the inherent self-organising life force. They are an understandable response to the anxiety and pain of living in an incomprehensible world without the necessary capacities or supportive resources to thrive. But if those resources are restored that same life-force can help people adapt and *self-right*. (Bohart & Tallman, 1999).

6. Misanthropy, Paedophobia and the *Punitive Turn*

This humanistic framing is far from the current consensus. A 2006 report, Freedom's Orphans, conducted by Britain's Institute for Public Policy Research (IPPR) (Margo, Dixon, Pearce, & Reed, 2006), presents data showing that the British public dislikes its young people. It found that 1.5 million Britons had considered relocation because of teenagers *hanging around* and 79% felt that the anti-social behaviour of some young people was because they had not been disciplined enough. There was a clear pattern of fear of young people in some adults (as many as 35%) who said they would be reluctant to intervene if they saw young people being noisy or damaging property. IPPR identifies a distinctly negative view of youth which they term paedophobia, which they believe make the circumstances worse. The authors report that the "state of youth" is so dire that British youth were "on the verge of a nervous breakdown, at risk from antisocial behaviour, self-harm, drug and alcohol abuse." (p. vii)

The IPPR study is not an isolated example. A 2003 Australian study of attitudes about young people reported that slightly more Australians had negative views (39%) than positive (35%) about young people; 24% felt young people were living in negative social contexts while only 4% felt the worlds of youngsters were positive (Bolzan, 2003). There is growing evidence that in advanced societies (both individualist and more collectivist) young people are not receiving the care and guidance from adults they need to make a successful transition to adulthood (Clark, 2011; Currie, 2012; Furlong, 2004; Tubbs, 2007; Werner & Smith, 2001). Rather than their natural capacity to experiment, grow and adapt being cherished, nurtured and guided by their families and communities, too often in the modern world adolescent energy is stifled by adults who are afraid of them or who are too busy with their own interests to care or to spend much time with them. Making the situation worse is the relentless flow of press coverage which emphasizes bad and sometimes horrific conduct and intensive advertising aimed directly at young people that feeds a view of youth – especially young boys and minority youth – as violent, incorrigible, drunken, promiscuous wildlings.

These negative attitudes about youth play out in the policies and professional practices that are offered to help them. One young subject in Currie's study (2004) told of 84 rules to be obeyed to stay in the drug treatment programme that was supposed to help him. He saw little sense in these rules beyond providing 84 ways he could *mess up* and give staff license to punish him. Bateman (2011) suggests that intrusive "get tough" probation policies for children (often those from the most chaotic homes) double the likelihood that a child will be sent to prison for breaches of supervision conditions even if their original offense was not serious enough to warrant incarceration. He and his colleagues suggest that these practices are politically motivated and, like the boy in Currie's study,

suspect that they are designed at least unconsciously to set children up to fail. The popularity of privately run *boot camps* in the USA (a country that did not sign up to the UNCRC), where in the name of therapeutic intervention errant teens are subjected to tight control, harsh conditions, military style hazing and sometimes outright brutality, reveals an institutional fury aimed at teens by parents who have given up on them and by a society that seeks to punish them and immunize itself against disaffected youth by force.

Currie (2004) also believes that much twentieth century social policy designed for young people is actively misanthropic and that the prejudice against young people in general (though most people esteem their own children) is cultural rather than empirical. Punitive attitudes in the United States are often justified by reference to studies on deviance and delinquency that share an erroneous view of human nature held over from eighteenth century Enlightenment thinking that humans are by nature aggressive, individualistic and self-interested and that the role of socialisation processes is to channel the assumed natural anti-social impulses into pro-social behaviour. This view assumes that human evolution – and by implication social progress – occurs through the survival of those who are best suited to beat out the competition and reproduce. In this Darwinist view, on the rise again among conservatives, supporting the weak, vulnerable or outsider undermines cultural progress. When put into practice in the public sphere these assumptions lead to a worldview which overestimates individual choice and rational decision making and is suspicious of collectivities of any sort. Such a neoliberal stance often justifies a *laissez-faire* attitude to the conduct of the wealthy – their success demonstrates their superiority and they can be trusted to behave nobly – and a punitive attitude towards the poor and marginalised – their troubles are the consequence of inferior capacities and poor choices and so the State must exercise stringent controls. (Wacquant, 2012) The discrepancy in penalties in the United States for possession of crack cocaine (mostly used by poor people of color) and powdered cocaine (mostly consumed by the wealthy whites) is an egregious example.

This worldview justifies the importance of punitive controls and underestimates the importance of the responsibility to care, or the need of people to love and belong. It represents a negation of a sense of mutual interdependence,[3] which in turn leads to further erosion of social trust and ultimately to cynicism and antipathy. Such a self-reinforcing loop leads also to the assumption that when

[3] British Prime Minister Margaret Thatcher's famous comment, "There is no such thing as society" represents this radically individualistic view as does the current American political conservative distinction between the wealthy *makers* and the benefit-dependent *takers* as elaborated in the book *Makers and Takers,* (Schweitzer, 2008) cited by conservatives during the 2012 US presidential elections.

given a chance it is natural for the weak to exploit the strong and that harsh social responses to transgressive acts are justified in the name of *taming the beast within* and protecting society from frenzied mobs. When this misanthropic sentiment is aligned with a behaviourist psychology and a social research paradigm that eliminates the embodied subjective voice of the heart it leads to policies and treatment approaches that consider self-interest and avoidance of punishment as the prime motivators of change. Such treatment approaches (Steinberg, 2009) openly rely on the principles of free-market economics to design massive correctional systems to manage those who make the wrong choices. In our view this has been disastrous in the youth services field in general and the care of youthful offenders in particular. As Steinberg concludes (2009) "relying on incarceration as a primary means of crime control, and exposing juvenile offenders to punitive programmes such as boot camps, likely do more harm than good, cost taxpayers much more than they need to spend on crime prevention, and ultimately poses a threat to public safety." (p. 476).

7. Rethinking the Task of Raising Young People in the Twenty-first Century

Like the generations before them today's young people must complete the developmental task of creating a coherent sense of self and at the same time participate in the co-construction of a sustainable future for their society. And also like earlier generations they will need adult care, respect and solidarity to succeed.

If our analysis of the circumstances described above is sound, it follows that to make a difference in how we approach the question of youth offenders in the twenty-first century we will need not only a shift in youth policy but also a change in the foundational paradigm or worldview on which that policy rests. If social policy is to enable and support a developmental agenda that is aimed at cultivating whole persons, in place of the current negative and misanthropic attitudes, we need to prize adolescents as sovereign beings-for-themselves not as future workers, consumers or in terms of their deficits or problems, and see the role and responsibility of adults and of society as being to provide necessary conditions that enable the full development of human potential in the twenty-first century.

Such a conceptual reframing will not be easy – investments in existing paradigms run deep – but it can be done. Western views of children and youth changed dramatically from the 1800s to the twentieth century as societies in Europe moved from an agricultural to an industrial way of life and as child labour laws removed children from the adult spheres of life (Zelizer, 1985). As we make our way in liquid times it will undoubtedly have to be done anew.

The nineteenth and early twentieth century saw the rise of the Enlightenment frame that abandoned emphasis on subjective human experience as a guide to

values and what it meant to be a person in favor of a positivist science that favored objectivity, abstraction and quantification (Levin, 1987; Taylor, 1992). This view has brought immense advances in many aspects of civilised life but in the way of most social inventions it has overshot its mark and now become a source of suffering itself (Fromm, 1955). What was once an antidote to earlier dehumanising social ills such as caste systems, slavery, child exploitation, religious zealotry, abject poverty, the mechanistic logic of command and control became the justification for epistemological hegemony and its own form of dehumanisation (Scott, 1998).

By the mid twentieth century humanistic psychologists and educators such as Carl Rogers, Abraham Maslow, Eric Fromm and Paulo Freire had begun to question the view of the person that resides at the center of the modern worldview and to develop an alternative. In contrast to a view of persons as driven by unconscious needs for sex and power as Freud had claimed, or as *automata* governed by schedules of rewards and punishments as behaviourists claimed, the humanists suggested that life seems to know what it is doing. Intrinsic to life at any level from microbe to society is a vector towards growth, increased complexity and self-organisation. The nature of human beings from birth to death, said the humanists, is to learn, grow, become adults and participate in mutually supportive social groups (O'Hara & Taylor, 2000). After German neurologist Kurt Goldstein (1934) humanistic psychologists referred to this vector towards growth as an actualising tendency which Rogers described as a "basic tendency and striving – to actualize, maintain, and enhance the experiencing organism" (Rogers, 1951 p. 487). The concept of self-organisation – or autopoeisis – has been embraced over recent decades by constructivists (Kegan, 1982), new biologists (Maturana & Varela, 1980), complexity theorists (Kauffman, 1992), *big history* theorists (Chaisson, 2009; Christian, 1991) and the new ecologists (Berry, 1999; Orr, 2004) who have built a holistic and dynamic paradigm which identifies both agency and relationality as fundamental to any successful living organisation. Emerging from transdisciplinary research in economics, political science, psychology, neuroscience, public health and eco-sustainable science (Berry, 1999; Brown, Brown, & Penner, 2012; Hämäläinen, 2014; Lindstrom & Eriksson, 2005; Orr, 2004; Tricket et al., 2011; Walker & Unterhalter, 2007) it offers a promising holistic framework for understanding what is required to thrive in the twenty-first century.

The UNESCO Commission on Education for the Twenty-first Century, chaired by Jacques Delors, published a final report revealingly entitled Learning: The Treasure Within (Delors, 1996). It identified four pillars of learning for our new context – learning to be, learning to be together, learning to know and learning to do – all of which rely, significantly, on drawing out the inner resources and innate capacities we all possess as human beings. In our book Dancing at the Edge: Competence, Culture and Organisation in the 21st Century (O'Hara & Leicester, 2012) we explore in more detail what those capacities might look like

in practice in today's world and, more importantly, how and where we can learn to express them. In the 1980s, reflecting on his work with people around the world, Carl Rogers, who even twenty years after his death is still regarded as the most important influence by American mental health practitioners (Cook, Biyanova, & Coyne, 2009) described what he believed was a new kind of psychology emerging in young people across the world (Rogers, 1980) These were individuals who seem much better adapted to the messy, ambiguous and complex world than most. They have found within themselves the resources – ways of being, doing, acting and organising (to paraphrase the Delors' report) – to maintain a *sense of coherence* and balance even in incoherent and ambiguous circumstances, and to rise above default defensive (or destructive) responses to the challenges of contemporary life. He referred to these people as "persons of tomorrow "(Rogers, 1969; Rogers, 1980 p. 339) Rogers's description suggests higher order or "post-formal and post-conventional" cognitive development (Markoulis, 1989). Because such people seem at home in complexity and thrive in fast changing worlds, it seems urgent that we learn how we might best draw out the potential persons of tomorrow who lie within today's youth.

8. Culture, Setting, Practice

The relationship between the neuro-psychology, personality, interpersonal and social capacities of individuals and the environmental context is hugely complex and any comprehensive account is well beyond the scope of this discussion (for more comprehensive reviews, see for example Bronfenbrenner & Morris, 1998; Dahl, 2004; Ford & Lerner, 1992). We offer here a framework for thinking about shifting policy and practice in ways that take account of this complexity with a focus on three levels of analysis: culture – the broader context that sets the dominant narratives, structures of power and epistemologies; setting – the places where youth growth and development is fostered which may be aligned culturally or be countercultural; and practice – what practitioners actually do that expresses the assumptions of the setting and the dominant culture.

8.1. Culture.

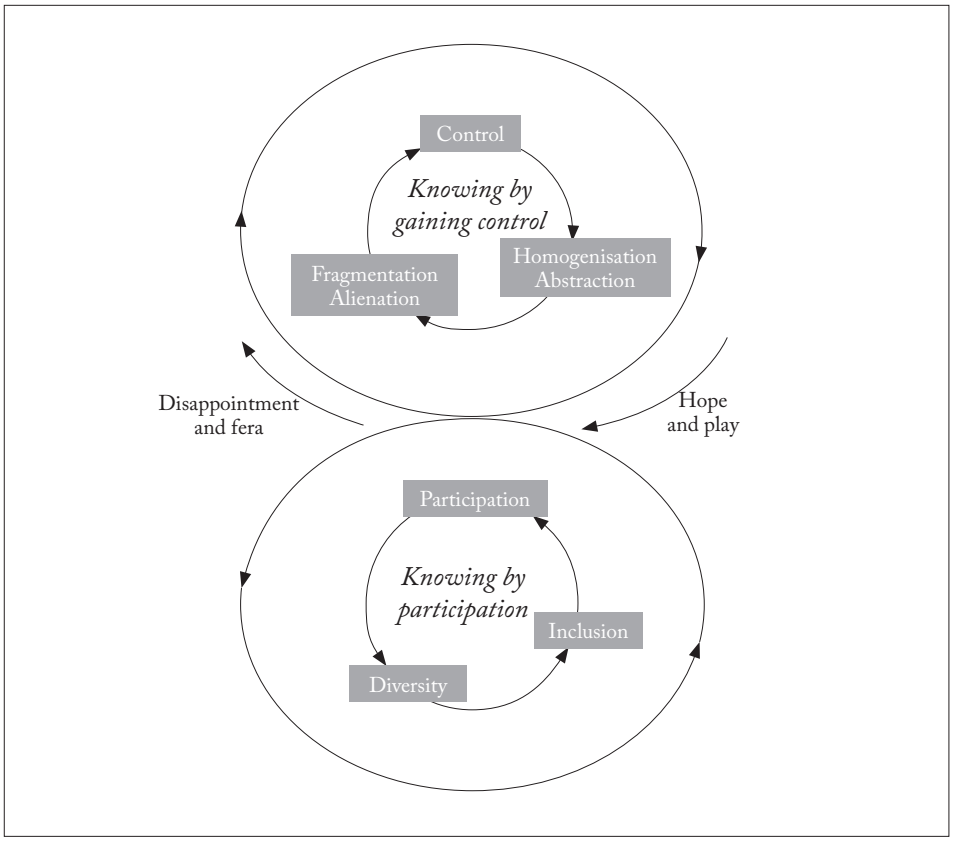
As noted above, culture *speaks* to us in all kinds of ways. Our humanly constructed psychospheres infuse the tacit and explicit expression and regulation of daily life. To talk of culture is to talk of meaning and vice versa. Whether misanthropic and punitive or supportive and emancipatory, the implicit values and storylines of the culture we create and often unthinkingly perpetuate as adults are quickly picked up and assimilated by young people. Every intervention has its "hidden curriculum" (Giroux and Penna, 1983) that carries cultural weight. So a

first step in thinking about and designing more effective policy and practice for the twenty-first century is to problematize *business as usual*, to raise consciousness about the processes that aid or impede our natural striving to become more human (O'Hara, 1989), and produce reflective practitioners (Schön, 1983) with regard to the cultural dynamics at play.

In 2001 shortly after the terrorist attacks on New York on September 11 in an attempt to make sense of what had happened and the polarised public response, members of the International Futures Forum generated a model balancing a core polarity between responses framed in a worldview informed by love and those driven by fear (International Futures Forum, 2001; Leicester & O'Hara, 2009). Roberto Carneiro (Carneiro, 2003) has explored this polarity as it affects social and educational policy (see Figure B.1.1) In describing what he calls the "curse of modernity" he observes that "uncertainty cripples us, inequalities . . . increase, the spectre of massive destruction of the planet hangs over humanity, ethical disorientation spreads in various directions, fierce global competition is tearing apart communities" (p. 10). In such circumstances the tendency is to try to gain control through industrial logic, objectification and standardisation. But such processes have ceased to be adequate to the circumstances in which we find ourselves. The obvious shortcomings of industrial logic when applied to human systems lead to alienation and resentment that in turn demands even more control. Driving this self-reinforcing cycle are fear and anxiety.

An alternative stance is to accept and acknowledge complexity as an inevitable fact of modern life and instead of trying to avoid or control it, participate in it. Such an approach requires that in place of reliance on control and standardisation we regain our trust in human potential – our desire to grow, to participate in the world, to care for others, to celebrate beauty, to seek justice and live with purpose and meaning. In such a stance rather than fearing to engage with the complexity we are free to relish diversity, welcome surprises, look for the ineffable, appreciate the richness and the unique quality of all things – all those experiences that have been shown to increase creativity and well-being (Csikszentmihalyi, 1993; Hämäläinen & Michaelson, 2014; O'Hara & Leicester, 2012). Such an embrace engenders a sense of belonging and reinforces the motivation to participate. Driving this reinforcing cycle are love, empathy and caring relationships.

Figure B.1.1. Knowing by participation vs. Knowing by control

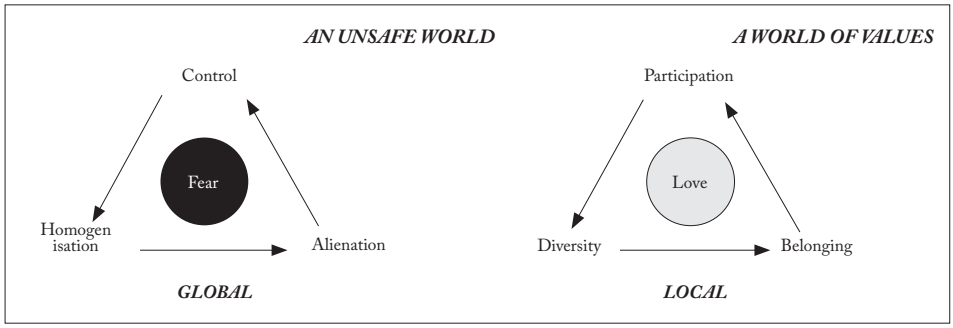


Reproduced from Carneiro (2003)

The dynamic relationship between love and empathy and fear and control is always present (see Figure B.1.2). The challenge is to maintain the right balance. To be at home and effective in our new liquid circumstances we need to ensure that the necessary but often overused culture of control finds its place within a culture of participation, rather than vice versa. For in our view it is within the love loop that we find the hidden human resources we need to cope with the unprecedented (Carneiro, 2006).

This polarity can be seen in the range of responses to youth development and transgressive behaviour. Discipline, correction and punishment of even minor transgressions clearly exemplify the fear loop. A recent British study found that a majority of youngsters are incarcerated not for their original offenses, which were usually minor, but for breaches of the conditions of probation (Bateman, 2011). The author suggest that despite the fact that many of these breaches are the result of the chaotic conditions of poverty the desire to keep poor young people under tight control drives many decisions to incarcerate. Humanistic and emancipatory

Figure B.1.2. The two loops of Love and Fear



Reproduced from Carneiro (2003)

approaches to youth that favor nurture, appreciation and compassion derive from the love loop. We know from many studies (Bohart & Tallman, 1999) and from the testimony of youth themselves (Currie, 2004) that it is this stance that encourages self-righting and growth. Such conditions enable the flourishing of their individual potential that when not oppressed by the weight of neglect or abuse, young people instinctively strive for – especially in a world in which they feel *in over their heads*. As youth worker Chap Clark puts it "Certainly, some adolescents have been so wounded that rebuilding trust may appear almost insurmountable. Yet those who serve them with tenderness and respect will testify that even the hardest young soul cries out for someone who authentically cares" (2011, p. 3). Hence the need for policymakers and practitioners to become reflective about their own values and perspective, and about the *hidden curriculum* that lies behind them and is communicated through their actions and pronouncements.

8.2. Setting.

It might take many years to make the shift away from a fearful and misanthropic culture towards one that understands the treasure of its young people (which it will). It is nevertheless possible to embody such a culture in small-scale settings[4] thereby offering a *counter-cultural* alternative to the dominant paradigm without disrespecting or making life unnecessarily difficult for those who value it or must work in it. The transgressive impulse natural in adolescence is a potential resource for cultural change but requires opportunities where it is safe to take risks in self-expression and identity flexibility – rehearsal spaces,

[4] We draw here on our IFF colleague Aftab Omer's work on cultural transformation and cultural leadership where he suggests that some level of transgression is necessary to make a cultural nudge but if too audacious it is likely to be resisted or stifled by the mainstream. He uses the example of the Gandhian salt march as a case of cultural leadership (Omer, 2005).

spaces for rest and recuperation, opportunities for reflection. In a project of the International Futures Forum aimed at identifying and nurturing transformative innovations we have identified a growing number of such spaces in a diverse range of human endeavours, many as yet on the margins of mainstream orthodoxy. We offer a selection that in our assessment show potential as examples of cultural interventions.

Many of the following examples represent works in progress and what assessment has been done in some cases is qualitative, case based and unsystematic. Nevertheless these projects are designed applying the principles of emancipatory humanistic approaches to intervention with young people that have substantial empirical support (see Bohart & Tallman, 1999; Cooper, 2009; Cooper, O'Hara, Schmid, & Bohart, 2013; Cornelius-White, Motschnig-Pitrik, & Lux, 2013; Elliott & Freire, 2008; Schneider, 2000 for further discussion of empirical research on humanistic practice).

Kitbag, a project of the International Futures Forum, operates at a micro level to provide a counter-cultural space within mainstream institutions. Designed to incorporate a suite of evidence-based healing activities such as meditation, relaxation, reflection and person-centred empowerment exercises for use in a self-directed learning process, Kitbag provides resources for self-nourishment and inner work without the need for professional intervention. Kitbag was first developed for use in prisons with long-term female offenders many of whom have a history of abuse and neglect. In an environment where mental health services were being cut and opportunities for self-care were non-existent, the Kitbag's capacity to invoke an affirming, nurturing and aesthetically beautiful space in the micro-environment of the inmate's cell represented a cultural innovation.

Written responses from prisoners were uniformly positive:

> Kitbags are so useful and to have something that belongs to you is wonderful. It is such a nice feeling just opening up the kit and knowing it is yours, filled with your thoughts and memories.
> It has helped me greatly as I suffer from depression and I can honestly say it is better than any medication you take for depression.
> I feel more confident and an inner peace since having the kit.
> I don't know how I ever coped without the kit as now I know I never could as well again.

A version designed for young people has been introduced into primary and secondary schools where it is used for peer-to-peer support. So far outcome assessment of Kitbag as an intervention is in the form of outcomes feedback from workshop participants and case material, although a systematic evaluation of effects is underway. According to project designer Dr Margaret Hannah

(personal communication, January 5, 2014) preliminary feedback suggests that Kitbag facilitates change at both individual and cultural levels for both children and adults. Individuals report the importance of the strengths-based focus where they direct their own growth and healing. Staff in schools using the resource report that the introduction of something that starts out with the assumption that growth and healing represent an *inside-out* process that occurs naturally offers the seed of a different cultural frame. Hannah suggests that there is reason to believe that if introduced with care into settings where people are suffering from stress or overload it can offer an alternative to the dominant culture of the institution and also act as a cultural prompt for deeper institutional reflection.

Recent radical developments in higher education suggest that young people are taking cultural change into their own hands. Focus groups with young people reveal a strong urge to align their learning with meaning and purpose (O'Hara, 2011). Disappointed in college programmes that they find uninteresting or tangential to their concerns, creative young people are driving a DIY (do it yourself) education movement (Kamenetz, 2010). Rather than proceed to graduate programmes some recent graduates are starting to establish their own prototype institutions – transgressive learning spaces where they can gather together to support and encourage each other after their formal education has finished, and where they can continue learning as they go – informed by a much wider range of adult mentors and colleagues than is available in the formal education sphere. The Impact Hub movement, with meeting spaces in many of the world's major cities, provides collaborative learn-work-community spaces for young people with ideas for social ventures. These spaces have become watering holes for a generation open to new ways of seeing the world and willing to take the risk to start something new.

The Occupy movement has spawned dozens of small groups creating spaces for learning about social philosophy, organising, political action, history, and the arts. The Occupy Los Angeles Freedom School's (OLAFS) website declares that "education is a human right" and offers a collection of courses "to help people become critical thinkers and creative problem solvers, so that going into the future our society might shift paradigms and progress to something better than it is" ("Education is a Human Right, n.d., para. 5). The Occupy Education website ("Summer of connected learning," 2013) offers another rich trove of youth focused and often youth led opportunities for creating innovative learning spaces. In the summer of 2013 the website featured a "summer of connected learning" in which teens could "change their lives and change the way kids all across America learn." Nor is this a movement limited to the Western affluent or privileged. Dr. Crispin Hemson of the International Center for Non-Violence in Durban, South Africa, describes a youth initiated project in a dysfunctional high school in a South African township. There a group of students frustrated with poor teaching, appalling physical facilities, lack of textbooks and a prevailing belief that the youngsters in the school were

"stupid" and "couldn't learn" decided to show the authorities how wrong they were. Several grade 11 boys created a study group that involved group solidarity, pooling money to access course materials that were beyond their individual means, extensive research to find free resources on the Web and coaching each other – with stronger students helping those who were struggling. They rejected advice to work to the test and instead sought deeper learning at more complex conceptual levels. Success came in the form of outstanding marks on state exams, entry into university and the development in the youngsters of a sense of empowerment, achievement and efficacy. In one school, teachers who were burnt out called on the group to help them teach the younger classes (personal communication, December 14, 2013).

The world of the arts, always fluid and exploratory in nature, is becoming an attractor for this new way of supporting personal growth and development and entry into the *real world* for young people. We have written elsewhere about the attractiveness of existing arts organisations as settings in which young people might expect to grow (Leicester, 2007). Watershed Media Centre in Bristol, for example, has become so popular as a location for high school students who must undertake work experience as part of their secondary education that there is now a regional competition for places.

The growing number of alternative art schools is another instance of this same trend. Open School East in London is a free school for artists established in an old library building. It seeks to be a space for artistic learning that is free and structurally light, and that interacts socially with its surroundings. DIY Art School in Manchester was set up by graduates from Manchester Metropolitan University as a platform for participants to examine and build on the development of themselves and each other after completing art school. As one member puts it: "We're not modelling ourselves on the free universities and independent art schools. We're creating our own peer-to-peer network, keeping ourselves and our confidence going" (Jones, 2013, "Like a fourth year of art school", para. 2).

Perhaps the most thorough-going example of a setting deliberately established to provide a culture of love to otherwise lost or neglected children and young people is the multiple award winning *Kids Company*, founded by the remarkable Camila Batmanghelidjh. Established in south London in 1996, a recent article in *The Guardian* newspaper reported that *Kids Company* provides "practical, emotional and educational support to vulnerable inner city children" (Saner, 2013, para. 2), effectively acting as a parent to thousands for whom Batmanghelidjh and her staff provide the first real experience of a nurturing and listening environment. It is open seven days a week from 08.00 – 22.00 providing food, shelter and then a range of services and support tailored in each case to the individual. But above all it provides a setting that embodies the values of its founder and the motto displayed on its walls: "children recover with unrelenting love". Its results are thoroughly practical. Around 97% of the young people who come to the charity are self-

referring; around 81% are involved in crime; 84% have experienced homelessness; 83% have sustained childhood trauma. After *Kids Company* intervention 91% go back into education, 69% find employment and there is a 90% reduction in criminal activity.

8.3. Practice.

The third dimension to consider is practice, for even in settings that must comply with regulatory constraints or funding requirements or where the institutional values are framed in a control paradigm, practices on the ground may still offer conditions that enable the inherent capacities for self-righting and growth. As work on positive deviance has repeatedly demonstrated, in circumstances where existing practices are embedded in deeply ingrained cultural or institutional norms it is often easier to "act ones way into new ways of thinking than it is to think ones way into new ways of acting" (Pascale, Sternin, & Sternin, 2010, p. 38). It is possible that encouraging young people and those who work with them to do things differently – to practice in new ways – might be a more direct route to developing greater inner resources and moving from the world dominated by fear and control to one of empathy and compassion. Some practice examples follow.

Project POOCH (http://www.pooch.org/) in Oregon, USA, is a programme that pairs rescue dogs with prisoners in a youth correctional facility. Prisoners on the programme are assigned a dog to look after, each one of them being accountable for its development and behaviour. They are taught how to train the dog using positive reinforcement techniques and never with any recourse to punishment. The dogs are rehabilitated and eventually find good family homes. The lessons are not lost on the youngsters who gain confidence, social, teamwork and employability skills, and a vital lesson about the enabling conditions for growth and development. As the project website puts it, the programme is "changing lives one dog at a time". The project is very simple and is now being replicated elsewhere, including at the Polmont Young Offenders Institute in Scotland where it is called "Paws for Progress." (http://pawsforprogress.com)

The *GalGael* community in Govan, one of the poorest areas of Glasgow, began in the mid-1990s as a community project intended to connect the disadvantaged, marginalised and dispossessed youth of the area with a sense of meaning and purpose, drawing on the area's past history of boatbuilding and reconnecting the people of urban Scotland with its *mountains, moors and waterways*. They lighted on community boat building as a means to this end and set about recreating boats based on a thousand-year-old Norse prototype. Over a decade later the project has become a landmark in the community and further afield, offering a range of wood products in its shop but more importantly as its website states, a "safe harbor . . . for the many who struggle with the challenges of today's modern culture that

leaves some marginalised, isolated and disenfranchised. One of the ways in which we have achieved this is through involving the community in traditional boat building and restoration. In this way people find skills, purpose and inspiration." ("At Galgael…", para 2) The person-to-person practice at GalGael – respectful, empowering interaction among community members, craftwork, celebration of the history of the region, even the contact with the wood itself – is infused with the values of love and respect and restores what is human through the concrete practice of meaningful work.

The MusicPlus programme in Glasgow, founded in 2009, is another example of meeting adolescents on their own terms. It grew out of a more general programme run by the local economic development agency Scottish Enterprise seeking to engage disaffected youth and encourage them back to learning. It turned out that what they wanted to learn about was music, DJing, web radio and so on. Run by the Scottish Music Center, the programme (http://musicplus.org.uk) is for 14-19 year olds, some from difficult backgrounds, who find in it a structure, engagement with professionals who operate in the real world, a community of peers, and engagement in something that they love and that allows them to express themselves and their lives in the company of others. The programme leaders work to help the youngsters develop their musical talent but are also concerned with their growth and development as persons. With a focus on social and interpersonal competencies leaders provide advice and support to keep their charges in the programme against the pressures (often from their friends) to drop out. Most graduates of the programme either move back into education or into employment in the music industry in some capacity, or else start to pursue a musical career themselves. The most striking self-reported finding is the rise in self-confidence.

As a counter to the widespread disengagement of youth from the civic sphere, there are many programmes emerging in the US and elsewhere that see civic engagement as a pathway for youth to develop the necessary capacities to thrive in the twenty-first century. Lerner et al. (2007) offer a review of several successful projects. One, The Nokia-International Youth Foundation, stands out for its concern for the development of the whole child and the capacities needed to thrive in a complex world. Its programmes in 13 countries seek to promote in 10-13 year olds 12 key life skills. These are "communication, conflict resolution, contribution, cooperation, creative thinking, critical thinking, decision making, empathy, managing emotions, respect, responsibility and self confidence" (Lerner et al. 2007, p. 9). Lerner reports that Hahn, Lanspert, and Leavitt (2006) evaluated this programme and found that 95% of participants reported positive growth in life skills, with the young people themselves rating cooperation, self-confidence and creativity as the areas in which they had improved the most.

Lifting New Voices (LNV) is a national effort in the USA to engage young people in community change. It embodies a philosophy of growth through civic practice. It is a project of the Center for Community Change at the University of Michigan, led by Barry Checkoway (Checkoway et al., 2003). The project shifts the focus from youth as "victim", "problem" or "at risk" and instead engages them as "competent citizens with a right to participate and a responsibility to serve their communities" (p. 300). The project explores initiatives with young people in several cities aimed at improvement in some aspect of community life. These include youth organising other young people in Iowa to create a drug free and secure corridor in a particular part of town; a project in Providence, Rhode Island to organize low income communities of color to improve schools which included getting their own parents to attend school board meetings, repair of broken bathroom facilities, upgrading cafeteria food and providing up-to-date textbooks for classes; project PUEBLO (People United for a Better Oakland) mobilised the community to prevent then Mayor Jerry Brown from building "a military style boot camp" in Oakland (p. 302). Evaluation of evidence generated by these and similar projects by Checkoway and his team lead the authors to conclude: "Young people can create community change! In some of the nation's lowest income areas, youth are solving problems, organising action groups, planning local programmes and developing new services. Despite obstacles they are bringing people together, making decisions, formulating action plans and building support for implementation." (p. 303)

These are not new suggestions and such examples could be multiplied many times over from practice around Europe and across the world. What we hope to have done is to place these initiatives in the wider cultural context of the heightened social anxiety afflicting advanced industrialised societies and to suggest by their existence that alternatives to business as usual are possible. These projects are *positive deviants* (Pascale, Sternin, & Sternin, 2009) – outliers making new spaces available for human learning and new knowledge.

9. Conclusion

During the 1960s, when social institutions were in turmoil, Berger and Luckman (1966) pointed out that all social systems are human constructions – built from a myriad social interactions, agreements, decisions, regulations among persons – to do work in the world. When these patterns become frozen or *reified* we forget the human agency involved in their creation. When people begin to think of social and political arrangements as *things* and as aspects of the natural order they can become trapped in patterns of behaviour, conceptions and attitudes that may not be adequate to the task they were designed to do. It is now well documented that the sense of hopelessness and being trapped in failing systems is

ubiquitous among those who work in larger social service systems such as health care and corrections and leads to a sense of hopelessness, burnout, distress and illness in professional employees and to disruptive (and expensive) staff turnovers (Halbesleben, 2008; Lambert & Paoline, 2010).

Reification also hides from view potential resources by obscuring the fact that social constructions, however solid they may appear, are not inevitable but rather are maintained by practices of power that discourage the identification of unorthodox resources that might generate innovation – in the case of youth services, the marginalised youths themselves. No matter how entrenched, once recognised as a consequence of human choices, human systems can be altered, recreated and redesigned and new choices considered. Reflective knowledge of how human systems are maintained – Habermas' "emancipatory knowledge" (1971) or Freire's "critical consciousness" (1973) – can spur the search for alternatives that better fit the aspirations and potential of participants. Alternatives are sometimes improvements to the existing order, and at other times represent fundamental transformation. When Gandhi organised the Salt March, or *Salt Satyagraha*, in 1930, the cascading awareness of the injustice of colonial domination and the sense of Indian empowerment has been regarded as a pivotal element in Indian emancipation from colonial rule that ultimately brought down the British Empire (Omer, 2005).

The liquid twenty-first century is a time when many reifications are becoming unfrozen and multiple narratives now compete. In the wake of crises such as those in the financial sector, resource depletion and climate change, the neo-liberal worldview is now under scrutiny and competes with more social and relational narratives that acknowledge collective responsibility for a threatened planet and for human suffering. These emerging narratives place faith in human agency and in the inherent capacity of all living systems – especially human systems – to grow, create and when necessary, self-heal. Another hotly contested space is about the shared sense of what it means in today's world to be a human being – a person. Debate rages about what our responsibility is for each other as members of a human society. These various visions in turn fuel debate about how we should raise and educate our young people including those who get into trouble with the law.

We have argued that much social policy with respect to youth is dominated by narratives that are driven by social anxiety and the logic of social control – Carneiro's fear loop. This is despite evidence to support the humanistic proposition that for young people at least the love loop offers more authentic support for their inherent impulse towards growth, creativity, and desire to belong. This affirmation of personhood leads to a more grounded sense of coherence which results in more salubrious outcomes for them and for society.

We have argued that to thrive in liquid times strategies for developing greater capacities for adaptive learning are needed that an increasingly fearful culture has not encouraged and in many ways has actively suppressed. Beyond the basic

conceptual skills around which modern school systems build their curriculums adaptive learning involves a willingness to celebrate difference, tolerate ambiguity, and embrace error. It also must encourage conscious reflection on the influence of culture on knowledge, decisions and choices. Young people and those who care for them need to know how to recognize reifications and (gently) transgress fear driven structures by designing alternative cultures at a small scale. Success will require adopting an intentional practice of working with a human potential for love, virtue and compassion. Adaptive learning can bring into conscious awareness the structural barriers to knowledge about how and why policies are failing those they are designed to serve (what Freire terms conscientização). This learning becomes transformative thereby becoming an act of cultural leadership. An emancipatory learning stance begins in hope that things can be better and sees the changing world not as a threat but as an opportunity for human evolution—the cultivation of more adaptive psychospheres and institutions that can foster the development of persons with greater adaptive capacities (Leicester, 2007; OHara & Leicester, 2012; Omer, 2005). Commitment to transformative learning can and, in our view, should start with children.

We recognize that contemporary institutions are under immense pressure to fulfill their mission, keep an anxious public safe and reduce costs. People in these systems work under intense scrutiny from regulators and the media to meet objectives and not make mistakes at the same time as demands for services increase and funds shrink. Making the situation even more resistant to change has been a shift from a primarily welfare focused view of society in the post-war period, where caring for those in need was a high priority, and for many a vocation, to a utilitarian neo-liberal view in recent decades where economic logic dominates and caring has become a marketable commodity. In our view this self-reinforcing system drives ways of thinking that are over-reliant on abstraction, measurement and standardisation and has been used to drive a punitive and penalising shift in public and institutional attitudes towards youthful offenders – especially those who are poor or from marginalised populations. We hope we have made the case that a different way is not only possible but empirically established as effective – and urgent.

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B.2. Adolescent Delinquent Behaviours as Attempts of Group Social Integration and Well-Being Through Social Acceptance?

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Abstract: Large surveys in Western countries give pictures of adolescent well-being related to delinquency and group affiliation. The belonging to a particular country, city or neighbourhood with their social structure influences the probability to have delinquent activities in group increasing or decreasing the risk of marginalisation, the sensibility to deviant values and the well-being related to peers' acceptance. A general process would exist by which, firstly adolescents oppose themselves to the parents' authority and seek for acceptance among their peers. This leads to a spiral when the youth tries to resolve his cognitive dissonance between the immoral acts he is invited to commit with his friends and his personal value system learned in his family, school and other institutions. In adolescence, the influence of peers can be positive or negative; it can be *protective peer-contagion* with positive response to normative talk or *deviant peer-contagion* with positive response to deviant talk or behaviour. At the micro level, well-adjusted peers are able to resist the influence of deviant peers. The participation to non-homogenous mixed groups seems to facilitate more normative talks. This leads to the hypothesis that the progressive extension to differentiated groups when adolescence is going through will strengthen their ties with conventional norms and contribute to their well-being.

Keywords: delinquency; peer affiliation; youth well-being.

1. Introduction

Adolescence is a period of life in which externalised problems become statistically frequent. About 50 years ago, these behaviours were considered as a manifestation of adolescence period of stress and storm following Stanley Hall's expression. In scientific presentations and journals these were included in the general category of abnormal behaviours or psycho-pathological syndromes. Since then there was a huge change in perspective leading to a view of adolescent delinquency as normative behaviours in this life period. Deviant, delinquent and risky behaviours are shown to be present in more than 50% of the youth population in researches using self-reported questionnaires in representative samples of the youth population of Western Countries (Junger-Tas et al., 1994; Klein et al., 1994).

The explanation of the probability to present these behaviours is founded, on one hand, on the psychological particularities of adolescence and, on the other hand, on social and familial risk factors. In both cases the importance of peers' influence is a constant (Born, 2005).

Frequently delinquent behaviours or delinquent carriers are written in a trajectory of exclusion: exclusion lived by the family, exclusion from school, placement in foster home or prison, marginalisation. These exclusions are as much causes than consequences of the delinquency. The question of well-being of children living in bad social or familial condition is crucial for ethical reasons as much as political reasons striving for well-being for everyone and security for all.

Many researches and declarations from the European Commission (Kickbusch et al., 2006; Carneiro, 2007) have argued that well-being results from combined mechanisms of learning and socialisation in family, school and society. Not surprisingly that poses questions about how well-being and delinquency are related during adolescence. No question, the peers' influence is certainly part of the link.

Two approaches are possible with the data available through large surveys we conducted: first the evaluation of self reported happiness in relation with illegal political actions in a Belgian sample of Youth and secondly an overview of the relation between self-reported delinquency and group belonging as far as the social acceptance by a group can be considered as essential for the well-being of an adolescent. These studies will allow us to emphasize some psycho-social mechanisms which contribute to the understanding of the complex relations between group acceptance, delinquency and well-being.

2. Happiness and Illicit Political Actions

Self-reported happiness is certainly a good indicator of well-being even if it is a simplification of it and self reported illegal political actions could be considered as one of the kind of delinquency an adolescent could possibly perpetrate. We had the opportunity to test the relation between these two in the PIDOP sample. This study on the Processes Influencing Democratic Ownership and Participation is a multinational research project funded by the European Commission under the Seventh Framework Programme. The project is examining the processes which influence democratic ownership and participation in eight European states – Belgium, Czech Republic, Germany, Italy, Portugal, Sweden, Turkey, and the UK. The project has a multidisciplinary approach aimed at examining macro-level contextual factors (including historical, political, electoral, economic, and policy factors), proximal social factors (including familial, educational, and media factors) and psychological factors (including motivational, cognitive, attitudinal, and identity factors), which facilitate and/or inhibit civic and political engagement and participation.

The common aim of the PIDOP consortium was to approach two age groups (16-18 and 20-26). Young people, women, minorities, and migrants are being examined as four specific groups at risk of political disengagement. Data were collected from the following ethnic majority and ethnic minority/migrant groups in each country, with approximately equal numbers of females and males from each group.

It appears clearly in the tables (B.2.1, B.2.2 and B.2.3) two observations important for our present discussion: happiness is a characteristic of the majority of these youth and illicit political actions are rare. Secondly, happiness is totally independent from having illicit political action (Variable used in Gavray et al., 2012). Of course this absence of relation cannot be extended to all the delinquent behaviour without testing it but the probability of a general independence is rather high.

Table B.2.1. Happiness in a sample of 1230 youths in Belgium (PIDOP study)

Happiness	Effectif	Percentage
Not at all	14	1.1
Rather not	80	6.5
Rather yes	590	48.0
Totally	536	43.6

Table B.2.2. Happiness and Participation in political actions that might be considered illegal (PIDOP study)

Intensity of happiness	Participate in political actions that might be considered illegal (burning a flag, throwing stones, ...)				
	Never	%	2 times & more	%	TOTAL
Not at all	11	85%	2	15%	**13**
Rather not	69	87%	10	13%	**79**
Rather yes	499	86%	82	14%	**581**
Totally	449	86%	75	14%	**524**
Missing	8		1		**9**
TOTAL	**1036**		**170**		**1206**

Pearson Chi^2=12.268a, Df 16, P= 0.725

On another hand, to have friends is well known to be essential for youth to feel happy. This relation is strongly established in our population.

Table B.2.3. Happiness and number of friends (PIDOP study)

Intensity of happiness	Number of friends?							**TOTAL**
	1	2	3	4	5	No info	Missing	
Not at all	1	4	0	7	2	0	0	**14**
Rather not	5	35	2	23	11	1	3	**80**
Rather yes	9	209	34	307	21	0	10	**590**
Yes well	13	170	28	301	14	0	10	**536**
Missing	0	2	0	7	0	0	1	**10**
TOTAL	**28**	**420**	**64**	**645**	**48**	**1**	**24**	**1230**

Pearson Chi^2 =72.271a, Df=24, P=0.000

Having clearly seen the contribution of friendship to happiness it is possible to question how delinquent activities play a role in well-being.

3. Self-reported Delinquency and Group Affiliation

As seen in the Pidop study, insofar as happiness and well-being are strongly inter-correlated and are dependent on the number of friends, we can examine how group affiliation is related to delinquency. Through the group affiliation, the individual acquires social and behavioural skills proper to his belonging group. Then, these same skills could be transposable to other social domains overtaking those of his/her group.

We can say that the socialisation by the delinquent group is a form of *parallel* socialisation and can contribute to the adolescent well-being. The socialisation by the group persists beyond the group's membership and will thus be an integral part of the individual throughout its life. This is the way we can understand the skills' transfer acquired in the field of the group's life to another domain like business. Competences are equally transposable in the environment of the formal economy provided the individual decides to join the legality.

3.1. Predominance of group delinquency is relative to type of offense.

Using the data set collected in 13 Western countries (ISRD-1) we showed (Born & Gavray, 1994) (Table B.2.4), on the one hand, that the same delinquent act can be committed alone or in a group and, on the other hand, that the same individual can commit delinquent acts alone or as part of a group.

Percentage of delinquent acts committed in a group ISRD-1 (Data collected 1989-1990; Age 12-18; 13 countries: Finland, GB, The Netherlands, Germany, Belgium, Spain, Italy, Portugal, Switzerland, Northern Ireland, Greece, New Zealand, Nebraska. N= 11,000).

Table B.2.4. Percentage of delinquent acts committed in group

Delinquent act	Percentage committed ina group
Pick – pocketing (n = 49)	60%
Stealing a bike (n = 1305)	16.3%
Stealing a car (n = 128)	70%
Stealing from car (n = 1216)	12%
Vandalism (= 1458)	61%
Shoplifting (n = 2102)	27%
Beating – up non family (n = 1203)	10.3%
Injuring (n = 1504)	25.3%
Selling soft drugs (n = 1116)	4.6%
Selling had drugs (n = 56)	60%

3.2. Group delinquency is relative to countries.

In ISRD-1, the differences in youth culture can be seen in the fact that the predominance of group delinquency allows us to categorize the countries into two major groups. In a first group of countries such as the United Kingdom (70.5 %), Belgium (67.8 %) and Switzerland (67.3 %), youth seems to commit the majority of their delinquent activity in groups. On the other hand, youth

coming from Finland, The Netherlands and Spain show a far greater percentage of delinquent acts alone (respectively 45 %, 42 % and 40 %, for a mean percentage of 29 %).

New data collected in 2006 for ISRD-2 bring some important nuances. In the example of Bosnia-Herzegovina, Budimlic et al. (2010) indeed, only

> find some weak correlations between delinquency and associating with a group they consider 'deviant' (i.e. doing illegal things). Students who consider their group as 'deviant' also were slightly more likely to report night activities per week (r = 0.16). Those who engaged in night activities were slightly more likely to be involved in group fighting (r = 0.25), carrying a weapon (r = 0.18) and using hash or marijuana (r = 0.17). Also, students who frequently go to parties or disco, or to somebody's house, or hang out on the street daily, are somewhat more likely to report participation in group fights (r = 0.25).(p. 356)

3.3. Group delinquency is diversely related to the types of leisure activities in the different countries.

We notice that a country such as the United Kingdom where many leisure activities are organised and under adult supervision, the percentage of delinquent acts committed in groups is greater than in Mediterranean countries such as Spain, Portugal and Italy where young people spend a lot of their free-time in unstructured groups meeting up in outdoor locations to chat and *hang-out*.

This seems to confirm that taking part in organised leisure activities does not automatically protect the individual against committing group delinquencies.

Hanging out in public spaces such as street corners, shopping malls and bus stops, to adult eyes apparently doing *nothing*, is a way of a group of friends *chilling out* away from adult surveillance. It is a way for them to absent themselves from the stresses of modern living and has for decades been the way of living in Southern countries, now tending to spread to others countries.

The effect is that if this behaviour is adopted in countries where it is not traditional and by youth from minorities such groups are often mistakenly identified by adults as youth *gangs* and become the target of public suspicion (White, 1999).

A good illustration is founded in the study done for ISRD-2 in Hungary by Bolyky et al. (2010, p. 323): 60 % of peer groups appear to be of mixed-gender, 10.6 % are all-female, and 17.8 % are all-male. Almost 70 % of respondents said that illegal acts were not acceptable in their peer group, and 75.7 % claimed that their peer group never engaged in illegal acts.

Thus, even if illegal acts are tolerated, peer groups act as a safeguard against serious deviance. Furthermore, all-male groups seem to be the most deviant; illegal activity is more prevalent among them than among mixed groups.

3.4. Lifestyles matter.

In ISRD-2 (Data collected 2006; Age 12-16; 31 countries: Same countries + Cyprus, Czech Republic, Hungary, Bosnia-Herzegovina, Lithuania, Poland, Slovenia, Russia, Canada, USA (4 states). N= 71,000) on the data collected in Belgium, Canada and Switzerland, Vettenburg et al. (2010) included in a hierarchical model variables concerning lifestyles led by adolescent. In all three countries, these variables highly increased the likelihood of having committed a property-related offense.

Leisure-time activities and attitudes play a paramount role: (i) having experiences with alcohol and/or drugs, and having delinquent friends, on one hand, (ii) showing low self-control and valorising violence, on the other hand, both increase the probability of committing a delinquent act. A certain peer group subculture appears.

In Belgium and Switzerland, the impact of the number of hours a youth spent with friends compared with time spent alone is significant. But going out at night is not significant in any of the three countries.

Clearly in this research and many others, the levels of drug and alcohol consumption is correlated with group belonging and group delinquency. Youths use drugs in order to join or to be accepted in certain peer groups. Drug (cannabis) consumption is also related to the total score of self-reported delinquency.

Following Gavray et al. (2013) troublesome youth group involvement in relation to self-control and violent values are powerful explanatory variables of delinquency. This profile enhances the opportunity facilitating criminal behaviour by an increased exposure to asocial and amoral settings.

There are three explanations for the effect of gang membership on delinquency: selection, facilitation, and enhancement. The selection model says that a gang is a collection of youths with similar individual characteristics such as poor self-control. In the facilitation model the gang itself has no causal influence on offending; it acts just as a facilitator giving more opportunities. The enhancement explanation combines selection and facilitation effects. More delinquent youths are recruited into gangs, and this leads to facilitation.

These effects are compounded if the youths dwell in vulnerable situations. School level societal vulnerability leads to offending through its effect on violent values, which in turn affects self-control, troublesome youth group involvement and ultimately offending. Violent values have a direct effect on self-control, troublesome youth group involvement and offending. These observations lead to take into consideration the way how cultural aspects influence the quest for well-being through group values transmissions.

4. Culture and Gender are Crucial Issue

We should not leave aside the cultural determinants of behaviour and values. Culture is a configuration of behaviours learned and transmitted by the members of a particular society. For UNESCO:

> In its broadest sense, culture can now be regarded as the set of distinctive spiritual and material, intellectual and emotional features which characterize a social group. It includes not only the arts and letters, lifestyles, fundamental rights, value systems, traditions and beliefs.

Culture, in the broad sense of a trait from a country or a region, influences the overall behaviours of its inhabitants, including young people. We can consider these subcultures as almost neutral in terms of respect for the norms governing dress codes, music, hairstyles, tattoos, body piercings.

Youth subcultures are relative to countries, gender, social class or ethnicity, particularly if these groups are in a subordinate or minority position in the community. The function of these subcultures is to provide support for the identity of the group or the individual rather than a desire to change the social order.

These subcultures permeate people's ideas, opinions and stereotypes, through the messages conveyed within their communities, within the groups they belong to and choose to belong to, leisure groups, gangs. The relations between values and behaviours in subcultures are true not only for delinquency, risk behaviour or violence; they are present in many other aspects of the youth life. Hernandez (2012) shows on a sample of 696 adolescents, in Toulouse, that the search for conformity is likely to provoke academic disengagement. The social pressure, for some adolescents, will encourage them towards academic engagement if they are affiliated with peers who give a value to the school instead of giving priority to the relational aspects of their social life at school.

Values and attitudes are related to stereotypes which are gender dependent. Violence is interiorised by boys in almost all cultures as an element constitutive of masculinity. This stereotype is shared by girls because it is constructed through all the messages transmitted during childhood and throughout the processes of learning social roles.

The ISRD-2 data collected in Belgium on 2,247 adolescents, (Gavray et al., 2013) shows that girls valorize less violence than boys and that they tend to see violence as an attribute of boys. The authors also confirm the strong correlation ($r = 0.36$) between the valorisation of violence and the production of violent behaviours.

The gender approach teaches us that 63% of boys (against 37% of girls) said that having violent and delinquent behaviour is accepted, or even promoted, in their peer group. These boys describe their group as composed only of boys.

The code of masculinity valorizes the bringing together of boys in groups where girls don't receive an egalitarian status. Girls, who generally seek affection and protection, have to accept this status and are either instrumentals or victims.

5. Psycho-Social Mechanisms

Contrary to what might be expected, we can see that delinquents are not characterised by a breakdown of social relations, but rather by a reorientation and restructuring of their social relations. Delinquency is therefore a non-conformist attempt to structure oneself as a social actor.

In a group context, it is easier to neutralize social norms and persuade oneself of the non-importance and even the legitimacy of these transgressions. A general process exists by which adolescents begin by opposing the authority of their parents and seek for acceptance among their peers.

This leads to a spiral (Born, 2005). The passing on and the spread of values of social conformity and the promotion of deviance or delinquency is achieved through enculturation at an individual level by messages put out at a collective level (the media for instance), group level (peer group, leisure group, street-corner society) or institutional level (school), as well as at a family level or through individual contacts. Delinquency among young people is passed on via close relations during adolescence through the driving force of the essential need to be accepted, to belong and to shape one's identity.

The fact that certain groups commit crimes depends upon the norms adopted by the in-group. Each group has a norm with respect to delinquency. Some groups will make delinquent activities more likely, whereas others will inhibit it. Acts express *the sort of people we are*. Inappropriate behaviour could result in exclusion from the group. Levels of delinquent action are means by which individuals define their place in the social world. Moreover, they are means of coping with this assumed place.

Group membership also provides a means of reputation management and allows for coherent action. One's reputation is earned by concrete deeds. If witnesses are present there can be no ambiguity as to whether or not the delinquent act was committed and as to who did it. The behavioural consequence depends on the type of group.

The model " Spiral of delinquency" and "Referential System" (Born, 2005) fits with the Integrated Cognitive-Antisocial Potential (ICAP) developed by Farrington (2009) where "Long-term AP will also be high if people are exposed to and influenced by antisocial models, such as criminal parents, delinquent siblings, and delinquent peers, for example in high crime schools and neighborhoods (p. 153)." It is similarly in accordance with Wikström's SAT (Situational Action Theory) that focuses on the interaction between individual characteristics and context (Wikström & Treiber, 2009). Offending is about "kinds of individuals in kinds of settings."

According to these theories, lifestyles of adolescents are to be considered as important indicators, since the lifestyle led by adolescents influences exposure to different types of settings, which in turn produce different types of situations.

In adolescence, the influence of peers can be positive or negative. At the micro level, while well-adjusted peers are able to resist the influence of deviant peers (Dodge, Dishion, & Lansford, 2006), they are also able to promote pro-social behaviours and to ignore deviant behaviours from their peers (Dishion et al., 1996).

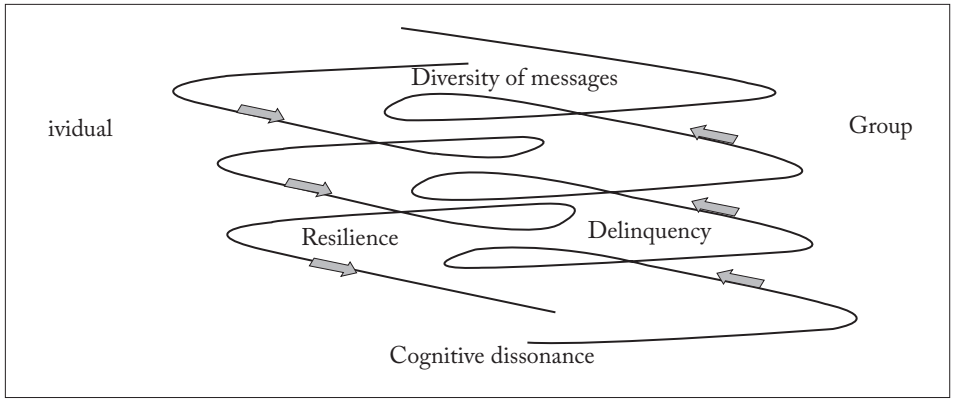
Youths use drugs in order to join or to be accepted in certain peer groups. Drug (cannabis) consumption is also related to the total score of self-reported delinquency. However, in concomitance with these aggravating factors it is also possible to identify protective factors. In a research conducted on 1,134 Italian adolescents (58% girls), aged between 14 and 17 years, Cattelino (2011) showed that the Individual Risk Index, which includes cigarette smoking, alcohol abuse, drug use and risky driving is increased when adolescents have friends involved in risk. However, protective factors could be found in individual skills (coping and regulatory self-efficacy) and perceived environment (parental supervision and support, school satisfaction). An anonymous questionnaire administered with a 1-year interval, cross-sectional results showed that the risk effect of deviant peers on IRI was moderated by regulatory self-efficacy and parental supervision. Likewise, longitudinal analysis showed significant protective main effects of regulatory self-efficacy and school satisfaction. After one year, the effect of deviant peers on individual risk involvement was no longer significant.

Little is known about the mechanisms underlying these observed effects. A very interesting study carried out by Mathys et al. (2013) focused on micro processes underlying deviant and protective peer contagion within groups of adolescents who differed with respect to their personal histories of antisocial behaviour.

The authors tested the effects of group composition on deviant talk interaction processes among groups: (i) in which all members presented delinquent behaviours (*pure* delinquent group condition), (ii) with member adolescents with no delinquent behaviours (*pure* normative group condition), and (iii) with adolescents exhibiting both profiles (*mixed* group condition). Participants were 70 male adolescents aged 15–18 with a random assignment to groups. Data were collected among three group sessions (T1, T2, T3), one session a week, using videotape. Two interactions were also measured: antisocial and normative stories, counterbalanced across sessions. Controlling for intra-class correlations revealed a main significant difference between the groups: all adolescents express normative and antisocial opinions and they reinforce them. The results from the mixed groups are particularly striking: the participants in this type of group differ from the homogeneous groups in using fewer reinforcements for deviant and greater reinforcements for normative talks, especially nonverbal (laugh, smile, etc.), in line with the control groups.

Although findings from the current study need to be replicated with larger and more diverse samples, they might contribute to the understanding of deviancy training processes by the identification of predictor and moderator effects which could improve in future group based interventions. Moreover, this study helps to our understanding of deviant peer processes when combining delinquent and non-delinquent youth. The importance of a mixed social network, referring to risk behaviors and conventional behaviors, has been recently pointed out by Cattelino et al. (2014), in a study that seems to confirm these previous results in a more ecological context.

Figure B.2.1. Spiral to delinquency trajectory and out of it



6. Conclusions

The heteronymous way of building the value system is of course a conditioning process as are all the learning processes in socialisation. However, we should not forget the autonomous process of values development which is neither adequately recognised nor explored.

Just like the spread of flu, certain valuations of violence or non-compliance with the law are contagious among the population. Similarly, hatred whether racial or directed against the police, is *caught* by at-risk populations. They integrate these beliefs into their values as members of a community in the broad sense (minorities or young people, for example) or in their subgroup or district subculture.

The researches with individuals' variables (including social, familial, personal indicators) remain important to keep up to date, both for policy purposes and environmental and historical particularities. Nevertheless they need to be completed by researches using interactive information allowing multilevel analysis on group and peer interactions, so to better understand the processes that matter in a longitudinal perspective, during life-time or developmental period, on the referential system and the situational-action production of offending.

Conclusions for Prevention: As in cooking we have to continue firstly to use the old well known successful recipe before turning to innovative and creative experimentations. The principles written by Kvaraceus (1969) are still good for now:

> Improving social wellness, social justice and social security all over the Europe and all over the world is proved to be the best prerequisite for the lowering of delinquency in contemporary society. Changes in the neighborhood's social structure by the move of large part of populations for diverse reason such as urban changes, prevention policies or economical growth, the sense of injustice or of alienation or marginalisation can produce a decrease in the sensibility to deviant values. (p. 63)

The best prevention is multi-level, multi-systemic in Communities That Care. Reinforcement for normative behaviour or "protective peer contagion" exists with all kinds of adolescents.

The diversity in groups of adolescents seems to show greater production of normative talks. The values that circulate in the media are integrated into the group and the personal value systems according to the level of receiving person's susceptibility.

Hence, persons prone to crime who have a susceptible system opened to deviant, delinquent or violent values will amplify these elements. The crucial issue is the identity formation starting in early adolescence and ending, for the majority, around young adulthood. One of the challenges of our societies is to offer to the youth access to well-being in accordance with their belonging to different group and communities, in respect to the norms of the society.

To be member of a community, of an ethnic minority or of a mainstream social group, is epitomised by belonging to a particular group or a gang. The general mainstream culture impregnates the individual in connection with minorities' and groups' subcultures which generate well-being. This complex interplay of cultures and subcultures lies at the origin of personal and social identities and is a key contributor to the personal level of well-being. We may work to increase the effective exposure of youth at a greater diversity of positive social messages which act as enablers of internal cognitive conflicts that contribute to the acceptance of diversity and of their individual particularities.

And these are forceful ingredients of well-being.

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B.3. Trajectories and Identity of Young Women in Prison: An Empirical Analysis of Gender, Youth, Crime and Delinquency[5]

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Abstract: This paper deals with a theoretical and empirical approach to young women and deviant trajectories. We begin by analysing the scientific discourses on gender and crime throughout the history of criminology. Moreover, we offer an empirical study on life trajectories and meanings of crime in young women offenders. In this study, twelve young women prisoners, sixteen to twenty-one years old, were interviewed with a protocol adapted from the "life-story interview" proposed by Dan McAdams (2000). The interviews were recorded, transcribed and later analysed under the grounded analysis principles. In the narrative construction of the young women's trajectories various understandings of crime emerged supporting the rejection of the traditional concepts of female juvenile delinquency. Our analysis of the discourses on crime surveyed the analytical category of *agency* in young women's options for criminal behaviour. This approach is matched against the array of new opportunities that are made available in a crime market where the participation of girls seems to be growing. Nevertheless, within deviant groups, young women tend to play vulnerable roles as a reflection of dominant social discourses and practices. Our findings emphasise the advantages of analysing juvenile deviant behaviour from a gender perspective.

Keywords: gender; juvenile delinquency; juvenile criminality; female young offenders; trajectories; identity.

[5] Empirical evidence was collected within the scope of the author's Doctoral Dissertation in Psychology (Matos, 2008)

1. Introduction

The approaches addressed in this chapter's theoretical framework are organised in two different sections, each referring to one of the main dimensions of the empirical work developed on young women trajectories in prison – gender and age. The first section is a general introduction to how criminology views females, particularly the ones spearheading criminal behaviours. This section is a historical review of approaches focused on women regardless of their age and regardless of their behaviour being formally classified as crime. In the second section, the *gender* dimension is not neglected, as we continue to present approaches concerning females with delinquent behaviour, but the contents are organised around the concept of age. This section aims at presenting evidence-based knowledge relevant for the understanding of deviant behaviours of younger people.

The majority of the theories presented here are from the international literature, where the formal definition of delinquency and criminality may differ from ours. In Portugal, the perpetration of crime-classified acts is punished by Penal Law for people over 16 years old. Therefore, when we study young people serving prison sentence, aged 16 to 21, we are formally studying juvenile criminality. Hence, even though we are speaking of youth from an age perspective, from a legal point of view the focus is mainly on young females whose deviant acts were criminalised instead of processed through the Juvenile Justice System.[6]

The empirical evidence may, therefore, be discussed in the light of theoretical underpinnings focused either on gender (questioning to what extent the deviant behaviours relate to the fact that these are women offenders) or on age (understanding how the deviant behaviours relate to the fact that these are young offenders). In addition, the empirical evidence may be analysed from the perspective of the legal dispositions and expectations underlying the phenomenon of youth criminality, for young people in the age bracket under analysis. More specifically, this study allows us to think about the Special Penal Regime for Young Adult Offenders, namely on the relevance of maintaining a barrier between the Juvenile Justice Act, applied to what is formally defined as juvenile delinquency[7], and the Portuguese Penal Act, directed to adult criminal behaviour.

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[6] In Portugal, this system is directed to the youth, up to 16 years old, though measures can be extended up to 21 years old.

[7] In Portugal, *Juvenile delinquency* is intended to represent the practice of an act qualified as a crime by the Portuguese Penal Law, by a youngster aged twelve to sixteen years old.

2. Theoretical Framework and State of the Art

2.1. Introducing gender in criminological theories: a brief description of theoretical approaches to women and deviant behaviour.

The theoretical approaches aimed at determining the biological and psychological basis of female criminal behaviour first appear in the context of a highly positivistic and androcentric 19th century criminology. Coupled with later developed sociological theories, equally deterministic of female deviance, these approaches prevail as dominant models during the first half of the 20th century. New perspectives on women as crime perpetrators are enabled by the incursion of the feminist movements in criminology after the 60s. Around that time, a "set of theoretical movements criticising positivist criminology" emerge, included in the broad taxonomy of critical criminology (Machado, 2000, p.121). The feminist approaches propose using studies in which "women find their own voice, or observers present the perspective of women who murdered their husbands, who prostitute themselves, who are members of violent gangs, who use cocaine or who are involved in other serious forms of criminality," (Heidensohn, 1997, p.776) to rebuild discourses on women and crime. These are empirical approaches which confer a fundamental status to gender, seeking to give women offenders a leading role, a status that would be unthinkable in traditional criminology studies. Besides the vital status conferred to gender, other variables, such as social class or ethnic group, are also considered relevant in this type of approaches (Mack & Leiber, 2005; Worcester, 2002).

Hence, the several feminist studies enable the recontextualisation of female criminality in criminology discourses. An immediate observation is that crimes committed by women are mainly related with drug use or trafficking (Almeda, 2003). In addition, women offenders usually come from unprivileged socioeconomic environments, have low education levels (Maher, 1997) and tend to have life trajectories marked by experiences of confinement (Maher, 1997; Carlen, 1987). Other information emerging from this type of studies concerns the frequent and diverse changes occurring within the family structure of women offenders. Such changes may result from abandonment by caretakers or loss of significant others (Batchelor, 2005a). These approaches commonly show that the family contexts of women offenders are regularly characterised by violence histories, with common patterns of previous direct or indirect abuse (Maher, 1997; Batchelor, 2005a). Finally, studies reveal that relatives of women offenders, who also have a criminal record, are often co-involved in their crimes (Matos, 2008; Cunha, 2002; Maher, 1997).

Based on a phenomenological perspective of female deviance, centred on the offenders' discourses, feminist approaches tend to justify crimes committed by women by appealing to three basic concepts: gender, rationality and entrepreneurship. Examples of gendered conditions associated with criminal behaviour are difficulties

in the labour market and in finding balance between work and family life, or several types of victimisation within unequal relationships in terms of power (Almeda, 2003; Burman, Brown, & Batchelor, 2003; Carlen, 1987). The argument of the rationality behind the criminal act is based on the idea that women actually choose crime over other options that they consider less reasonable. Underlying women rational choices for deviance are constraints either at the economical level or due to the complex interactions between family dynamics patterns, patriarchal social structures and cultural factors. As an example, we may refer to the studies of Pat Carlen, in the U.K., which suggest that, regardless of the various constraints they encounter, women rationally ponder and decide for crime (Carlen, 1983, 1987; Carlen *et al.*, 1985). The rational choice of the female offender has also been underlined in studies addressing specific types of deviance, such as drug use and trafficking (Maher, 1997), prostitution (Oliveira, 2002; Phoenix, 2001) and violent crimes (Batchelor, 2005a), or in studies concerning young women prisoners (Matos, 2008).

Finally, the feminists propose that women can be *criminal entrepreneurs* who are able to overcome difficulties using crime. Female transgression is seen as a way to challenge the more traditional roles, where power, violence and transgression – usually considered inappropriate to female behaving – are sought (Carlen *et al.*, 1985). This argument arises after the first conceptualisations of women as entrepreneurs of criminal activity during the 70s of the 20th century (Matos & Machado, 2012), and after the renewed interest for the "new female criminal" of the 1990s (Chesney-Lind, 1997).

2.2. Gender and juvenile deviance.

Among the approaches that, since the second half of the 20th century, addressed specifically (female) juvenile deviance, some studies stand out: (i) those concerning implications of the family context in deviant behaviours; (ii) those that besides considering the family context focus on control, on the patriarchal social structure and on the social expectations associated with gender; and (iii) studies of female trajectories of juvenile delinquency, oriented by the Developmental Psychopathology model, wich is based on notions such as trajectory, risk and protective factors, desistance and resilience.

When analysing the phenomenon of female or male juvenile delinquency, the perspectives centred on the family context emerge very frequently. Particularly regarding female delinquency, a general reasoning of Datesman and Scarpitti defends that the girls' deviance is more related to factors specifically associated with the family context than the boys' deviance (as cited by Shoemaker, 2000). Regarding how female deviance is associated with family factors, some theories propose a direct connection between family dysfunction and girls' deviant behaviour, whereas others are centred in the girls' victimisation experiences.

Studies based on official records suggest that the association between dysfunctional families or family relationships and female delinquency is greater than the association between those exact same factors and male delinquency (Colman *et al.*, 2009; Haynie, 2003). When trying to explain this association, the argument that prevails is that the dynamics of dysfunctional families lead to girls' adjustment issues, which may then result in deviant behaviours. Running away from home or acts of *sexual promiscuity* are examples of these behaviours, in light of what Konopka considered to be a *good girl* (as cited in Heidensohn, 1985).

We do not find clear groundings for the association between female delinquency and a dysfunctional family context. This association seems to be mediated by characteristics suggested as *typically feminine* (e.g. greater emotional outburst). Thus, we are facing etiological-explanatory approaches for female deviance which resemble individual-centered perspectives. The underlying idea of these approaches is that, within the same family context, a girl is *naturally* more vulnerable to deviance, and such vulnerability is related to her intrinsic idiosyncrasies.

However, we have to mention that the conceptualisation of deviance itself differs according to gender. Running away from home and, especially, sexual behaviours regarded as inappropriate constitute here clear examples. Taking into consideration the dominant social discourses on femininity and the strong view of a girl's social control over her sexuality, one can easily understand how sexual behaviours of young women would be considered as deviant, the same not occurring for boys. On the contrary, from a social point of view, masculinity strongly relies on man's expression of sexuality (Jackson, 2005).

Thus, female and male acts of delinquency have been associated with qualitatively different family contexts. Although also present in young males, victimisation experiences tend to be more significant in young delinquent females (Cauffman, 2008). In the literature, precocious sexual abuse is particularly referred as a more relevant risk factor in the aetiology of female deviance, when compared to male deviance (Giordano, Cernkovich & Rudolph, 2002; Herrera & McCloskey, 2001). The different forms of victimisation are associated with violent behaviours, running away from home and drugs and alcohol abuse (Burman, Brown & Batchelor, 2003). Authors such as Dembo who also take adult women into consideration suggest that those with sexual abuse records have higher probability of using and trafficking drugs or of committing general delinquent acts, than men with the same experiences (as cited in Katz, 2000). Retrospective studies on populations serving penal sanctions, as Harlow mentions, also conclude that the probability of finding previous sexual abuse episodes is higher for women (as cited in Katz, 2000).

As this is a consensual fact in the literature, several studies aimed at justifying the stronger association between female delinquency and victimisation experiences occurring not only, but more frequently in the family context. Common responses suggest social and psychological variables, such as the emergence of negative

feelings sometimes leading to deviance, as the basis of the relationship between victimisation in the family and female delinquency (Chesney-Lind, 1997).

However, different conceptual explanations have emerged. For example, Katz states that the answer to this question relies on the social development of the concept of femininity and on the expectations that women will resign to "masculine desires." (2000, p.635) Thus, the woman can easily become a target for victimisation and remain silent; likewise she can also get involved in deviant activities to meet the will of males exerting power over them. This perspective comes close to the studies on control and conformity, which we discuss hereafter.

The approaches on control, conformity and girls' delinquency represent a certain convergence with the most critical perspectives in criminology, in the sense that those approaches conceptualise female deviance based on sociological factors and they consider gender issues. However, as we see it, their etiological-explanatory interpretation of the phenomenon reinforces dominant gender stereotypes.

The Hagan, Gillis and Simpson (as cited in Rock, 1997) theory of control stands out from the perspectives focused on control and in the conformity to gender roles which associate family structure to female deviance. According to the authors, the girl is the main target of social control within the household. Therefore, in a dominant patriarchal family model, she easily perceives the threat of punishment on behalf of her behaviour. In the private context, the strong social control exerted over the girl consists mainly of emotional punishment strategies, such as the threat of getting no affection or of embarrassment. The authors state that besides reducing girls' exposure to formal social control, this rigid mechanism in the domestic sphere is more effective than formal sanctions. Therefore, not only are young males subjected to less control, but their challenging or risky behaviours tend to be reinforced, which is associated with the more frequent male delinquency. Female late initiation in delinquency also tends to be explained by the social control applied to girls (Haynie, 2003). In this sense, the concept of "late trajectory" is proposed for girls, denying a trajectory of delinquency during childhood, as is suggested for boys (Silverthorn et al., 2001).

Regarding boys, the literature also suggests that the forms of family control are mostly of a direct type, while in the case of girls, the existence or not of deviant behaviours is more associated with a subtle and indirect family control (Giordano, Cernkovich & Rudolph, 2002). Likewise, in egalitarian family models, where the mother figure has a predominant role in the exercise of power and control, there are not as many differences in the levels of delinquency regarding gender. These arguments seem to move away from more traditional concepts of female deviance, as they move their focus from women intrinsic factors to the way family and society treat them.

The same is true for a specific set of approaches, as argued by Katz, that despite also associating the dysfunction in the family dynamics with female deviance (as cited by Chesney-Lind, 1997), analyse that association from the social control

point of view. According to these approaches, in dysfunctional family contexts, the criminalisation of the girl's behaviour is more common in situations where the parents do not feel capable of controlling her according to social patterns of acceptable female behaviour. In many situations, the girl's contact with the justice system is promoted by her own parents who, besides reporting acts such as running away from home, sometimes insist on her institutionalisation (Chesney-Lind, 1997).

While underlying these proposals are attempts of finding answers to the question *why do girls practice less acts of delinquency*, other authors analyse female transgression from the point of view of how social expectations on women may determine or constrain their own deviance. In this approach, one of the dominant lines of thought is based on the idea that normative expectations directed to the females (e.g. subordination to men, emphasis on physical appearance and seduction) may themselves contribute for the women's choice for deviant behaviour (Shoemaker, 2000).

In contrast with authors who identify the influence of a normative feminine socialisation as the basis for deviance, others state that women who transgress move away from normative expectations of femininity. The underlying idea is that delinquent acts are in line with an ideal of masculinity and with the roles conventionally attributed to men. Therefore, boys' socialisation tends to legitimate deviant acts while girls' socialisation occurs in terms of compliance to the norms. Some studies show that girls feel more shame and guilt when they get involved in problems with justice and they legitimate delinquent acts less than boys do (Morris, 1965). These approaches suggest that girls' socialisation promotes higher compliance than boys' socialisation, because when committing delinquent acts girls are violating gender expectations. Following the same line of reasoning, Cullen, Golden, and Cullen argue that the delinquent acts committed by young women result from a socialisation which led to their participation in typically male roles (as cited by Shoemaker, 2000).

In the last fifteen years, the developmental perspective on female juvenile delinquency gained some relevance as studies focusing specifically on the analysis of female trajectories (Colman et al., 2009) or in comparing them with male trajectories have emerged (Andersson, Levander, Svensson & Levander, 2012; Landsheer & Dijkum, 2005; Odgers et al., 2008).

The vast majority of these studies show that female trajectories of juvenile delinquency, namely the most severe ones, tend to start in late adolescence, or even at the beginning of adulthood, and continue throughout adult life (Andersson et al., 2012; Tzoumakis, Lussier & Corrado, 2012), escalating in terms of severity (Oudekerk, Erbacher & Reppucci, 2012). On the other hand, in typical boys' trajectories, severity is usually associated with early starts and with antisocial behaviours during childhood (Moffitt, 1993). This is the feature that most clearly distinguishes male and female delinquent trajectories. We can say that, in some

cases, childhood-associated behaviours are not faithful reliable predictors of female juvenile delinquency, during adolescence and adulthood, as they are for boys (Landsheer & Dijkum, 2005).

As previously mentioned, the feminist perspectives on criminology brought new conceptualisations of the woman offender and, consequently, a new focus as well as novel methodologies for understanding female delinquency. For example, some studies analyse deviant trajectories from the perspective of the female protagonists. According to Bachelor, these studies try to "bring their voice to the centre of the theoretical and methodological discussions." (2009, p. 406)

We can find some examples of this type of approaches in what concerns specifically girls' participation in crime (Carlen, 1987; Daly, 1994; Miller, 2001). However, these approaches are still scarce, both at national and international levels. In Portugal, we highlight recent research conducted by Duarte (2012) where girls' trajectories in the juvenile justice system were analysed, from their own points of view. The study we are about to present is also centred in the way young prisoners confer meaning to their criminal experiences.

3. Trajectories and Identity of Young Women in Prison: An Empirical Study in the Portuguese Context

3.1. Method.

The empirical study we hereby present had as starting point previous research on the main sociodemographic characteristics of young females arrested in Portugal, as well as on their criminal activity and their contacts with the justice system. Given the purpose of analysing young female prisoners' life trajectories as they narrate them, the study was planned in an inductive research logic, building upon the methodological principles of *Grounded Theory* (Strauss & Corbin, 1994).

We aimed at answering two fundamental research questions. The first is centred in the meanings girls give to delinquent behaviour in relation either to former life experiences, or to expectations for the future. The second focuses on the sociocultural contextualisation of young women prisoners' life trajectories. Thus, we intend to understand how circumstances such as inequality of opportunities or established gender relations were relevant constraints for life trajectories, related or not to the emergence and maintenance of criminal activity.

3.1.1 Participants.

Young prisoners were selected on the basis of their *representativeness* as experts in the phenomenon under study. More specifically, we selected girls whose characteristics, in terms of type of committed crimes, path in the Justice

System, drugs' use and family criminal activities, brought them close to the emergent groups resulting from a previous characterisation study (Matos, 2008). This sampling procedure is designated theoretical sampling (Strauss & Corbin, 1994) or "theory-based data selection." (Rennie, Phillips & Quartaro, 1988, p.142) By including women with different deviant experiences and trajectories (contrasting groups), we introduced variability in the sample. In the end, our sample encompassed twelve young women, with heterogeneous criminal experiences (Table B.3.1).

Table B.3.1. Participants

GROUP 1					
Alias (age)	**Crime**	**Prison sentence**	**Previous Crimes & Sentences**	**Drugs'use**	**Family relatives & crime**
Helga (22)	Trafficking	4 years and 6 months	Assault (without conviction)	Cocaine	Partner, mother, father, brother, sister in law, cousin
Íris *(21)*	Trafficking	3 years and 4 months	–	Heroin Cocaine	Partner, father
Joana (22)	Trafficking	4 years	–	–	Mother, sister
Katia (19)	Trafficking	4 years	–	–	–
GROUP 2					
Dália (19)	Crimes against property	4 years	Crimes against property (without conviction)	Heroin	–
Ema (21)	Crimes against property	3 years and 9 months	Crimes against property; (18 months on probation)	Heroin Cocaine	Partner
Flora (20)	Crimes against property	4 years	Crimes against property; (3 years on probation)	Heroin Cocaine	Partner; 2 brothers
Guida (21)	Crimes against property	7 years and 6 months	Crimes against property; (2 years in prison)	Heroin Cocaine	Partner, father, cousin
GROUP 3					
Alexandra (18)	Homicide	6 years	–	–	Mother
Bárbara (20)	Homicide	4 years	–	–	–

Carla (22)	Homicide	7 years and 9 months	–	–	Uncle
«NEGATIVE» CASE					
Lisa (19)	Crimes against property & homicide	8 years and 9 months	–	–	Brother

3.1.2. Instruments and procedures.

We adopted a script for "the narrative construction of life stories", proposed by Dan McAdams (2000). According to McAdams we build and express our understanding of the world by building stories, so the identity shall be defined as a life story or an "internalised and evolving narrative of the *self*." (2000, p.643) The interview script comprises three main components: the "life chapters", the "life episodes" and the "integrative narratives" (Matos, 2008).

The interviewing process was naturally marked by the prison context. First, by constraints inherent to the *prisoner* status; second, by what we consider a formal character, at least for the initial moments, conferred by the utilisation of spaces usually dedicated for prisoner-lawyer meetings; finally, by factors inherent to the prison space itself, such as noise, interruptions, timings and prisoners' duties that may have, up to a certain point, penalised the statements collected.

After gathering data from two young women of each of the contrasting groups, we proceeded to its preliminary coding so that we could later collect the remaining data. Initially we created more descriptive categories and elaborated memos for each one of them, containing impressions from the researcher which would be relevant for building conceptual categories. The memos turned out to be fundamental for establishing relationships between categories and, based on these relationships, for creating categories of successively superior levels. After creating more conceptual categories, we considered their hierarchical organisation given a single criterion, the number of women that made reference to each of the categories.

From the strategies employed to guarantee the study validity, we first highlight the procedures we carried out to constitute a sample, on the one hand, representative of the female juvenile criminal experience and, on the other hand, diverse enough to guarantee the heterogeneity in young women's experiences on this phenomenon. Validity was also achieved by maintaining a proximal relationship with the meaning coming out of the young women's statements. This was guaranteed by using an inductive approach and by using interview excerpts for categories' description (Machado, 2000).

3.2. Results and discussion.

The analysis of the young women prisoners' discourses allows us to identify four different strands on crime and deviance.

3.2.1. Deviant identity: Criminal lifestyle.

To begin with, we highlight a group of girls whose statements on their life trajectories, and particularly on delinquent behaviour, lead us to associate them with the construction of deviant identities, although they do not assume themselves as clearly deviant. They have already a significant trackrecord in terms of delinquency and regulation by the Justice System, with several custodial measures and criminal-processes records. Their delinquent activity, previous to imprisonment, is intense and heterogeneous, with particular incidence on crimes against property. They present themselves as users of the so called *hard* drugs, although they refer that they have never lost control over the drugs' use. They do associate other deviant behaviours with a dimension of control, which is illustrated by expressions such as being "proud" of surviving in the streets or "being capable of stop using drugs". "Deviance seems to be a way for these young women to gain control over their lives." (Batchelor, 2005b, p. 4) We also found, implicit in their statements, a dimension of pleasure and excitement associated with crime, which leads us to the positive feelings taken from criminal action proposed by Jack Katz (1988/1996) and found by Batchelor (2005a, 2005b) in her studies on young women offenders. The dimension of pleasure is revealed through the *street life* discourse, characterised by a marginal lifestyle, by the association with deviant peers with whom they use drugs and survive in the streets, by sleeping in uncertain places and by an intense nightlife. They claim that crime and drugs tend to occur naturally when "one lives mostly in the street", just as they do.

However, they present themselves as hetero-determined in their criminal action, seeking to justify crime with childhood episodes. Although different elements from the narratives under analysis lead us to the argument that these girls identify themselves with deviance, they do not seem capable of or they do not want to verbalise a deviant identity. They rather insist in presenting themselves in compliance with the norms and with the dominant discourses on femininity, through a message of "non-return to deviance," acknowledging having a "family" and "taking care of children."

3.2.2. Transition identity (I): Deviant means for normative identities.

In this designation we included a group of young women who present some similarities with the previous one in the way they confer meaning to crime, namely in the control dimension. We can also find discourses of hetero-determination,

contrasting with references to the rational choice for a life of crime and with the idea that they would again take the same option, showing no regret. In terms of criminal experience, they dedicate themselves to drug trafficking, without consuming. Contrarily to the previously described girls, their involvement in crime is not ruled by a criminal lifestyle; instead, it is governed by a style close to normative patterns. Drug trafficking is, however, the activity they choose to make money, not only for paying their bills, but also for getting a better life which, according to the girls' statements, would be difficult to reach by simply performing other available activities. One can find, in these life paths, reflexes of a context change in Portugal, namely regarding drug dealing, which is creating new deviant opportunities for women (Cunha, 2002).

3.2.3. Transition identity (II): From victimisation to deviance.

The third discourse relates to young female prisoners who present themselves as victims *of drugs* or of their violent partners. *Hard* drugs' use is a common denominator to their discourses. This is the key element they use to organise their narratives, to build both episodes and chapters of their life paths. The *drug life*, which they associate with their deviant period, is described as a stage of lack of control, in which they had no interests besides using drugs. They consider themselves victims of drug addiction, in what we may call a *pathological* vision of their transgression, similar to traditional approaches to female deviation (Matos, 2008). An active dimension of their involvement in crime is excluded from these discourses (Carlen, 2002), which seem to be used as a justification strategy for their past deviant acts.

The victimisation discourse of some young females also includes references to their partners, characterised as violent and responsible for their drugs' use and for their involvement in trafficking or robberies. In addition, when describing their family context during childhood, they frequently allude to various forms of victimisation (severe domestic violence) although in other moments they refer to family as a *normal* context, with adequate relationships. Concerning the future, these women anticipate the desire for a "life without drugs" and without the "old relationships;" as they justify crime in association with these elements, they also anticipate a life without crime. Consistent with the victimisation discourse on past deviant behaviour, they anticipate that in the future, there will be motives for deviance that will escape their own control (being "found by their partners"). Likewise, and in line with their *woman victim* discourse, the meanings attributed to prison translate, essentially, a feeling of unfairness related to the attribution of *guilt* to *drugs*.

3.2.4. Normative identity.

Finally, we identify the last positioning towards deviance, concerning girls who keep a distance from any deviant identity. Their life courses are essentially normative, without any deviant occurrence up to the moment when the crime happens. These young women centre their paths in normative activities, stating that stating that studying is the outlined the outlined goal for their life trajectories. Imprisonment constitutes a halt in their lives since it is an obstacle to accomplishing that main goal. However, given the discourse of moral conviction of the crime, they justify the prison sentence with their criminal act. They are cautious when anticipating the future, presenting a discourse that we named as *optimistic realism* since they consider that the future will be positive, but they are aware of the difficulties associated with the stigma of a prison sentence.

As they discursively build their life paths, they distance themselves from any approximation to deviance. For instance, when referring to deviant peers, they clarify that it is possible to be "among them" without being "like them." One also finds that hyper-normativity manifested in their paths up to committing the crime is carried over to the prison context, where they take the initiative of keeping the same type of activities as they had outside (e.g., organising reading clubs, staging theatre plays).

In this group, crimes (violent, against people) are clearly gendered. These girls' lone criminal act could result from the experience of being sexually abused, from the strict control by the family related with the alleged female vulnerability, or from the lack of means to deal with an unwanted pregnancy. In fact, this is the only group where gender and crime are associated in a relevant manner. On the one hand, these girls present normative paths characterised by the acceptance of the gender norms, which does not happen with the other young females of the sample. Paradoxically, the gender norms are precisely what originates the inclusion of deviance in these paths, reinforcing the importance of conceptualising gender as a fundamental dimension in the approaches to female transgression (Gelsthorpe, 1997; Carlen, 1983).

The analysis of the perspectives presented above allows us to discuss the extent to which these girls' delinquency is gendered.

As has been evidenced in the feminist approaches to female transgression (Almeda, 2003; Carlen, 1988), some gender constraints are identified by the young prisoners themselves. Namely, the differentiated social control associated with their female condition ("my mother worried more about me than about my brother") is related to difficulties in the family context, to decisions of institutionalisation and to the first deviant behaviours. Other forms of gender discrimination are also mentioned, indirectly associated with their deviant behaviour. In particular, rejection by the family facing a non-accepted pregnancy

("then I had my baby boy […] and my mother didn't accept me properly... neither did my brother, nothing. As they didn't accept me, I continued to live with my husband, and we left"). In these women's perspectives, rejection by their families forces them to live (or continue to live) with partners associated with the initiation or maintenance of their deviant behaviour. These narratives emerge mainly in the *victimisation discourses* built by women who present themselves as victims of drugs and of violent partners. Another gender related issue, which emerges from the discourses analysed, has to do with attributing new significance to intimate relationships, as a result of imprisonment. Given the young female discourses, we acknowledge that with imprisonment comes a rupture with previous relationships since, in the majority of the cases, the partners are also arrested. In other cases, the partners do not seem available for maintaining the relationship once the women enter prison. However, this is described in the young prisoners' discourses as their own choice; as if through this argument they could gain a powerful position in the relationship. Breaking up with previous relationships, mainly due to the partner's lack of interest, leads us to the study of Comfort (2002), where it is shown that when the male partners are sentenced to prison, women still invest in those relationships. A young woman's statement, describing concern with her partner, also in jail, converges with this argument ("I was the one visiting, bringing him things and... suddenly I am in here as well. The man saw he was by himself, without anyone bringing him things..."). Finally, the gender issues whose association with crime is more relevant emerge in the *crime-exception* women statements. Through the narrative of their life paths, we realise the crimes they commit are directly related with *gendered* circumstances, such as infanticide, or the stepfather homicide after continuous rape. It seems a paradox to notice that girls who resign to the traditional gender-associated roles are the ones committing crimes directly associated with their woman status. Hence, on the one hand, deviance in these young women seems to be a direct result of a more rigorous social control because of their female condition. This is what happens, for instance, in violent crimes committed by those who had previous normative life paths. On the other hand, some girls' deviant behaviour arises as a way for them to escape this control, which is the case, in particular, of young women with a *criminal lifestyle*. Social control over them (enforced particularly by the family), tends to be more rigorous for their own *protection* against *dangers intrinsic* to their *female vulnerability*. This ends up leading them to forms of delinquency that, paradoxically, resemble those typically associated with the male gender.

4. Conclusions

In conclusion, we begin by reflecting upon age and the legal provisions determining the penal response to young offenders aged 16 to 21. In this study, we analysed deviant trajectories of young women who, due to their age, are found «trapped» in the Criminal Justice System. In this sense, resemblances between our findings (namely the criminal lifestyle) and what is observed for young people under the Juvenile Justice Act (Duarte, 2012), leads us to the question of whether it is pertinent to detain young women, up to 21 years of age, in regular prisons. In fact, many of these young women make sense of their deviant behaviour with narratives on their families (as «person under care»), school or peer groups, pointing out their juvenile condition. As they resemble young institutionalised women or those under other educational measures, we question ourselves whether it makes sense to punish them based on the Criminal (adult) System. On the other hand, some young women´s discourses are close to those of adult women who commit crimes, by making sense out of their criminal behaviour with marital relationships or with their role as caretakers. Even in this situation, we question the grounds for their imprisonment in establishments dedicated to the adult population. Since, in Portugal, the Special Penal Regime for Young Adult Offenders is foreseen, one should question how this regime is being implemented. Considering our findings, in our opinion these young women would benefit from a system that would take into account their age and stage of development, which is a stage of transition into adulthood. This is an age group that demands specific attention for the post-imprisonment period, which rarely happens when the (few) young women are among the (many) adult prisoners.

Regarding the gender dimension, the findings allow us to reinforce our questions on traditional and deterministic approaches towards female delinquency. The diversity of life paths and deviant experiences of the young women in our sample contradicts the idea of a specificity that is inherent to «female crimes», which remains as a main criticism to the positivist arguments on female transgression (Heidensohn, 1985). The heterogeneity in their interpretations and positioning regarding delinquency, namely concerning the dimension of pleasure that sometimes seems underneath it, also contradicts traditional views on women and crime. In turn, the dimension of rationality associated with crimes committed by some girls contradicts the argument of its *pathologisation or madness*.

We also argue that the «crime market» seems to be opening up opportunities for young or adult women. As Manuela Ivone Cunha (2002) suggests for drug trafficking, results indicate a change towards the growing inclusion of women in criminal activity. It is noteworthy, for instance, the greater participation of girls in deviant groups, similar to gangs. The changes are noticeable at this level. However, the gender-attributed roles established in the context of mixed deviant

groups seem to reflect the social structure and patriarchal discourses. From young women prisoners' narratives on crime, one can infer a sort of protection exerted by their male peers, who resist *allowing them* to get directly involved in robberies or drugs' use. Though this phenomenon is apparently contrary to girls' victimisation in gangs, suggested by Miller (2001), both circumstances reflect the asymmetries of power resulting from the patriarchal structure.

In some of the identified strands towards deviance, the delinquency of these young women seems to come close to the delinquency which is traditionally associated with young men, either generically due to the diversity of criminal experiences, or specifically due to the *criminal lifestyle*. However, no changes are registered at the level of the dominant conceptions of femininity elaborated by the offenders themselves (central role of motherhood, of family life). Young or adult women who commit crimes are still considered as double transgressors. This is reflected in the discourses they build on crime committed throughout their life paths.

After developing this theoretical and empirical work we reaffirm the necessity of looking into female transgression through a lens of gender. Young women who live more in line with traditional gender roles are the ones committing crimes related with their female condition. On the other hand, strict social control over girls, especially in the family context, also leads to forms of delinquency traditionally associated with boys. The femininity discourse and social demands for girls to be feminine seem to drive them either to female *gender deviances* or *typically male deviances*, depending on their degree of conformity to gender control.

Thus, in conclusion, we emphasise the inadequacy of the word *typical* when referring to delinquency or simply to trajectories starred either by girls or boys. In order to understand deviant trajectories, it is important to consider the perspective of their protagonists, independently of who they are, and it is fundamental to abandon stereotyped views and gender prejudices.

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B.4. The Centrality of Values: A New Agenda for Empirical Research on Young People Subject to Custody in Educational Centres

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Abstract: The present article addresses two key analytical categories that have been explored, separately, in various academic contexts while being an object of growing attention in many countries and institutions: Well-Being and Juvenile Delinquency. The research aimed at a comparative analysis between youth in general and young offenders serving a custodial measure at an Educational Centre. The study followed a mixed methodology. First, an exploratory quantitative approach was applied to track down major trends; this initial study was then followed by a second stage resorting to qualitative methodologies which served a double objective: (i) to find in-depth explanations for the seminal results of the first tracking stage, and (ii) to narrow down the analysis, focusing on young offenders' perceptions of well-being and its correspondent determinants. Our study probed into measurements of predominantly subjective dimensions and their corresponding metrics. These relate to the determinants of well-being, cutting across concepts and variables that contribute to a deeper understanding of such perceptions. Examples of these concepts and variables are a number of questions related to espoused *values and ethics*: *values* embraced by both youth samples, *purpose* in life, levels of personal *trust*, main *references* and *spiritual beliefs*, among others. Finally, our research addressed the theme of *delinquency* whereby a number of specific dimensions were scrutinised via the application of semi-directive and exploratory interviews on the population of young offenders namely: (i) dynamics of personal and social development throughout the incarceration period, (ii) expectations of social reintegration, and (iii) facilitating or inhibiting factors leading to delinquent practices.

Keywords: young offenders, juvenile justice, rehabilitation, youth well-being, values, perceptions, personal and social development, expectations.

1. Introduction

The reported research aims at advancing new knowledge on a theme that is increasingly addressed in the current academic agenda: *well-being*. More specifically, the present study elicits youth populations in order to measure their perceptions by comparing young offenders (YO) and youth in general (YiG). The study also aims at cross-analysing its main theme (youth well-being) against a backdrop of parameters linking distinct universes (i.e., delinquency), concepts (i.e., values), and contexts (i.e., demographics). These various approaches have different bearings on perceived notions of well-being as explored in the framework of 8 research questions posited as points of departure.

Hence, a first stage comprises a survey research on both populations, YO and YiG. Springing from this typically quantitative methodology we were able to identify dominant perceptions of well-being and happiness laying at the heart of these two groups. The concrete list of perceptions was then subject to a detailed mode of statistical processing on a number of dependent variables (DV), such as (i) *values* orienting the lives of young people and on which they express appreciation, (ii) *purpose* in life, (iii) main *references*, (iv) espoused *spiritual beliefs*, and (v) levels of *trust* in society and institutions. A second stage followed, markedly qualitative in nature and in methods, to test outstanding clues/trends raised as a result of the initial approach. In this second probe into the YO population we opted for the use of semi-directive and exploratory interviews. In this context we were able not only to deepen and explore the referred clues/trends but also to develop an extensive analysis into the theme *delinquency*. It then appeared mandatory to consider other dimensions as object of study ranging from YO expectations of social and professional reintegration after serving the custodial sentence to personal appraisals regarding their experiences while serving periods of internship at the Educational Centre (EC). This approach enabled the evaluation of longitudinal dimensions – that is, *YO's personal and social development* as well as relevant emotional and self-regulation evolutions over time – that were regressed against the YO's evolving expectation of integration. This approach allowed us to run a tentative assessment on the role/contribution of ECs with a view to the enhancement of autonomy and the creation of personal and social requisites for a harmonious integration back into society once terminated the period of custodial sentence. The YO's demographics – including particular attention devoted to descriptive variables of socio-economic backgrounds – constituted an important explanatory independent variable (IV) of the entire regression exercise, in our quest of robust causal effects.

The striking multifactor/multidimensional characteristics of our core dependent variable – well-being – set high demands on the researchers' analytical skills; furthermore, the complexity at stake is compounded because perceptions

of well-being by YO may be distorted given their anomic or, at least, atypical life trajectories. As a matter of fact, it goes without saying that life pathways of this small subset of youth are often marked by a distal notion of well-being compounded, not infrequently, with proximal experiences of ill-being, thus allowing the establishment of discernible patterns when reviewing actual life narratives of YO.

2. State of the Art

Our research follows a contemporary trend in similar studies, that of prioritising subjective metrics of well-being. Therefore, our approach distances itself from the traditional literature, much more prone on giving credence to objective metrics, inspired on the economic theory and *praxis*. Consequently, our perspective gives continuity to measures of well-being that have been favoured by *behaviourists* schools of thought: Canada[8] (Christopher Paul Barrington-Leigh, John F. Helliwell, Lars Spencer Osberg), United Kingdom[9] (Abigail Self, Jennifer Thomas, Chris Randall, Ann Corp), New Zeeland[10] (Kate White, Grant Schofield, Aaron Jarden, Lisa Mack), among other outstanding research groups. Along these qualitative lines, one of the most cited and respected sources (OECD, 2011a, 2011b, 2013a, 2013b)[11] provides evidence on a long journey: departing from purely economic metrics to arrive at integrated metrics that combine indicators of both a subjective and objective nature, namely: housing, income, employment, community, education, environment, civic involvement, health, life satisfaction, safety, work-life balance. Besides the OECD, the European Union[12] has also been accompanying this tendency (EU, 2007-2013).

Ceteris paribus, several authors have been exploring measurements of subjective well-being, studying its distinctive features (Helliwell, 2003, 2004, 2005; Helliwell et al., 2004, 2005, 2010; Diener, 1984, 2009) with a particular reference to (i) life *satisfaction* and more precisely infant well-being (Ben-Arieh, 2000, 2008), (ii) young people/children and adults accounting for differential needs (Qvortrup, 1994), (iii) infant-juvenile sets of competences, abilities, behavioural traits and personal qualities, including networks of relationships and social connections (Lippman et al., 2009). Broadly speaking, Lippman et al. propose to assess a set of parameters that are accountable for the healthy and sustainable development of a child's life experience. In the Portuguese case, INE (National Institute of

[8] http://uwaterloo.ca/canadian-index-wellbeing/

[9] http://www.ons.gov.uk/ons/guide-method/user-guidance/well-being/index.html

[10] http://www.mywellbeing.co.nz/mw/

[11] http://www.oecdbetterlifeindex.org/

[12] www.beyond-gdp.eu/

Statistics) recently launched the IBE 2004-2012[13] (Index of Well-Being), where subjective well-being stands out as a proxy to *quality of life* and furthermore as a primordial provider of relevant indicators feeding into the appropriation of composite indices that intend to give a fair depiction of well-being levels.

It is opportune to add, at this juncture, that a fairly risk-taking research design made allowance for us to look into a few unexplored categories with the chosen target-group: Values, References, Life Objectives, Levels of Trust, Relation to Transcendence. After all, these very same categories had, by and large, undergone a first experimental survey on the general population (Xavier de Carvalho, 2010).

Governmental agencies have also made attempts to capture empirical insights on the determinants of juvenile delinquency, its causes and consequences, as well as on what works to sustain an effective social reintegration and the concurrent prevention of reoffending (Ofsted, 2010). In some instances, the intervening agencies have followed YO serving custodial sentences by referral to slightly more sophisticated personal and social traits: self-regulation, self-confidence, self-control, relationship to the other, social and family contexts, education, expectations.

The emergence of values and virtues as determinants in the rehabilitation of YO – family, autonomy, trust in institutions, empathy... – has been sparsely addressed in seminal research that may be considered germane to our study (Flude, 2012).

3. Research hypotheses

Our study begins with the formulation of 8 research hypotheses:

- Hypothesis 1: Young offenders, while subject to a custodial measure in ECs display a hierarchy of values distinct from that of the generality of young people of the same age, expressing lower levels of happiness.
- Hypothesis 2: The differentiation of values between young people – YO and YiG – displays an inverse proportionality to the respective educational level.
- Hypothesis 3: The identification with values is correlated to both levels of well-being and thresholds of self-control (before and during the period in custody).
- Hypothesis 4: YO under custody in ECs claim higher levels of personal well-being whenever they report robust levels of family ties and their well-being indices benefit from regular contacts with relatives.
- Hypothesis 5: The levels of well-being of YO serving custodial measures in ECs are positively correlated with self-trust and with the expectations

[13] http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indbemestar (accessed on 13.11.25).

of rehabilitation and social/professional reintegration after serving the custodial sentence.

– Hypothesis 6: The route of delinquency and of custody influences negatively the trust YO place in certain institutions[14] in comparison to that of YiG. The same deviant route hinders the understanding and adhesion to values formulated in abstract (measured in answers DK/NA).
– Hypothesis 7: The degradation of the levels of trust in institutions (previous hypothesis) is more accentuated the lower the trust YO place in their institution of custody (EC) and in the rehabilitation that it may provide them.
– Hypothesis 8: The socio-economic and familial variables that shape a context are correlated to the deviant behaviour and well/ill-being thresholds.

4. Methodology

As already explained, this study comprises a mixed methodological approach (QUALQUAN or, in metaphoric jargon, a *binocular vision*). In this sense, the research integrates both a quantitative component and a qualitative component, seeking a proper articulation and complementarity oriented toward the task of decoding the complex realities under scrutiny. Therefore, our proceedings unfold into the following methodological stages:

a) Survey research – targeting both universes of YiG and YO under custody in EC (from now on designated by "YEC," as a mode of distinguishing between the surveyed populations). This survey makes use, with minor adaptations, of the inquiry developed by CEPCEP, and applied to the Portuguese population in general, "Values Survey" – 2009 (2nd round).
b) The results of the two initial surveys allowed the construction of a database (DB) comprising a total number of 101 youths with valid responses, aged 14-20. Of the total respondents, while 64 YiG were extracted from the general and broader sample, 37 YEC are actual respondents to the 2012 EC survey. The sampling processes are conducted in accordance to RCT guidelines in both surveys. The sample of YEC chosen to undergo the 2012 survey was based on a total universe of YEC (270). To arrive at a representative sample of 37 YEC we recruited volunteers from 6 EC (lottery), for an average of six valid surveys to be carried out within each one.
c) Qualitative research – for the construction of the scripts necessary to conduct this phase of our works we depart from major trends and data

[14] Sociopolitical institutions such as Courts, Political Parties, Family, Media, Church, School, among others.

clustering operated on the exploratory survey results mentioned under a) and b). All scripts passed through previous partial testing phases in pilot populations and were subsequently validated and stabilised, according to the best academic practices. The main goal is to achieve an effective and easy interpretation from the part of those who are interviewed. Implementation of the qualitative phase encompasses 20 semi-directive and face-to-face interviews with YEC at their home EC (Table B.4.6, in annex to this article). This fieldwork extended for a period of *circa* 3 weeks. The interviews contemplate a combination of control variables along 3 core dimensions: age (between 14 and 20), gender, and typology of sentence to custody (namely, *open, semi-open* or *closed* regime).

d) The information thus collated serves the purpose of highlighting perceptions of well-being in a weighted combination of *traditional* and objective metrics with *contemporary* and subjective metrics. Our final matrix follows closely the outline indicators developed and tested over time by the OECD with minor adaptations to references picked out from the scientific literature published by specialised research groups scattered throughout Europe, US, and other continents (Walsal, 2008).

e) In particular, research matured in New Zeeland (Brown et al., 2011) combined with the most recent developments and new *insights* coming from the OECD's continuing work on well-being measurements (OECD, 2011a, 2011b, 2013a, 2013b), furnished the inspiring background to our original script guiding YEC interviews. This script centres around five thematic clusters:
   – Perceptions of Well-being and Happiness.
   – Personality and Safety.
   – Education, Family Context and Social Life.
   – Custody in EC and Perspectives of Social/Professional Reintegration.
   – Choices, Trust and Life Goals.

   The qualitative approach provided us with an excellent test bed to move further on the results obtained at the initial exploratory surveys and to investigate the explanatory power of subjective metrics that were not exploitable via a simple survey study.

f) Formal guarantees were given from the very outset in the recruitment of interviewees, concerning full respect for the anonymity and confidentiality of the 20 semi-directive interviews carried out with YEC (warranting the necessary privacy and data protection). Thus, results are presented without any nominal associations between statistics or statements, on one hand, and names/identities of youths interviewed, on the other. Moreover, no identification or individualisation is allowed in the processing or

interpretation of the results. However, some illustrative quotes are retrieved (in averted commas and in *italic*) combining expressions, phrases, or words uttered by interviewees, always in the absence of any clue as to his/her identity. These quotes serve the sole purpose of reinforcing, bringing alive, or confirming ideas, dimensions, or concepts, and follow the standard lay-out in the presentation of qualitative research.

5. Tabulation and Interpretation of Results

The presentation/tabulation of results will follow the same logical framework of this study, that is, a hybrid approach (quantitative analysis and qualitative analysis), however, only the hypotheses which refer to Values and to a psychological dimension will be considered, in order to meet the main focus and objective of this article. Therefore, we shall present jointly the main trends emerging from the initial survey, contrasting YiG and YEC and in allegiance to the central thread established under our 8 research hypotheses. These megatrends are, case-by-case, enriched with the qualitative dimensions explored by the interviews carried out on YEC, with a view to articulate both perspectives.

Prior to the presentation of outcomes, as a contribution to the formation of an adequate contextual intelligibility, we now offer some simple demographics collating socio-demographic descriptions comparing samples. Indeed, the socio-demographic profiling confirms the generic characteristics of the two juvenile populations. Therefore, YEC are, by comparison to YiG:

- Mostly male (89.2%).
- Younger than the equivalent *normal* YiG population (on average 16-17).
- A lot less educated – lumping together a heavy majority of early school dropouts having gone no further than grade 6 (83.8%) and a minority having barely completed 9 years of schooling (8.1%).
- Coming from large families: 3 or more siblings and 5 or more people in the constitutive household core, in contrast with much lower numbers concerning their peers, on average 0-2 siblings, and 2-4 people living at home.
- Originating from families with a low monthly income mostly falling within the slot 0-500 Euros (34.8%).

We will now present our main research findings following the logical sequence contained in the research hypotheses, having in mind the psychological dimension and the centrality of values.[15]

5.1. Hypothesis 1: Young offenders, while subject to a custodial measure in ECs, display a hierarchy of values distinct from that of the generality of young people of the same age, expressing lower levels of happiness.

5.1.1. Regarding this first hypothesis, our survey data confirms that YEC do indeed present lower levels of well-being/happiness than YiG. The results are summarised as follows.

Table B.4.1. Well-being/Happiness Levels

Considering your life as a whole, would y say you are a happy person?	Not at all happy	Somehow happy	Very happy
YiG	3.2%	19.0%	77.8%
YEC	8.1%	29.7%	62.2%

On a detailed analysis, there is a higher percentage of YEC declaring to be "not at all happy" or "somehow happy" and lower percentage of those declaring to be "very happy" – therefore bringing evidence on our first research hypothesis.

On the other hand, the results achieved through the qualitative approach direct us to a finer interpretation of the results found in the quantitative analysis, that is to say that YEC are stricken by relatively lower levels of well-being and happiness. First of all it is important to note that, in spite of all, the majority of these YEC display absolute levels of happiness and well-being above 5 (on a scale from 1 to 10, where 1 corresponds to "not at all happy" and 10 to "very happy"), with an average score of 6.3. These values are consistent with the high levels of happiness manifested by the Portuguese population: 8.0 in 2004 and 7.3 in 2013, on an identical 1-10 scale (Carneiro, 2014b).

A lower level of happiness and well-being in YEC is not surprising, given their situation: (i) deprivation of freedom, (ii) compulsive distancing from family, (iii) lack of contact with people whom they love. This spirit is eloquently confirmed by many expressions used by interviewees in reply to our question "what are you missing in order to be a happier person?" to which most responses are *"being with*

[15] We should like to invite the interested reader to consult the exhaustive research publication, including detailed statistical tables and breakdown data, which, for the benefit of a quicker and simpler overarching look, we have refrained from reproducing here, in Carneiro (2014a).

my family," "being in freedom," and *"being with those whom I love."* These results reveal a fundamental deficit of affection/love in which these young human beings live their plight, under forced incarceration/custody, which entails being deprived of regular contacts with people who are part of their proximal affective fabric.

Another question applied in the course of the interviews intended to *explain* perceptions of well-being and happiness (and indirectly the values behind) by YEC: "what do happiness and well-being mean to you?" The heavy majority perceives "happiness and well-being" around 3 fundamental attributes (descending from the highest frequency with a clearcut emphasis on the first two): (1) *"being with my family,"* (2) *"being/feeling good about myself and with those surrounding me,"* and (3) *"being free."* To these *synonymous* of well-being and happiness we have registered in descending order: *"being with people whom I love," "being healthy," having people supporting and loving us,"* and "*having a stable life."* The YEC's familial and social dimensions are therefore strongly present as determinants in their perceptions of well-being. The hierarchy of values further indicates the prevalence of affective deprivations over the deprivation of freedom as a key to explain high scores of unhappiness or the sheer lack of personal well-being.

Regarding one other question, in which interviewees were encouraged to list what would be necessary for them to have a dream-like/ideal life, other *factors* referred by young people stand out as decisive components of well-being and happiness (this question also aimed to understand what was important for young people to "have" in order to feel "happy"): *"house; job; health; being happy; money; studying (undertaking a degree or at least attaining grade 12, or a full secondary diploma); having access to material conditions; affection; love; wife; children; being at peace with everyone; a stable life; being with people whom I love; having family and friends close-by; having my own things; missing nothing; financial possibilities"* (YEC).

The multidimensional nature (familial, social, personal) of our key DV, "well-being, is confirmed by the multiplicity of IV associated to it, with an unequivocal prevalence of personal and social dimensions.

One could sum up the fundamental conclusions from this first round of research as: YEC display relatively lower levels of well-being/happiness than their peers, YiG. Their crippled perceptions are unequivocally bound to the impossibility of being close to family (which is referred to as the most important thing in their lives) and to feeling deprived of cultivating proximal affections. Notwithstanding their relevance, other factors, namely, material possession, are ranked a second order of priority, and may be classified as distal factors to arrive at threshold levels of well-being and happiness.

5.1.2. Regarding **values** in concrete, our hypothesis of a differential ranking is only partially confirmed. Values were clustered into 5 groups in a total of

19 categories. The 5 groups of values were so organised to allow that each one corresponds to a specific typology of values – personal (2), social (2) and civic (1). "Understanding" was intentionally considered in two groups, personal and social values, once it is considered as a fundamental engine of both groups. We had the preoccupation to use the same matrix of values on both groups surveyed. Then, each individual surveyed regardless of sample – YiG or YEC – was given one single choice of value per group, one to which the respondent attached highest importance.

The most frequent choice of values is summarised as follows (for each grouping we show maximum score in bold and minimum score in bold + italic).

Table B.4.2. Values Ranking

Group	List of Values	Choice YiG	Choice YEC
1. Personal Values	Honesty	22.6%	18.9%
	Humility	**30.6%**	27.0%
	Tolerance	***6.5%***	***2.7%***
	Responsibility	14.5%	**40.5%**
	Solidarity	25.8%	10.8%
2. Personal Values	Understanding	14.5%	5.4%
	Hope	11.3%	21.6%
	Patience	14.5%	***2.7%***
	Trust	**53.2%**	**48.6%**
	Faith	***6.5%***	21.6%
3. Social Values	Respect	24.2%	**56.8%**
	Love	**41.9%**	40.5%
	Understanding	***3.2%***	***0***
	Sharing	16.1%	2.7%
	Generosity	14.5%	***0***
4. Social Values	Self-motivation	4.8%	24.3%
	Creativity	12.9%	**32.4%**
	Discipline	**74.2%**	27.0%
	Leadership	***0***	***5.4%***
	Cooperation	8.1%	10.8%
5. Civic Values	Justice	22.6%	10.8%
	Freedom	16.1%	**43.2%**
	Peace	**33.9%**	21.6%
	Equality	27.4%	24.3%
	Common Good	***0***	***0***

The most preferred value among YiG in the 1st group is "Humility" whereas in YEC the most selected is "Responsibility." The least elected value is the same in both *populations*: "Tolerance."

The preference is the same for group 2: "Trust," with a negligible relative difference. On the other hand, the less ranked values are distinct: while for YiG is "Faith," for YEC is "Patience." Moreover, YEC attribute a prize to the values of "Hope" and "Faith" clearly distinguishing themselves from their general peers. "Hope" and "Faith" are spiritual values that are strongly correlated to the personal situation of deprivation to which YEC are subjected and to their expectation of overcoming such state of personal sacrifice. Although understood as a transitory deprivation, freedom is still regarded by YEC as a fundamental aspiration to citizenship.

Regarding the third ranking ("Respect, Love, Understanding, Sharing, and Generosity"), the highest score is again distinct between the two populations: while for YiG it is "Love" (41.9%), for YEC it is "Respect" (56.8%). However, "Love" scores are minimally different in the two samples, and statistically irrelevant (1.4%). The second value in each of the studied populations is curiously the one considered most important for the opposite population, i.e. "that is, Love" for YEC comes second and likewise "Respect" for YiG. The latter is an essential value for a peaceful coexistence in community and compliance to commonly accepted rules; it stand out as the active recognition of the reciprocity of rights and duties, which in turn is a nuclear theme of an Education for Justice, being mandatory in any rehabilitation process of YEC. Thus, it is only natural that, while submitted to an intensive and effective process of citizenship retrieval, YEC keep well present the value of "Respect." It also comes without surprise that this value pairs with that of "Love" which, for the reasons previously mentioned, is a superlative aspiration of this population. Contrastingly, YiG will not be taken to list "Respect" as a norm of life, in the society in which they are immersed, which is marked by a pronounced demise of traditional symbols of authority: the elderly, public institutions, police or tribunals, and more generically, their fellow citizen whom they struggle to see as someone entitled with rights similar to their own.

Living in a rules-based and hierarchical environment, YEC will tend not to elicit "Discipline" as a top value. On the other hand, it is quite surprising that YiG choose "Discipline" as the most relevant value with an unequivocal 74.2% score (the highest mark registered in the entire survey conducted on the 5 clusters). This is a result that deserves a deeper reflection and the benefit of further research. Also deserving a special reference is the fact that YEC score above their peers YiG in all the remaining values grouped under category 4 ("Self-motivation, Creativity, Cooperation, and Leadership"), leaving out "Discipline" as the only exception to the trend. One interpretative hypothesis departs from the sheer fact that the latter is an external imposition – rather than an outcome of the personal effort of self-regulation – whereas the 4 alternative values are seen, mostly, as the result of a purposeful achievement depending solely on the exercise of personal volition and determination.

Finally, in the last group, whereas the majority of YEC elect "Freedom" as their most important value, the majority of YiG show a preference for "Peace." The options translated in these values are intuitive. YEC display a natural attachment to their lost good: "Freedom," while YiG end up expressing an aspiration which is worldwide common to youth: "Peace." Worthy of attention – and reflection – is the fact that YiG score higher than YEC in all values to the exception of "Freedom": Justice, Peace and Equality. Hence, from a simple first order statistical analysis one may derive robust data substantiating the conclusion that for young people under custody the value of "Freedom" is central – even instrumental – for the acquisition of other values such us those referenced under the last cluster.

5.1.3. Another indirect attempt of appraising the values orienting youth was to put into their consideration (on a scale from 1 to 10) some commonly referred/desired life goals. The goal was to arrive at inferences concerning the ethical code embraced by each one.

The life goals in the category "very important" are summarised as follows (maximum scores in bold).

Table B.4.3. Life Goals

Life goals	YEC	YiG
	Very important	
To be Honourable	62.2%	**69.4%**
Being a competent professional	**81.1%**	79, 0%
To love and to be loved	**97.3%**	69.4%
To help others	**73,0%**	65.1%
Have faith or believe in something superior	**62.2%**	23.8%
Have available time	**75.7%**	59.7%
To fight for a just cause	**75.6%**	67.7%
Enjoying life	75.7%	**83.9%**
To have loyal friends	**89.2%**	80.6%
To have a solid family	**100, 0%**	83.9%

The importance of Honour stands out clearly, with a high register of scores in both populations under study, and a slight accentuation in YiG. Scoring is even higher in the category "being a competent professional." In both cases these values are clearly found in the "very important" portion of the scale. In effect, "to be honourable" and to be an "extremely competent professional" are strongly regarded values for all youth, apparently as two sides of one same coin: in order to be an

"honourable" person one cannot but also strive to be recognised "a competent professional". Such a coupling is perhaps a good omen on the re-emergence of both a basis of work ethics and a culture of professional dedication. These were, as a matter of fact, strongly eroded principles, namely in the post-war transition between generations. The so-called *millennium youth* is brought up in the illusion of an easy affluent way of life: "I want and I am allowed everything *now.*" Their day to day contemplates no deferral of gratification and they are inept/unequipped to face times of crisis as those that we have been undergoing for at least one decade.

"To love and to be loved" is in both cases strongly valorised, with a higher score in the case of YEC. The demarcation of this life goal by YEC leads us to attempt to explore further this question in the course of the interviews with YEC. Virtually, the totality of young people testified that "to love and to be loved" was one of the most important things in life (although there were also other things). When a clarification for this opinion was requested, the answers of young people coincided in the same direction: "*to feel that we are loved,*" "*that somebody cares,*" "*that we are supported.*" Another shared idea is the awareness that "*in order to love it is also necessary to be loved,*" as well as the importance of "*loving oneself to be able to love others*."

This theme raises a vitally important question at the very realm of YEC well-being: how can the transformation of ECs into effective *holding environments* (Winnicott, 1965) be warranted or, in other words, what ought to be done in order to effect the evolution of these custodial centres toward s*upporting and securing environments*, approximating the *caring environment* that most of the sentenced youth found in short supply in the absence of a structured family?

These are precisely the key-concepts exhaustively elaborated in the Japanese literature regarding the core relevance of (i) caring contexts, (ii) strong family cultures, (iii) safe environments, (iv) stable social networks, and (v) emotional intelligence for the proper development of child and youth stages which carry a strong imprint to the entire lifetime of the individual. Moreover, the Japanese literature abounds in the transposition of such *soft concepts* into the toughest realities of business and companies facing cutthroat competition. With this aim in mind, the oriental dream is how to cater for the emergence of higher order "learning and biological organisations" as opposed to purely "mechanistic and newtonian organisations." The oriental toolkit to raise companies from Newtonian to Darwinian organisations comprises just two instruments in relation to which the styles of western management have been gradually adhering: *ba* (Nonaka 1991) and *amae* (Doi 1981).[16]

[16] *Ba* is a shared space for emerging relationships. It can be physical, virtual, or mental, and refers to a secure and safe environment, where one finds shelter and is endowed with psychological comfort. *Amae* is the property that explains the cohesive strength of a *Ba*. *Amae* (甘え) is used as a keyword to unlock, analytically, the behaviour of a person attempting to induce an authority figure, such as a parent, spouse, teacher, or boss, to take care of him… The person who is carrying out *amae* may beg or plead, or alternatively act selfishly while secure in the knowledge that the

"To help others," is another of the strongly valued goals for both populations, with a tendency for a higher valuation by YEC. Juvenile generosity is an important mark to be underscored in the explanation of why "to help others" is "very important" for more than two thirds of the inquired population in both groups. As a complement, our survey measured a small, however significant, prize to solidarity subscribed by those who have less to share, on a purely material level.

By the same token, in the second cluster of values "to have faith or to believe in something superior" exhibits a higher valuation by YEC than by YiG. Actually, globally speaking, one half of the youth do not believe "in something superior (God or some other entity)" whereas the other half claims to believe (even if in some cases with doubts). Nevertheless, when put before the question "do you think it is important to have faith?" only one surveyed person replied *no*, while all the rest stated that *it is important to have faith* (even those who said they did not believe in the existence of something superior). The analysis of the perceptions evidenced by youth concludes that their expression of faith is a lot more inner-centred than in something exterior and that it strongly refers to trust in oneself's efficacy (or at least to such need). The frequency with which this idea was manifested by those inquired is considerable: faith as synonym of *"having to believe that it is possible, not to give up, to fight,"* with the hope that it *"provides strength," "enables to attain goals," "helps to overcome obstacles."* Such faith seems to be almost a condition sine qua non for "*life to become easier,*" "*where everything is possible,*" and that *"without faith in oneself one does not get anywhere."*

Speculatively, in a simplistic cross-referencing of the eastern and western philosophies of spirituality, one may be led to interpret these results as being in the presence of a phenomenon unequivocally para-religious, or seeking to find sense from the *re-connection* of the individual, vulnerable and fragile in his/her self-esteem, to a demanding array of personal and social challenges. From the same perspective, this strong belief falls within a dual search for elements of spiritual *scaffolding*, with a predominant consideration of immanence (eastern philosophy), against the building of a strong relationship with transcendence (western philosophy).

The importance of the "availability of time" is equally more valued by YEC, similar to what happens with "to fight for a just cause." This demarcation of positions between the two scrutinised juvenile populations is quite curious. Thus, we would say that YEC are subjectively wounded by a sensation of shortness in useful or free time, which takes them to a positive differential in the subjective valorisation of *temporality* as a good (about +16% in the category "very important"). In the same way, the progressive consciousness of his/her fault regarding the cause

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caregiver will forgive and indulge. The behavior of children towards their parents is perhaps the most common example of *amae.* See Wikipedia, http://taggedwiki.zubiaga.org/new_content/fb6871a549b23dceab9d46c33840775e (accessed 14.07.15).

for detention explains why YEC are more committed "to help others" (with a differential of +8% in "very important").

The two populations value "to enjoy life," this time with a greater preponderance in YiG, who regarding this question evidence a greater vulnerability to the hedonist strands of life.

"To have loyal friends" and "to have a solid family" are goals that are maximised by both populations. However, one notes a greater valorisation in YEC giving credence to an interpretation, with regard to both friends and family, based on the deprivation of affective relationships.

We will return to the question concerning the importance attributed to family further ahead (in the analysis of Hypothesis 4) from the angle of the relevance granted to friends and contemplating a shift or redefinition of priorities. Also deserving a special reference is that the intangible dimension of this question is closely linked to the fact that this particular group of young people begin to attach a greater importance to family after beginning their submission to a custodial measure.

Our interpretative hypothesis goes in the sense that isolation and deprivation of freedom, as basic assets of human nature, can take the human being to reflect upon what is truly important in life. In this concrete case, this tendency seems to be confirmed. In effect, deprivation from an effective, free, and constant contact with family (caused by a sentence to the highest punishment, the deprivation of freedom) enables an augmented attachment to family, which presents itself as the desired, but absent fruit. The latter acquires a status of primary – recognised – source of affections and personal caring that everyone strives for as intensively relational and emotional beings.

5.1.4. On a second indirect attempt to assess some of the values with which young people mostly identify with, we sought to appraise attitudes and options when in extreme situation (concrete applications rather than purely abstract): "It makes sense to you to die for…."

The position of both populations is summarised in the following table (maximum scores in bold).

Table B.4.4. Attitudes and Options When in Extreme Situation

It makes sense to you to die for…	YEC		YiG	
	Yes	No	Yes	No
Religion	10.8%	**89.2%**	11.3%	**88.7%**
Political Cause	2.7%	**97.3%**	4.9%	**95.1%**
Homeland	38.9%	**61.1%**	35.2%	**64.8%**
Family	**97.3%**	2.7%	**91.2%**	8.8%
Giving one's life to save a stranger	34.3%	**65.7%**	46.9%	**53.1%**

Concerning "Religion", both YEC and YiG clearly tend towards the answer "no," the same happening when confronted with a "Political Cause". Regarding "Homeland", values are more balanced (between yes and no) with a slightly greater acceptance by YEC in relation to YiG, whereas concerning "Family" values clearly tend towards "yes" in both populations again with a slight advantage in favour of YEC, confirming the importance that the latter group attaches to the family institution. Finally, and in what concerns "giving one's life to save a stranger", one finds a higher rate of acceptance among YiG. The provisional conclusion (which merits further research) is that youth nowadays, *trapped* between reality and dream, concrete and abstract, short and long term, success and idealism, find it farfetched to give consideration to a supreme sacrifice serving superior causes.

5.1.5 Lastly, we present references/influences that determine the individual's behaviour in the defining moments of crucial decision making. Both groups were inquired about the importance, the *weight*, that certain items had at the time of their choices, namely in what concerns values that shape fundamental life options.

The results for both populations are summarised as follows (maximum scores in bold).

Table B.4.5. References/Influences

How important is ... when you have to decide on a moral issue	Not at all important		Somehow important		Very important	
	YiG	YEC	YiG	YEC	YiG	YEC
Science	3.2%	32.4%	**57.1%**	**40.5%**	39.7%	27.0%
Consciousness	4.8%	0	27.0%	29.7%	**68.3%**	**70.3%**
Media	14.3%	18.9%	**52.4%**	**43.2%**	33.3%	37.8%
Parents	3.2%	2.7%	27.4%	16.2%	**69.4%**	**81.1%**
Friends	3.2%	5.4%	46.8%	**48.6%**	**50.0%**	45.9%
Experience	1.6%	0	37.1%	27.0%	**61.3%**	**73.0%**
Law	3.2%	24.3%	32.3%	**37.8%**	**64.5%**	37.8%

Beginning with "Science", both populations place their highest scores on "somehow important," but YiG tend to attribute higher relevance to Science when compared with YEC. Such preference is equally more present in YiG under the category "very important" and in YEC in the category "not at all important." Such higher valorisation of "Science" is understandable given the higher levels of qualifications in YiG in comparison to YEC.

When turning to the category "Consciousnesss," both populations attribute great importance to this value with a slightly higher percentage in YEC, being admissible that, in the case of young people serving a custodial measure, the situation of reflection and introspection in which they find themselves may contribute to highlight the role of Consciousness.

Regarding "Media," one sees that the majority of young people in both populations rank it "somehow important," whereas in the scale "very important" there is a slightly higher percentage in YEC. Once again, the educational factor plays a decisive weight, namely in accounting for what is missing in the formation of critical thinking and the consequent *acritical* dependency on what the media carries.

Concerning the weight of "Parents" in taking decisions, YEC value it more under the category "very important," corroborating the widely justified explanations that were advanced heretowith in the present article.

The importance given to "Friends" in taking decisions tends to be more valorised by YiG than by YEC, demonstrating once again a deep redefinition/reorganisation of priorities and the disenchantment/regret of this population regarding peers whom they blame for inducing them into deviant paths.

The weight of "Experience" in taking decisions is emphasised by both populations, presenting, in unison, elevated scores in "very important," this time with a slight advantage to YEC, showing once more that custody may bear a reflective influence on this slightly higher valorisation of "Experience", as was the case of "Consciousness." Furthermore, it is well established that the importance attributed to tacit or implicit knowledge acquired through an experiential route (*METIS* in the aristotelic approach to the different ways of knowing) run inversely to the corresponding levels of attainment in formal education.

Lastly, in what respects the importance given to "Law and Right," YiG have it much more present at the time of taking decisions. The abyss (in the order of 1:2) in properly accounting for normative factors that regulate our predicament of *living together in communities*, has a strong explanatory power for the sliding of YEC towards deviant behaviours and their consequent sentencing into custody.

5.2. Hypothesis 3: The identification with values is correlated to both levels of well-being and thresholds of self-control (before and during the period in custody).

5.2.1. Regarding this third working hypothesis, some general data is firstly presented, like on previous approaches, followed by a multivariate analysis (by crossing variables inherent to the hypothesis) of trends uprooted by the quantitative approach.

Thereafter, follows an in-depth analysis of key results arising from the application of qualitative interviews on YEC, a method totally aligned with the previous approaches described to arrive at a refinement of the primary results.

5.2.2. Indeed, there is evidence of a clear progression in self-control (emotions and behaviours) and in self-regulation by YEC, when observed at two key moments: "before the EC" and "during/after the EC."

While exploring the perceptions of YEC vis-a-vis their exposure to the EC activities, they were requested, on the one hand, to provide a balance of this experience from the perspective of their overall indicators of behaviour, self-control/self-regulation, and personal and social development; on the other hand, YEC were encouraged to identify retrospectively what may have been most important and valuable to each one, in the aftermath of the custody period.

5.2.3. The overall assessment is positive among the interviewed young people. Actually, they recognise significant *improvements*, whether probed through the lens of behaviour and self-control or from the lens of personal and social development. There is a clear perception of change in the way of thinking by these young people particularly in the way they face a new stage in their lives. At the level of self-control, as previously indicated in the results of the quantitative approach, these interviews came to confirm and reinforce the idea that YEC present a positive evolution ("*more calm; more controlled; I can contain myself; less aggressive; more peaceful*"). Behaviour appears directly co-related with the perception of personal and social development, reflected in the acquisition of *soft* competences, as well as in the internalisation of fundamental values that, for one reason or another, were not *passed* to these young people at an appropriate age and at the critical stage of personality formation.

5.2.4. *"The mode of being, the way of speaking, being able to see the other side and placing oneself in the other's shoes, feeling polite, not disrespectful* (another of the concepts explored in the quantitative dimension, where YEC signalled *Respect* as one of the most important values), *defining goals, making more correct choices, valuing people more as well as essential things, the will to fight for things and not giving up, relating better with the "other," feeling more confident, focused, responsible, mature, sociable, committed,"* are fundamental *achievements* for these young people. The mastery of competences is mostly felt at an emotional level – relational aptitude, empathy, self-knowledge, self-regulation and motivation – and this objective gains body as one of the most crucial domains of work with YEC in order to engine a full rehabilitation.

5.2.5. In conclusion, the fact that there are rules and limits which are recognised and felt as a given of daily communitarian life lead to significant shifts in behaviour, attitudes, posture, and mentality, which in turn are potent determinants of a new life perspective and of a correlative change of trajectory.

These transformations are ranked the highest by YEC and overtly classified as the most valuable shifts experienced at the EC. Furthermore, it should be

highlighted that a significant number of young people come to put a premium value on the progression in their own qualifications, often displaying seminal aptitudes to understand the need to establish personal lifelong learning strategies.

5.3. Hypothesis 4: YEC claim higher levels of personal well-being whenever they report robust levels of family ties and their well-being indices benefit from regular contacts with relatives.

5.3.1. The research conducted offers credible data to sustain the thesis that regular contact with family, as well as the presence of strong values of family belonging, concur to explain elevated levels of happiness/well-being. This tendency comes out clear from the quantitative results, and the qualitative approach confers it an even stronger emphasis and visibility. The proposed hypothesis is therefore confirmed.

5.3.2. By regressing "well-being/happiness" against the "importance of parents in decision making" we observed a inverse correlation between "not at all happy" and the importance given to parents in decision making. One detects *a contrario sensu* an unequivocal convergence between those who recognise themselves to be happier and those who attach a greater importance to parents in decision making.

Also the cross between the variables "well-being/happiness" and "importance of having a solid family" contributes to sustain our research hypothesis against the factual reality of empirical data. Indeed, the collected data demonstrates that the importance attributed to "having a solid family" augments exponentially and co-directionally with the increase in the statements of happiness (25 percentage points enhancing effect).

Within the line of values cultivated by YEC and observed in our research it was further verified that a more frequent contact with the family favours an increased level of happiness.

Thus, in accordance with the empirical observations, YEC present higher impacts – measured in terms of positive elasticity – than YiG when the variable "Family" enters into consideration. Thus, YEC report, in relation to YiG, systematically more robust levels of response to: (i) the importance of having a solid family, and (ii) the weight of parents/family in taking decisions.

5.3.3. The qualitative exploration brought added value of logic and coherence to the *first signs* given by the surveys conducted earlier and just summarised, regarding the analytical dimension "Family."

Throughout the interviews, YEC were questioned about the visits they received (or not). From their replies it was easy to corroborate that those who visit

them are their relatives (with a few exceptions), and that the recognition of this by young people is a fundamental determinant of a turn around in their respective reorganisation of priorities. Indeed, interviewees often recognised the importance given to enhancing levels of trust in family in order to reshape priorities regarding a future family reintegration.

Concerning the frequency of visits, this varies among YEC depending on factors such as the different modalities of custody (open, semi-open, close) and the distance between the location of the EC and the homes of their relatives. However, the majority of those interviewed confirmed more or less regular visits by relatives (some, every weekend, others, every other week, the remainder, from month to month), as well as a high frequency of phone contacts (in the majority of cases, at least twice a week). Also to be noted is that the quasi totality of interviewees (with one single exception) believes that their family cares about them.

One other question addressed during the interviews adds evidence on the strong connection of these young people to their families. To the question "what is more important to you/what is most valuable?" YEC were assertive and quick on their answers: 17 out of 20 (85%) categorically stated that, at this point, the most important thing in their lives was family. It is therefore evident the importance YEC give to family (even though it should be recognised that the espoused *family dependence* is compounded by the situation in which they are interviewed).

5.3.4. Our qualitative analysis also served the aim to understand better the inner processes involved in the reorganisation of priorities by YEC and their connection to higher levels of happiness and well-being, measured in the presence of extreme dilemmatic situations: "if you had to choose between giving up your friends or your family, who would you choose?" Answers went almost exclusively towards giving up friends in favour of family, demonstrating a consistent thread of ideas cutting across the different dimensions of analysis worked in the interviews.

We followed through in exploring a more elaborate justification of the answers given in order to better estimate the true reach of the importance of connections with families. In this pursuit, we found that the dilemmatic choice is justified by those interviewed in a very consistent manner, rooted in stated beliefs, such as "*family is the most important thing of all," "there is only one family," "it was my family who raised me," "it is my family who supports me," "it is my blood," "friends come and go," "family is always present"* and *"when I fell it was my family who gave me a hand."*

These ideas gain further clarity, while following the same pattern, when confronted with a probe into the *restructuration of priorities*, with the large majority affirming they started giving more importance to family and less to friendships, making again noticeable the intention of changing trajectories in concomitance with the voicing of expressions of disenchantment (*"Now I recognise the importance*

of family and how much I miss it!"). This idea is equally present in the quantitative analysis, where from a compared perspective, it is YEC who attribute most importance to family and less to friends.

Along an identical route come the answers of YEC to a question that had already been posed in the survey. We are referring to the fact that all of them replied assertively that it is very important to "have a solid family", strongly leaning towards axiological statements, that is, *"union," "strength," "overcoming," "support," "help," "moral," "education," "cornerstone."*

The impossibility of enjoying a permanent family relation, and the physical distance in between, seems to enact a mature reflection regarding the priorities in life. This mind reshaofng ted ononditions lived byh YECsistent arch ersonal lifelong learning strategiesnt in formal education.ane ethics, nisationalping is also the result of an unequivocal recognition about who actually provides for unconditional support, under the harsh conditions imparted on YEC.

Another result that concurs with the reinforcement of this strong family component comes from the question: "What is your life/dream ideal?" and "Identify someone who represents it." Among the collected answers, once again the importance that young people give (or started giving) to family stands out, now as an abstract entity. In effect, the majority of the reported "life/dream ideal" is directed towards a desire of being, having, and constructing a family. Adding to this is also the fact that the identification with "someone" representing their ideal of life takes them, over and over again, to relatives, curiously with fewer references to parents, but frequently identifying uncles, cousins, and siblings.

It is commonplace to say that the life experience of YEC is frequently associated with unstructured families, deviant behaviours, economic deprivations, poor support, scarce follow-up and affection. However, the experience in ECs apparently contributes to a stronger consciousness on the importance of family, dissipating any *hard feelings* against it. Indeed, our results of 20 semi-structured interviews, inspired by the results of the previous quantitative surveys, show that YEC tend to voice feelings of love toward their families, together with some regrets.

5.4. Hypothesis 5: The levels of well-being of YEC are positively correlated with self-trust and with the expectations of rehabilitation and social/ professional reintegration after serving the custodial sentence.

5.4.1. We have recorded the main expectations and goals of these young people (which naturally relate to their wishes and aspirations) concerning the continuing efforts of qualification and job search (after and/or during the qualification pathway). Additionally, a majority of those interviewed manifested the ambition of *"being well with their family"* and, more than being well with their family, there

were even more cases where YEC expressed the expectation to *"help"* and *"make proud"* their families. The desire of *"having a stable and normal life"* is reinforced by manifestations of changes in attitude denouncing a growing awareness of personal responsibility. This is particularly true whenever interviewees refer to the wish to "*withdraw*" from some areas of friendship (in some cases the will is to *"migrate"* either inside or outside the country). This ambition relates to a natural *fear* and concern of these young people with a possibility of reoffending: "*not wanting to go back to the previous life," "not falling again on the same mistakes," "to behave well,"* so that they can *"prepare and organize their future and be happy."* Noteworthy is that, although in a non-significant number, some young people express a will and expectation to meet again and to *"be with some friends,"* reinforcing nevertheless the fact that they refer to these as "true friends."

5.4.2. Aiming for a better understanding of the question of *self-trust*, the qualitative approach further explored the dimension of *personality*, which is often associated to genetic factors. In any case, this dimension constitutes a valence commonly accounted for in measures of subjective well-being (Brown et al., 2012). Without attempting to exhaust the question of personality, and taking into account the vastness and complexity of the theme (Gutiérrez, Jiménez, Hernández, & Puente, 2005), we attempted to assess perceptions related to the expression of *personality traits* on the interviewed young people: "self-esteem and confidence, initiative, level of optimism/pessimism, and relation with the other." Interviewees were also requested to describe their personalities at a general level, underscoring main characteristics, that is, qualities, faults, mood, and their parents' (or that of other adults with whom they were brought up) moods.

In this exercise of self-evaluation regarding self-esteem and trust, disparities found among the answers made it difficult to discern statistical trends. Nevertheless, one may emphasise that the average score concerning the level of "Self-Esteem" is 7.8 (on a scale where 1 means no self-esteem, and 10 maximum self-esteem), with an average value of 6.7 for girls and of 8.0 for boys. There is, therefore, a tendency for an increased self-esteem by male youth (it is important to observe that only 4 girls were interviewed, not allowing for hasty generalisations). In what concerns the level of "Trust," the average score is even higher: 8.6 (on a scale where 1 means no trust at all and 10 full trust), with an average of 8.7 for boys and 8.0 girls. YEC refer that their feeling regarding self-esteem and trust is not totally stable; some confess it *"depends on the days,"* a statement suggesting a certain emotional instability.

Regarding "Initiative," the answers of YEC split in almost equal shares, that is to say, although a majority declares to have a good capacity in terms of initiative (12 of the interviewed youth), there is still a considerable subgroup (8 youth) who bluntly confess not possessing this capability in a developed way. However, a majority (12) defines itself as *active* and inclined to "*doing/organising/*

inventing things." At the level of gender differences, we observed that among those interviewed, only one girl considered herself as little active, while the others (3) defined themselves as people with considerable initiative. These empirical results take us to another point of reflection which lies well beyond our business at this stage. It deals with recognising the clearcut competences of initiative, assertiveness, and risk-taking within YEC. Indeed, as a rule, YEC are carriers of unusual *competences of entrepreneurship*, striking levels well above what is considered normal among peers of the same age group and socio-cultural origin. This set of abilities was misguided at a certain period in their lives, having resulted in reproachable behaviours at a certain stage in their lives. However, these are assets that can – and should – be directed to legitimate social and economic projects, taking full advantage of aptitudes that are increasingly valued in a knowledge, innovation, and creativity-driven society.

When questioned on "Optimism/Pessimism," the heavy majority defines itself as tending to be optimist (15). Girls tend to be more optimistic than boys, although, as already referred, the sample of females interviewed was too small to allow us to jump into conclusions. Also important to highlight is the fact that, although the majority of youth responded on an optimistic register, the overall picture does not reveal elevated/exaggerated levels of optimism, since only 3 over 20 interviewees refer to be "*very*" optimistic, whereas the rest clinged to a more moderate tone: "*just*" optimistic.

With respect to the "relation with the Other," all 20 interviewed YEC manifested a good relation with the other at a general level, constantly emphasising that *"they get along with everyone."* However, a great part safeguards that the posture and attitude of the other are crucial elements in their better/worse relationship, showing little tolerance to situations where *"they are mistreated"* by the other, when their relationship stops being positive, healthy, and peaceful.

Still to mention is that here the "Relation with the Other" is understood at a general even contradictory level: often YEC reported episodes of one-off disagreement with one or another colleague. It is important to highlight that most YEC acknowledged that their relationship capacity with the other has been getting better after custody, some insofar that "*before*" they did not relate that well.

5.4.3. Entering into the final stage of hypothesis 5, it is worth mentioning some conclusions relative to the last question included in the interview script: the factors/conditions YEC prioritise as key to their full social reintegration or, in other words, the determinants of a successful rehabilitation and reintegration.

Virtually the totality of YEC singled out the importance of *"having the will power."* This quasi unanimity in perceptions leads straight to conditionalities of self-confidence and self-imposed limits. The responses lead to the orthogonal notions of responsibility, trust, and self-efficacy, assuming the *control of things* surrounding

their lives ("*It depends on me!*"). This awareness takes us further into a core concern with the acquisition of *tools* related to personal development, which manifests itself not only in the need to increase levels of security and trust, self-esteem, and attitude, but also in a sharper consciousness that the future depends in its totality (or in great part) on themselves, their will, their effort, their ambition, and their persistence. *"Having a clear mind"* was also elicited by some of interviewees as being an important factor to take into account, as well as *"focus on goals"* and *"guts"* as pre-conditions to *"catch up with the rhythm of the Centre"* and move on. Another factor that significant part of YEC allude to as being a fundamental condition is the need of family support, which comes without surprise.

Lastly, Table B.4.7 (in annex to this article) provides a substantive insight into the most positive and least positive personality traits according to YEC assessments (girls in pink and boys in blue).

When requested to assess the personality of their parents (or other adults with whom they grew up) YEC evidenced a great difficult to identify them (2 dropped out, refusing to participate). However, it was clear that their appraisal is mostly positive (this can be observed by the lack of faults in the right column in Table B.4.8, in annex to this article), even expressing admiration and gratitude (with a few exceptions). Here, once more, pink are responses of girls while blue is reserved for boys.

YEC undoubtfully present a remarkable self-awareness on what they are and where they stand. Indeed, while accounting for their flawed personality characteristics, they easily recognise positive characteristics in their parents (or adults with whom they grew up, grandparents/uncles/aunts/siblings). The degree of self-assessment achieved is surely correlated with the YEC mandatory exposure to interventions in the EC, while the recognition of parental values is also an outcome of both a sense of guilt and, moreover, of the hardship which they are enduring, as a consequence of misconduct.

Notwithstanding the objective fact that a large proportion of YEC comes from problematic homes, we have registered a clear consciousness of their own faults which gives evidence that they do not hide behind someone else (i.e., family) or blame third parties. On the contrary, the great majority is aware of and strongly values the fact that their parents *attempted* to extend a helping hand, although recognising that at times they may have not been the best examples of behaviour and practice at home. "Unconditional love" towards family continues to present itself as a reinforced value.

6. Conclusions

We shall conclude by summing up in 5 fundamental points the most relevant *insights* resulting from our research enterprise.

6.1. YEC exhibit lower levels of happiness and well-being comparatively to YiG. This disparity is explained by the compounded effect of two deprivations: (i) freedom, and (ii) family and people who they most care for. YEC consistently associate well-being and happiness to three precise dimensions – personal, familial, and social – that harbour their deepest aspirations: (i) to be close to people with whom they are bound by special ties of affection, (ii) to feel well about themselves and with others, and (iii) to live in freedom.

6.2. Research provides credible data to sustain the thesis that regular contacts with family and the nurturing of values/feelings of family belonging concur towards higher levels of happiness/well-being. Moreover, the scrutiny of empirical data reveals cases of an impressive *redefinition of priorities* by YEC. This is based on a radical change of paradigm: family begins to occupy a centrality very differently to their former lives. Thus, once embarked in a positive trajectory, YEC register systematically higher scores in relation to their peers, YiG: (i) regarding the importance of having a solid family, (ii) in the predisposition to "give their life" for the family, (iii) in the attribution of a stronger weight to parents/family in decision making, and (iv) in trustfully relying on family help.

6.3. The work developed by the EC, acting as a *home* for custody, equips YEC with personal development *tools*. These tools translate into tangible competences serving the enhancement of security and trust, self-estee, and positive attitudes, such as the acquisition of a consciousness that the future depends in its totality (or in great part) on the will, effort, ambition, and persistency of each one. The assimilation of new competences touches predominantly on emotional domains – relational aptitude, empathy, self-knowledge, self-regulation, self-efficacy, and motivation – which gain consistency as one of the decisive working territories by ECs carrying direct impact on the full rehabilitation of YEC. In particular, progress in self-regulated behaviours is easily recognised as a significant benefit to YEC, with verifiable bearings on the speed and success of rehabilitation processes. Hence, it is timely to emphasise the decisive role of EC leaders' and staff's competences in soft skills, precisely the set of skills that are normally in short supply within the realm of our educational organisations. These soft skills are indeed fundamental to cater for the robust emotional development of YEC whose full reintegration into society is their prime responsibility. It is, also, opportune, at this juncture, to draw our readers' attention to IGUANA, a major European research endeavour, which is currently being launched in ECs. This study is targeted at investigating a key problem that is common to most industrial-type organisations, namely, schools: resistance to change – or *stuckness* – defined as a person, a family, or a wider social system enmeshed in a problem in persistent and repetitive ways, despite desire and effort to alter the situation. The fundamental roles played in

educational institutions by Emotional and Organisational Intelligences are the core concern of this European Commission sponsored flagship project under its *Lifelong Learning Programme*: IGUANA (http://www.iguana-project.eu). Both authors of this have been are heavily involved in this major European research consortium from its design phase (2013–2015).

6.4. Living together on a daily basis within a structured, orderly, and controlled environment, leads to significant transformations in behaviour, attitude, posture, and mentality. These changes occurring in the deep *ethos* of each YEC are potent determinants of a new attitude before life and of a correlative shift in direction. The work of ECs should, therefore, contribute to the *re-socialisation* of young offenders whose rehabilitation is entrusted to them, contemplating the re-acquisition of values and of foundational competences, both at the level of character formation (purpose, effort, will, self-esteem, trust and capacity to *dream*), and of the *corpus* of key social skills that bear on the aims of reintegration (empathy, human rights, reciprocity, social capital, recognition of the rights of the other, civic correctness, behaving in community, limits to violence, respect for property).

6.5. The majority of YEC defines itself as *"active"* and addicted to the pleasure of "*doing/organising/inventing things."* Therefore, it is obvious that they are holders of rare qualities of initiative and of risk-taking. They often exhibit outstanding entrepreneurial competences. While having fallen into reproachable conducts at a certain stage in their lives, they can – and should – be reoriented towards social and economic constructive projects, providing a full deployment of those aptitudes, an asset that is increasingly valued in a knowledge, innovation, and creativity-driven society and economy.

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Annexes

Table B.4.6. ECs and Related Control Variables

	Open Regime	Semi-open Regime	Closed Regime
Centro Educativo Padre Antonio Oliveira – Caxias			6 Boys
Centro Educativo de Santa Clara – Vila do Conde	2 Girls + 3 Boys	2 Girls + 3 Boys	
Centro Educativo da Bela Vista – Lisbon	2 Boys	2 Boys	

Table B.4.7. Personality Traits

Personality Traits	
+	-
Happy, Funny, Understanding	Aggressive, Stubborn
Calm, Easy-going, Peaceful, Smart	
Playful, Good-spirited, Calm	Insolent, Grumpy, Talkative
Sociable, Respectful	Impulsive, Nervous, Poorly resistant to pressure
Solidary, Calm, Playful, Assertive	Aggressive, Anxious
A good friend, Solidary, Respectful	Nervous
Respect for others, Pleasure in sharing	Quickly irritable, Stubborn, Anguished
Nice, Sociable	Aggressive, Agitated, Moody
Good-spirited	Stressed, Sad, Emotional, Rascal, Aggressive
Friend, Gentle, Playful	Nervous, Aggressive
Easy-going	Resentful, Upset
Calm, Realistic	Impulsive, Aggressive, Proud, Direct
Calm, Intelligent, Discreet	Stubborn, Suspicious, Pensive
Frontal, Friend, Truthful	Rude, Lazy, Insolent
Likes to help	Concerned, Proud, Difficult temper
Friendly, Nice	Disrespectful, Grumpy, Nervous
Friendly	Proud, Not humble, Naive, Difficult temper
Calm, Stubborn, Easy-going Extroverted	Complicated, Insolent, Stubborn
Nice, Funny, Ironic	Arrogant, Grumpy, Direct, Impatient
Good-tempered, Nice, Sociable	Difficult to put up with

Table B.4.8. Personality Traits of Parents (or Tutors)

Personality Traits	
+	-
Happy, Understanding, Able to *turn things around*, Peaceful	Stubborn, *Weak* head
Sociable, Calm, Good-spirited, Liberal	
Good parents, Good relationship	
Great Woman, Strong Spirit, Loving-kind to children, Doesn't give up	
Hard-working, Friend	
Concerned, Interested, Considerate, Helping, Supportive	A little *annoying*
Happy, Wanting to help	False, Not understanding, Stressed
Too good, Nice, Responsible, Concerned	Stressed, Bad-tempered
Caring, Faithful, Good People, Polite, Hard--Working, Playful	
Good Mom, Caring, Understanding, *Is there for everything*	Proud
Hard working, Stable relationship	Bad-temper, Feels to be above everything, Enjoys fighting
Good-temper, Good Mom, Good person	Controlling, Annoying
Like to help, Good advisors, Help me	Lack of courage to reprimand
Respectful, Holding Values, Nice, Solidary	Cranky
Tender, Humble, Confident, Peaceful	Yell a lot, Demanding
Humble, Protective	Complicated temper, Annoying
Responsible, Honest	Authoritarian, Grumpy
Kind, Caring	*Annoying*

C

Sociological Dimension

C.1. Maria João Leote de Carvalho

– *Rehabilitating and Educating for Responsible Autonomy: Two Sides of a Path to Personal and Social Well-Being*

C.2. Ferran Casas

– *Data Availability About Adolescents and Young People At Risk: Educational Pathways and Risk of Social Exclusion*

C.3. Ricardo Martinez

– *Prevention of Youth Offense: A Safe Investment with a Future*

C.4. Ana Oliveira

– *Affiliation, Identity and Competence: A Route Towards the Inclusion of At Risk Youth*

C.1. Rehabilitating and Educating for Responsible Autonomy: Two Sides of a Path to Personal and Social Well-Being

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Abstract: Young offenders' rehabilitation and education present a set of challenges to contemporary societies that are particularly felt in the juvenile justice system. In this paper we discuss some of these challenges, taking into consideration insights on the daily lives of young offenders who have been placed in Portuguese custodial institutions in recent years. The Portuguese juvenile justice system differs from most of those in other EU countries, giving less importance to the offense than to the need for the offender to be educated in the fundamental community values that have been violated by the illicit act. It can be regarded as a third perspective falling in between a welfare model and a punitive or penal one. The set of educational measures applied to youth by courts aims to socialise and educate offenders on values protected by penal law, in a process called *education in the law*. One of the main goals of custody is rehabilitation, which, from an educational point of view, could mean empowering youth with the necessary skills and knowledge to develop their potential to engage in society in a responsible way. But responsibility and autonomy are not static concepts; these notions are (re)constructed by youth in the social contexts in which they live. Working towards a more effective system requires the promotion of youth's social participation through which personal and social well-being can be achieved. Institutional work requires community engagement in supporting youth and should be focused on a positive and holistic approach towards offenders, recognising their needs and strengths.

Keywords: young offenders, delinquency, juvenile justice system, rehabilitation, education, autonomy.

(Note from the editor: The editor respects the author's preference for the expressions Education in the Law, Law for the Promotion and Protection of Children and Youth in Danger *and* Educational Guardianship Law. *Reasons for this preference can be found in footnotes 5 and 12, respectively.)*

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1. Introduction

> *What am I inside? What I feel is anger and hatred; otherwise, I have a good heart, and I'm a cool person both inside and out.* Boy, 16 years-old, 9 months in custody in the semi-open regime (Carvalho, 2010a, p. 94)[2]

Delinquency is a high-ranking topic of public discussion in contemporary societies, and its study is important in the analysis of social change. Social concern about delinquency is not a recent phenomenon, but the juvenile offenses highlighted by the *media* and the permanent dramatization and politicisation of delinquency in Western societies tend to suggest we are currently living in a unique social setting, where children and youth have become more violent than ever. Nevertheless, the existing data in many countries regarding this matter does not provide evidence confirming such trend.

In Portugal, this issue has emerged as a public concern over the last two decades, particularly considering the challenges and constraints arising in the administration of juvenile justice.[3] The Portuguese system differs from most other EU countries, giving less importance to the offense than to the need for the young offender to be educated in the fundamental community values that have been violated by the illicit act.[4] This can be regarded as a third perspective, falling in between a welfare model and a punitive or penal one. The set of educational measures applied by courts aims at socialising and educating offenders in the values protected by the penal law, in a process called *education in the law*.[5]

Despite the notorious centrality of justice issues in Portuguese political and public discourses, and more than 14 years after the Children and Youth Justice Reform, started in 1999 with the approval of two new laws that came into force in January 2001, the debate on youth offending is insufficient, and further evaluation of the judicial intervention is required. This is aggravated by the lack of official statistics concerning the sentencing process.

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[2] Although translated from Portuguese, the youth's original language and expressions presented in this paper are retained as much as possible. For ethical reasons, in order to protect the participants and guarantee their anonymity, their real names are not presented and are only referenced by gender (boy/girl), age and custodial regime.

[3] According to the Council of Europe's Recommendation Rec(2003)20, in this paper, the term *juvenile justice* is used in a broad sense. It refers to "all legal provisions and practices (including social and other measures) relevant for treating children in conflict with the law" (Doak, 2009, p. 19).

[4] The term *young offender* is used in a restricted way according to the current Portuguese sentencing framework (Educational Guardianship Law): it refers to a person between the ages of 12 and 16 who commits an offense qualified by the penal law as crime and, as a result, can be subject to educational measures. As proposed by Neves (2008), this approach is not a way to ontologise a youth's behaviour but is instead focused on the formal social reaction.

[5] *Education in the law* corresponds to the Portuguese term *Educação para o direito* according to the translation defined by the national legislators in Rodrigues and Fonseca (2010).

Young offenders' rehabilitation and education present a set of challenges to societies. The complexity of children and youth's lives in contemporary settings is expressed in the coexistence of multiple ways of life and experiences of delinquency associated with diverse contexts and trajectories. The starting point of juvenile justice worldwide was the concept that children and youth who commit illegal acts – when compared to adults in a similar situation – have specific needs that require specific responses and educational measures or sanctions. According to the international standards of the United Nations and the Council of Europe,[6] the legal system should ensure that measures and sanctions are enforced from an *effective perspective of children's rights* defining rehabilitation, socialisation and education as core principles. However, public attitudes and judicial proceedings concerning young offenders have been more restrictive in recent years. The trend for punishment, based on a zero tolerance perspective, is widespread in Europe, and the economic crisis affecting many countries tends to be associated with the controversial public and political call for more restrictive social control over youth.

In this paper, the discussion focuses on the nature and extent of rehabilitation and education in custodial institutions in Portugal. The first two parts provide the reader with some essential information about the Portuguese juvenile justice system; the following three parts are centred on the debate around the challenges to legal intervention posed in practice by the rehabilitation of youth. To illustrate some of the questions and constraints that the State and communities face when aiming to ensure more effective interventions,[7] we give voice to young offenders by presenting some of their insights concerning their detention. The youth statements have been collected by the author in previous research.[8]

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[6] UN Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules') of 1985; UN Convention on the Rights of the Child of 1989, and the Children's Rights in Juvenile Justice of 2007, by the Committee on the Rights of the Child; United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Freedom (the Havana Rules), both of 1990; the Recommendations of the Council of Europe Rec(2008)11 concerning "European rules for juvenile offenders subjected to sanctions or measures," and Rec(2003)20 concerning "New ways of dealing with juvenile delinquency and the role of juvenile justice."

[7] In this paper, the term *detention* is used in a broad sense to refer to the Portuguese measures of deprivation of liberty applied to young offenders, as defined by the Educational Guardianship Law.

[8] Project "Children and Youth in the News Media" (2005-2009), supported by Fundação para a Ciência e a Tecnologia (FCT/POCTI/COM/60020/2004). Using both quantitative and qualitative methods, this was an exploratory research with the main goal of identifying young offender's interests, motivations, and habits on access to the media and TV and press news in and outside custodial institutions in Portugal, and to discuss how, through the media and the news, young offenders (re)viewed their own trajectories and attitudes towards the institution and the juvenile justice system (see Carvalho & Serrão, 2012; Carvalho, 2009). Other excerpts of interviews to young offenders presented in this paper were collected on a qualitative research carried out in

2. The Shaping of Juvenile Justice in Portugal

Childhood and youth are no longer understood as mere biological or homogeneous realities; instead, they are considered social categories that aggregate a plurality and diversity of conditions and ways of life, some of which are socially diametrically opposed (Almeida, 2009). Analysing the social condition of children and youth in the Portuguese society implies, first of all, taking into account the fact that compared to other European countries, Portugal entered late into modernity (Viegas & Costa, 1998). The establishment of democracy with the April Revolution in 1974 was the turning point. Ever since, intense and fast changes have occurred, namely in Portugal's demographic and structural composition and its citizens' life styles, both impacting on children and adolescents' experiences. As in other Western societies, there is not only greater social and cultural diversity than in the past, but with the significant household changes, there is also an extensive variety of concurrent and more complex familial, educational, and social relationships (Almeida & Vieira, 2009).

Social changes directly affect social organisations, and their impact vary according to the social group, cultural origin, region, and the context considered. Within a framework of globalisation, it is possible to identify, even currently, a wide variety of social experiences related to children and youth in Portugal. Pre-modern, modern and post-modern representations of childhood and youth are altogether and paradoxically present at one time and in the same spaces, presenting a significant challenge to official authorities as well as to communities, particularly within the economic crisis of the present context. In light of the fact that social changes are neither one-dimensional nor a linear process (Almeida, 2009), it is relevant that, for many individuals, an ideal of well-being is still far from being achieved, a fact that must be considered when discussing juvenile justice. Portugal is one of the European countries where social inequalities are most felt, with poverty rates among the highest in the European Union, strongly affecting children and youth.

Whilst major changes in the country have occurred, the juvenile justice system has remained deeply rooted on a welfare model, which can be traced back to the country's first specific laws regarding the protection of children on national territory. The first Portuguese legislation concerning minors in conflict with the law was published in 1911, a year after the establishment of the republican regime in the country, replacing monarchy, and it is commonly known as The Childhood Protection Act. Since then, the age limit of criminal responsibility has been maintained at 16, although the age of civil majority is 18 years old.

Portuguese juvenile institutions, with male population, focused on the analysis of their perspectives on social risk and youth in the Portuguese society (see Carvalho, 2010a).

Youth who commit offenses at the age of 16 fall under the general penal law and are regarded and judged as adults.[9] As a result of the reform of the Penal Code carried out in 1982, a special penal regime for young adult offenders aged from 16 to 21 (Decree-Law nr 401/82, of 23 September) is applied,[10] but in fact, until the age of 18, from a civil point of view, they are still considered minors. Nonetheless, between the ages of 16 and 18, they can be sent to prison and reside with adults in the same facilities. Portugal ratified the Convention on the Rights of the Child (CRC); however, concerning this ambiguity it is clear that the CRC is not yet being carried out full (Kilkelly, 2011). According to the justice official statistics, based on the last seven years, youth aged 16 to 18 represent on average less than 1% of the prison's population,[11] and those aged 18 to 24 represent less than 4%.

As stressed by Agra and Castro (2002), since 1911, the Portuguese juvenile justice system has been characterised by three periods of evolution. The first, from 1911 to the reform of 1962, constituted a period of paternalist-repressive logic based on a degeneration-dangerous model for minors. At the core of judicial intervention was the need for the rehabilitation and treatment of youth, both victims and offenders, initially based on bio-anthropologic theories as it was common at the time. The second period, which began in 1962 with the establishment of a new legal framework, the Minors' Guardianship Organisation, was based on a perspective which was protective of minors and followed the welfare model; thus, it did not present a complete break with the previous legal framework. The social and political changes that occurred with the Revolution of April of 1974 led to the introduction of changes in this model in 1978, but the juvenile justice system remained firmly rooted in the welfare model.

The system did not undergo significant changes until the end of the 20th century and the first two years of the 21st century. In 1990, the ratification of the Convention on the Rights of the Child in Portugal supported the need for its implementation, which has led to a broader evaluation and deep critical reflection on the efficacy and constraints of the welfare model (Rodrigues & Fonseca, 2010). Therefore, the third period has been characterised by systemic modifications carried out with the approval, in 1999, of two new laws: the Law for the Promotion and Protection of Children and Youth in Danger and the Educational Guardianship Law.[12]

Culminating in a long process of debate and work started in 1996, the two laws were approved in 1999, representing a great change in the traditional justice

[9] Article 19 of the Portuguese Penal Code.

[10] This special regime would make it possible for youth to be placed in specific detention centers, but these facilities have never been built. It also promotes reduced sentences and the application of alternative measures instead of a prison sentence for certain cases.

[11] By the end of December 2007, 0.9% of the total prison's population (n=101), and 0.6% in 2011.

[12] According to the translation defined by the national legislators in Rodrigues and Fonseca (2010).

practice in the country. However, they only came into force on the 1st of January 2001, after a controversial and intensely mediated youth criminal occurrence involving a famous actress in the summer of 2000 in the Lisbon Metropolitan Area. The influence of the *media* over the decision-making process of policy makers regarding the law became clear in this process (Carvalho, 2013).

Under the current model, for children under the age of 12 who have committed illicit acts, the Law for the Promotion and Protection of Children and Youth in Danger is applied and can only be implemented in terms of protective measures. This means that they receive the same treatment as any other children who are at risk because Portuguese legislators considered that below this age, children's psycho-biological development requires a specific intervention that is not compatible with the principles and goals defined in the Educational Guardianship Law (LTE , for its abbreviation in Portuguese). As Rodrigues and Fonseca (2010, p. 1034) noted, "the committing of a crime by a minor aged below 12, to the extent that it is related to situations of social need, may indicate that the State should intervene. The intervention in this case should be solely of a protective nature, carried out within the framework of (the Law for the Promotion and Protection of Children and Youth in Danger)."

3. Youth Offending: The Current Sentencing Framework

A person between the age of 12 and 16 who commits an offense qualified by the penal law as crime can be subject to educational measures, as defined by the LTE.[13] At the core of this law is the respect for the youth's personality, and for his/her ideological, cultural, and religious freedom, according to all the rights that the Constitution of the Portuguese Republic confers him/her.

The set of educational measures established by the LTE aims for the socialisation of the young offender and his/her education in the law (Rodrigues & Fonseca, 2010, p. 1035), so that he/she learns and respects the fundamental values of society which are protected by the penal code. The proof of the facts of a criminal offense is indispensable to the lawsuit, but it is insufficient merely by itself and there must also be an assessment of the young offender's need for education in the law. Only by the corroboration of the above assumptions can the court decide to apply a judicial measure.

The reform introduced the principle of young offenders' responsibility, but it has remained focused on the application of educational measures and has not meant a rise in a punitive trend. It could be described in what Bailleau and Fraene (2009, p. 6) considered a "tendency towards bifurcation – a soft approach in most cases and tougher actions against a limited number of adolescent undergoing a custodianship measure." The Portuguese juvenile justice system differs from most other EU countries, giving less importance to the offense than to the offender's need to be

[13] Educational measures can be executed until the age of 21.

educated in the fundamental community values that have been violated. As noted previously, it can be regarded as a hybrid configuration, or a third perspective falling somewhere in the spectrum between a welfare model and a punitive or penal one.

The LTE provides a diversified set of non-institutional (*community*) measures as alternatives to detention. From the least to the most impactful on the life of the young person, they are as follows: verbal admonishment, restriction of the right to drive or to obtain a driver's permit for motorcycles, reparations to the victim, economic compensation, or work for the benefit of the community, imposition of obligations, attendance of training programmes, and educational supervision.

In accordance with international standards, deprivation of liberty, in any of its modalities, must only be used as last resort. Thus, for the fulfilment of the principles of legality and proportionality, the requirements and presuppositions underlying the application of this measure are restricted, and in the case of the closed regime "are extremely restricted, which is perfectly understandable" (Rodrigues & Fonseca, 2010, p. 1060).

The custodial facilities in the Portuguese State, called Educational Centres (ECs), are managed by the General Directorate for Reintegration and Prison Services (DGRSP, for its abbreviation in Portuguese), which constitutes a supportive agency in the judiciary administration.[14] From 1925 to 2012 there was an independent body dealing with juvenile justice integrated in the state structure of the Ministry of Justice. However, this public body no longer exists due to the recent merging between the former Directorate for Social Reintegration and the Prison Services into a new identity, the DGRSP.

The DGRSP ensures that most of the non-institutional educational measures for young offenders in the community are reinforced, and it is also responsible for the implementation of liberty depriving measures (*medida de internamento*) presupposed by the precautionary detention (*medida cautelar de guarda*).

ECs are distinguished according to the type of regime carried out in their residential units.[15] Detention can be executed through one of the three regimes

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[14] It is a direct administration service of the State, under the Ministry of Justice (Decree-Law Nr. 215/2012, of 28 September).

[15] Currently (January of 2015), in Portugal, there are 6 ECs: EC Santo António, in Oporto, located in the Oporto Metropolitan Area, in the North of the country; EC Navarro Paiva and EC Bela Vista, both in the capital, Lisbon, and EC Padre António de Oliveira, in Oeiras, these last three in the Lisbon Metropolitan Area; EC Olivais, in Coimbra, and EC Mondego, both in the centre region of Portugal. From 2012 to July 2014, the facilities of educational centres had the capacity to accommodate a total of 233 young persons. However, on the 31st of July 2014, a total of 250 juveniles of which 222 (89%) were male, were admitted in educational centres. Of this total, ten were on unauthorised absence (4%). The semi-open regime predominated (67%), followed by the closed (21%) and open regimes (12%). According to their age, those aged 16 (26%) and 17 (28%) of age were the majority, followed by those aged 18 (17%) and 15 (12%). Property offenses (51%) and crimes against

defined by the LTE, which are differentiated according to the extension of the deprivation of liberty of the young person. The criteria through which the measure is determined by the court rely not only on the young offenders' needs, which are evaluated before the sentence through a social and psychological assessment, but also on the seriousness of the committed offenses in comparison to what is defined in the penal code.

Table C.1.1. ECs regimes

Regime	Conditions	Measure
Open	Young offenders live in the centre, but may have permission to spend weekends and holidays with their families. It is also possible for them to study, play sports or participate in other activities outside the centre.	From six months to two years
Semi-open	Applied to those who have committed an offense against people that corresponds to a prison sentence exceeding three years, or two or more offenses punished by a prison sentence exceeding three years. Youth live and study in the EC facilities, but may have permission to spend holidays outside when achieving specific goals.	
Closed	Applied to youth older than 14 who have committed an offense corresponding to a prison sentence of more than eight years or when the committed offenses correspond to crimes against people, punished with prison sentences of more than five years. A psychological assessment in forensic context is required before the judicial decision is made. The youth live and study inside the centre and there is no permission to leave, except for medical assistance or as required by the court or police authorities.	From six months to two years (and occasionally three years in the most serious cases)

Source: LTE (1999)

A pre-trial detention measure (*medida cautelar de guarda*) can be applied up to three months and extended to six months, in any of the above mentioned regimes. Depending on the young offenders' progress throughout his/her detention, a change to a less restrictive regime can be proposed to the court and the detention measure applied can be changed.

An EC's intervention should be structured on activities and programmes concerning different areas (i.e., education, training, social and cultural activities, sports, health, and other activities depending on the individuals' specific needs) besides its focus on daily routines to increase personal and social skills. Rules

people (45%) were the two most represented categories among the reasons for the detention measure (DGRSP, 2014).

and procedures are defined within a legal regulatory framework that provides a foundation for the system's organisation. For each young offender, there is a range of mandatory activities according to the Personal Educational Project that are approved in court.

In Portugal, between 1993 and 2012, most of the suspects registered on police occurrences under the age of 16 were males, acting in groups, and mostly committing minor offenses against property (Carvalho, 2012a). No more than a slight proportion of these police occurrences ended up in Portuguese courts (Agra & Castro, 2007). Among these, between 2001 and 2008, on average, only 14.0% of the LTE cases at the investigation stage (pre-trial) led by public prosecution services were referred to the jurisdictional stage led by a judge (Castro, 2011). Therefore, not surprisingly, Bailleau and Fraene (2009, p. 6) concluded "this percentage proves the trifling nature of the registered facts: only acts punishable by a maximum of three years of imprisonment can be archived; it also highlights the respect for the principles of opportunity and minimal intervention by the judicial authorities." As highlighted by Rodrigues and Fonseca (2010, p. 1044), it is also important to note that this two-stage organisation promotes the emergence of the youngster as "the procedural subject," vested in individual rights and guarantees.

4. Rehabilitating and Educating in Custody

The idea that juvenile justice can promote adequate institutional environments that facilitate young offenders' rehabilitation is easier said than done (Mackenzie, 2006). According to international standards, social integration and the prevention of reoffensding should be paramount in the juvenile justice system instead of the traditional objectives of repression and retribution (Pruin, 2011; Moore, 2013). In order to achieve this goal, scientific literature on this matter shows a positive relation between the process and effects of matching youth with justice services according to their individual criminogenic needs and responsive factors (Vieira, Skilling, & Peterson-Badali, 2009).

Young offenders are not a homogeneous group. The scientific literature portrays many of those placed in custody as being more likely to have certain social and personal features than other individuals. However, this trend should not delude practitioners about the multifaceted nature of rehabilitation, and it is crucial that any intervention considers a wide range of youth's complex social, psychological, cultural, and educational needs rather than just those specifically related to the delinquent act that was committed. These needs can be expressed in many forms and are reflected in the young offenders'points of view about their own deviant trajectory, as it is shown in the following statements. They illustrate how some of these youngsters are making an effort to think critically about their lives and about the consequences of the illegal actions committed by them; on

the other hand, there are others for whom the judicial intervention seems to be ineffective in producing an effect of critical reflection.

> Some time ago...a few years ago, I was an angel, but then I became a rebel. I've started to do everything that was different, everything that was out of the ordinary. *Boy, 16 years old, two years in the semi-open regime* (Carvalho, 2010a, p. 89)

> Above all I'm very disillusioned with life! I always put in my head that every effort I make is to improve my life, but it's in vain. Often, I don't believe in the few qualities I have, and I'm even surprised when I do anything that could improve my life. *Boy, 16 years old, pre-trial detention for six months in the semi--open regime* (Carvalho, 2010a, p. 92)

> I regretted what I did. Now, I think it was bad and I think that being locked in here is different. Currently, I value the people who love me and I give more value to others. In my case, I knew the person [committed attempted murder]. My case is different. (...) I regretted doing what I did now that I'm here locked up. I think this can be good for me, but I also have doubts about it ... It's hard and no one knows the future, only God! *Girl, 15 years old, two years in the closed regime* (Carvalho, 2009, p.6)

> This [the educational] centre does not matter to me; it does not matter to me at all. I've reached a point where I would rather go to prison than stay here. I'd rather be with men than here. *Boy, 17 years old, two years in the closed regime* (Carvalho & Serrão, 2012, p. 48)

According to LTE's core principles, young offenders placed in custody in ECs in Portugal are associated not only to some of the most severe illicit acts within the corresponding age groups, but mainly they will have developed the most serious deviant and violent trajectories, which stresses the importance to attend to specific needs in the intervention concerning their rehabilitation. Some of them have been involved in a multiplicity of serious acts over a long period of time and can be referred to as chronic juvenile offenders who need specialised interventions (Farrington & Welsh, 2007; Piquero, Farrington, & Blumstein, 2007). The goal of attending to specific rehabilitation needs requires understanding and scientific knowledge of psychological, environmental, and social issues related to the practice of delinquency, in global terms and regarding each case (Farrington, 2013).

Most current rehabilitation practices applied to young offenders are based on research evidence from the *what works* literature, which was synthesised by Andrews and Bonta in 1990 to create the risk-need-responsive model (RNR) of

offender management that focuses on modelling and behavioural reinforcement (Vieira, Skilling, & Peterson-Badali, 2009).

Farrington (2013) drew attention to the pernicious effects of the label *at risk* applied to children and youth, arguing that any intervention must be focused on their real needs (*children in need, not children at risk*), according to their age, the context in which they live and their level of development. Risks must be identified (Andrews & Bonta, 2006) within a systemic and broader perspective that also recognizes and promotes abilities and protective/promoting factors (Augimeri, Farrington, Koegl, & Day, 2006; Farrington, 2013).

Rehabilitation is a learning experience (Vieira, Skilling, & Peterson-Badali, 2009); thus, it cannot be dissociated from a broad perspective on education that includes both formal and informal modalities. The custodial purpose of rehabilitation relies on a potential paradox: its goal is responsible autonomy but it has to be implemented in a context of deprivation of freedom and strict regulation. This contradictory balance between the need for formal social control and empowerment of youth demands more involvement and responsibility from communities in the process (Kilkelly, 2011). One of the biggest constraints is the stigmatisation young offenders and juvenile institutions still face today.

> In other people's eyes, we're always the problem! *Girl, 16 years old, 12 months in the semi-open regime + six months in the open regime* (Carvalho & Serrão, 2012, p. 48)

> We're not different! Because we're in the centre, we're not different, but many people think we're not like other youth. It's sad! *Boy, 15 years old, 18 months in the semi-open regime* (Carvalho, 2009, p.2)

This perception contributes to the internalisation of negative expectations that could be reflected in future aspirations. What resources do judicial and social systems have to fulfil rehabilitative purposes? At the local level, what entities are promoters of individuals' and groups' rehabilitation (Sampson, 2002)?

Rehabilitation is based on a double movement among those who are excluded and the society to which they belong. Bourdieu (1980) stated that the youth universe in Western societies tends to be seen as restricted and closed, is labelled as permanently irresponsible, situated in a land where youngsters are regarded as adults for some things and as children for others. Societal ambivalence towards young offenders who committed acts qualified by the penal law as crime could reinforce a double functioning that can be identified in some of them. Their speech and actions may vary from the roles of passive subjects and victims of the social organisation, to the opposite role of aggressors based on a sense of omnipotence (Fernandes, 2008; Carvalho & Serrão, 2012).

Delinquency coexists with conventional actions (Carvalho, 2010b). Often, the adhesion to non-conforming models overlaps with an absence of significant relations and ties that promote conformity to social norms, which ultimately further reduces the efficacy of social and educational actions intended to prevent delinquency (Elliot et al., 1996). Youth does not reject conventional values, but delinquency can emerge as an attractive mode of socialisation, varying from what is considered to be playful and fun to the need to occupy free time or obtain social recognition in a specific context (Carvalho, 2010b).

The ineffectiveness of social modes of control, both informal and formal, turns out to be decisive in how children and youth perceive and anticipate the effects of delinquency (Carvalho & Serrão, 2014). Society's investment in them could be perceived as sparse, which does not facilitate the internalisation of conventional internal controls. A child's initial experience of success with his/her first delinquent act may assume an increasing expression, and the accumulation of successful experiences will enhance his/her perception that delinquency should continue.

Therefore, custodial interventions are structured within the confrontation of two world visions – the institutional and the one of young offenders —that can converge if the rehabilitating and educating institution promotes adequate opportunities to understand what rehabilitation really means to youth. Without this guideline, the rehabilitative purpose may be performed in vacuity and the probability of positive outcomes will decrease.

> Social Reintegration is...
> Not having problems with my family;
> Not doing more crap;
> Not having more problems with the police;
> Not having to come back to any court;
> Neither come back to the EC,
> And much less to a prison…that was the worst of all; it would spoil my life!
> It's finishing the 9th grade;
> It's getting a driver's license;
> It's having a big car;
> It's having my family that will allow me to be happy!
> *Boy, 14 years old, nine months in the closed regime + 18 months in the semi-open regime* (Carvalho, 2009, p.15)

This boy's text clearly expresses his practical vision of rehabilitation, which takes us to one of the most important issues in this process: the need to give young offenders a voice to engage them as social actors on the construction of a path

towards personal and social well-being.[16] This perspective is relatively new. It is based on a positive concept of well-being focused on the current actions and experiences of a young person related to his/her social role as a member of society. Respect is a key-factor; it demands not only the acknowledgment of the existence of *others*, on the basis of equality, but also the improving of young offenders' respect for themselves. Moreover, the judicial intervention should attend to gender issues (Augimeri, Farrington, Koegl, & Day, 2006), a trend that has rarely been put in to action or discussed in the country.

It is worth mentioning the importance of family, the first and last condition the boy mentioned. Rehabilitation implies the (re)construction of the notion of family. Factors associated with families and the parental exercise of informal social control and supervision are related to delinquency and frequently addressed in research (Thornberry & Krohn, 2003). In custodial work, families have to be considered in three related dimensions. The first dimension refers to the objective living conditions and the relations that families establish and maintain with youth, both inside and outside the institution. Youth's idealised image of their own family constitutes the second dimension, which is always present in their thoughts. Regardless of their real level of interaction with their families in the past, or their present relationships with them, this image influences their actions, including the determination in their aspirations and expectations in rehabilitation. In many cases, this process of idealisation supports youth's intention of rehabilitation based on their desire to repair past experiences by supporting and helping their parents and other relatives. The third dimension focuses on youth's projection of a future family, founded on their personal and family future aspirations.

> In the future, God willing, I'll also have children, and it is obvious that I will not tell them "look, do the same thing your father did, go and steal!" Of course I don't want this for my children. I want them to do something different! *Boy, 15 years old, 12 months in the closed regime + 12 months in the semi-open regime* (Carvalho, 2009, p.13)

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[16] In this paper, a positive definition of well-being has been adopted following the proposal of Bradshaw, Hoelscher, and Richardson:

> well-being can be defined as the realisation of children's rights and the fulfilment of the opportunity for every child to be all he/she can be in the light of a child's abilities, potential and skills. The degree to which this is achieved can be measured in terms of a positive child outcomes, whereas negative outcomes and deprivation point to a neglect of children's rights. (2007, p. 135)

This is a definition that becomes more focused on children's rights comprising several dimensions – emotional, psychological, physical, social, and environmental potentials – and requires the incorporation of the child or young person's perceptions (Ben-Arieh, 2006; UNICEF, 2007; EU, 2008; Graham, 2011).

Already being a parent when in custody represents a significant challenge for a young offender as well as for the institution.

> Now my daughter is going to grow up without me. It will be one year in August that I've been here. She's going to grow up without me; she's growing up without her father and I wanted... until the age of five I grew up with my father and at least that's what I want for her. I want her to grow up with a father till a certain age, until adulthood. I don't want her to have the same thing as what happened to me. I don't want it'. *Boy, 18 years old, 16 months in the closed regime* (Carvalho, 2009, p.13)

5. The Challenges for Practice

Rehabilitation based on the fundamental principle of 'an education in the law established in the LTE is controversial. Is it possible to reduce any action to an education in the law without having a wider concept of education and active citizenship? From a strictly juridical perspective, at the core of this principle there is a rehabilitative purpose focused on young offenders regarded as subjects with rights (Agra & Castro, 2007). Young offenders' illicit acts are central to determining the nature of the judicial intervention.

Most actions of young offenders, particularly those related to their delinquent practices, tend to bring to surface their potential for creativity and practical ability to solve problems, based on a logic oriented to pursue challenges and take greater risks (some real, some imagined). Therefore, several authors have argued that educational interventions must adopt the perspective of reducing behaviours considered socially inadequate, focusing more on helping individuals to develop their maximum personal and relational capabilities through the acquisition of new social skills (Mackenzie, 2006).

The growing complexity of social experiences of individuals, together with the importance of the sense and meaning attributed by each one to the construction of social interaction (Almeida, 2009), force researchers and practitioners to question the traditional notion of socialisation understood as a linear process of internalisation of social norms and cultural values aiming for social integration. The concept of a *plural actor*, proposed by Lahire (2001), highlights the notion of each individual as being a social actor who is socialised in multiple social settings, able to incorporate a diversity of actions, competences, and types of knowledge. Socialisation is a *continual* process, sustained by each individual's belonging to different social groups at the same time, which often determines antagonistic modes of action and promotes the need for individuals and groups to permanently adjust to ongoing social changes. This notion calls into question the term *re-socialisation*, generally applied in juvenile justice, because socialisation is regarded as an integrative experience that leads to the permanent reconstruction of personal experiences.

The current status and organisation of families, schools, and of the media (particularly the new social media) as sources of socialisation promote new relations for the increasing development of horizontal processes of socialisation, with peers, in a fragmented puzzle of social and educational references, social bonds and roles in constant change that replace some of the traditional forms of vertical socialisation. Overcoming traditional theories, current sociological trends are based on the assumption that children and adolescents are social actors, so they can no longer be considered unidirectionally socialised by others; this assumption is crucial for the implementation of the education in the law.

Children and youth must be regarded as playing an active role in the building of society, through their participation in time and in the space in which they are found increasingly more distant from close supervision of their families, a key point to consider when defining social policies. Only by engaging youth in their own rehabilitation process will it be possible to open horizons that will promote their effective change and participation in the construction of social life in a more positive way.

According to the LTE, the judicial intervention is strictly focused on young offenders, and it is difficult to identify a more systemic perspective (Santos et al., 2010; CSEC, 2012). It is worth noting that this trend is subject to some criticism, not only by practitioners, supervisors, and researchers, but it is also raised by some young offenders on the basis of past experiences.

> I think these people [social workers and other practitioners] do not think well. They have the idea that children are in need of a psychologist, but I think it is the opposite! My foster mom wanted to get me a psychologist and I told her "you're the one who hit me and it's me who needs to go to the psychologist?!..." And then she beat me again! *Boy, 16 years old, six months in the closed regime + 18 months in the semi-open regime* (Carvalho & Serrão, 2012, p. 45)

Juvenile institutions are naturally restricted spaces; they are stigmatising and function under one system of authority, through which individuals acknowledge their whole existence, and which acts in various dimensions often classified through different normative standards (Goffman, 1999). Through the enforcement of detention on those who are considered deviant, societies justify and legitimatize their segregation through the aim of the future rehabilitation and social reintegration of such individuals. Obviously, Portuguese ECs are *total institutions* meeting the most important features Goffman described in his work. But as Neves (2008) stated, they must be places that have a range of intensive educational purposes and actions. The staff and all the workers are not completely neutral: their actions are anchored on a framework of existential values and they must be ethically and socially committed to the impact on the produced results.

Young offenders' opinions about the Portuguese centres are diverse and in one interview it is possible to identify their mixed feelings, in a process marked by advances and setbacks in establishing relationships with peers and staff. Their progressive integration into the outside has to be developed inside the institution, according to the restrictions established by the LTE, and its quality and efficacy depends on the cohesion and structure of its planning, namely in the importance given to daily work and to the activities/programmes offered by the institutional context. Among these, formal education and training are the most common and the most valued (Carvalho & Serrão, 2012).

> Outside, I had so many difficulties in school, but now I like to study and I'm trying to enjoy it while I'm inside. I think everyone deserves a second chance in life. I want to apologize to my family because I also deserve a second chance because everyone learns from their mistakes and I'm learning from my own. I'm being punished, but I'm learning to be someone one day. *Girl, 15 years old, 16 months in the semi-open regime* (Carvalho, 2009, p.14)

Academic and training activities are decisive in rehabilitation and constitute an advantage for institutionalised youth as they are a condition for their future socio-professional integration. Moreover, they can make a difference in youth's lives as such activities might not be accessible within the home environment. However, formal education by itself is not sufficient for rehabilitative goals; it is crucial to consider other modalities (informal education) and even more importantly the specialised activities/programmes regarding specific needs related to the young offender's delinquent practices. Without them, young offenders may only superficially adhere to custodial procedures and rules, lacking an education in the values and ethics that are necessary for the development of a responsible autonomy.

The effects of past social and individual vulnerabilities are cumulative (Thornberry & Krohn, 2003), meaning that intervention should be clear about what specific goals are possible to achieve in a short timeframe. More than thinking of an extensive period for the planning and execution of formal and structured activities concerning education and training, evidence shows that priority should be given to working with youth regarding the need for change; otherwise, the available educational and training opportunities will not be as effective as they could. It is necessary to realise that, too often, what is provided in custody does not consider the most important thing that is required to avoid reoffending: the need to feel that change is necessary and can be achieved. Positive youth development should be an institutional guideline. This perspective shows the importance of establishing significant and positive relations with others, both peers and adults, and both inside and outside the institution (Raymond, 1999).

6. The Value of Time

As a social convention, time fulfils functions of orientation and integration in the life of individuals and regulates human coexistence (Elias, 1989). Time is one of the most important variables in juvenile justice procedures, particularly in the implementation of a liberty depriving measure. Young offenders' deprivation of freedom constitutes the most severe instrument of juvenile justice, associated with the most serious restrictions on their lives. Therefore, it should be applied as a last resource, for the shortest period of time, and it should be based on international standards.

From a sociological perspective, time must be understood in the social context where it is produced, and in interaction with other elements of social life (Elias, 1989). The value of time in juvenile justice can be discussed, at least, at three levels. The first concerns the formal procedures and is related to the length of the sentencing process and its effects on a young offender's life. The second level relies on the importance of the organisation of time and routines in custodial institutions, which is associated to the third dimension, expressed in individual terms, regarding the ways each person experiences, represents, and constructs the notion of time, with specific and personal rhythms and interactions.

The efficacy of judicial measures decreases with the time of a delayed sentencing which, in turn, could enhance reoffending (Tecedeiro, 2008). The meaning and value of time in a young person is not the same as in an adult's perception (Trépanier, 2008). Recent reports of the Commission for the Supervision of ECs (CESC, 2012) and of the Permanent Observatory on Portuguese Justice (Santos et al., 2010) identified difficulties regarding the balance between the respect for the rights and procedural guarantees and the need to intervene in a *useful period of time* in the lives of young offenders. In some cases, the lapse of time between the offense and the implementation of educational measures is too long and even counterproductive.

> Journalists say there are many youth crimes, so many that young people are losing their lives in crime...but I got stuck here because of older processes. I was already out of that life; I was working. When I committed the crimes, I was fourteen. Now, I'll be eighteen soon, almost four years later! *Boy, 17 years old, 12 months in the closed regime + eight months in the semi-open regime* (Carvalho & Serrão, 2012, p. 47)

As pointed out by Trépanier:

> if you want an intervention to have any chance of success, you need to put it into practice as soon as possible after the events, before the young person has time to rationalize these facts in order to extract value from it."[17] (2008, p. 134)

[17] A.'s translation from French.

This does not only concern a problem of delay in time; it could also indicate that the principles of opportunity and proportionality are not fully implemented and some decisions are made without the necessary updates in the evaluation of the young offender's need for education in the law.

Other aspects clearly identified as obstacles are the complexity in the investigation of some offenses, given the technical requirement of providing proof of the offense, and also the nature of the assessment tools and the scarcity of resources. In many situations, it is difficult to get social and educational responses to support the most adequate LTE measure, particularly when it comes to finding alternatives to the deprivation of liberty. This is not a legally imposed limitation; instead, it concerns the means and resources available for LTE-s full implementation (Santos et al., 2010; CSEC, 2012).

Time is a complex variable to manage within a rehabilitative process (Raymond, 1998); it is crucial to acknowledge the different levels of change that can be achieved in the short or medium term by young offenders. The notion of time is socially learned in the interaction with others according to a specific cultural and social framework. For many young people, time tends to exist only in the present moment and to be perceived in the immediate action. It is acknowledged that a thorough and continuous regulamentation of time is a main feature of the total institutions (Goffman, 1999), among which the ECs are included. One of the goals of a LTE measure in this type of institution is to break the cycle of *staying without doing anything*, which is typically associated with the experiences of most young offenders. Precise custodial routines in ECs are producers of time, of periods of repetition in the organisation of days and nights, and the time-space vector reveals the importance of the organisation, use and appropriation of the spaces of an EC by youth and staff on the basis of three overlapping institutional dimensions: educational, functional, and of safety.

> When I was outside, I had little time for myself because I always left my house to be with my friends. I felt that outside time went very slowly, but the truth is that I had no time for anything else…I did not have time to be with my family; I had no time for anything... *Boy, 18 years old, 18 months in custody in the semi--open regime + three years of a prison sentence* (suspended) (Carvalho, 2012b, p.6)

As Elias stressed (1989), by acknowledging the value of time, people deepen their knowledge of themselves. People can rethink their own lives and serve as social actors constructing their own history and also time. In this way, time is a learning process that is crucial in rehabilitation. Therefore, time regulation and predictability are key factors in ECs. Schedules of activities, formal rules, and systems of values are the main organisers of daily life and must be clearly presented. A similar orientation must be applied regarding the definition of institutional roles assigned to staff (Goffman, 1999).

However, in an institutional context of this nature, the intense and repetitive time regulation can end up being distorted into a *procedure of institutional defence* (Neves, 2007); rather than meeting rehabilitative purposes, it may serve mostly to increase the possibility of control based on the strict mechanisation of activities and schedules without considering youth's deeper need for engagement. This situation tends to reinforce the defence of the institution's integrity while attempting to prevent the occurrence of disturbances.

Within the context of deprivation of liberty, it is undeniable that safety is a major concern and cannot be dissociated from the rehabilitation and educational dimensions of juvenile justice systems. Nevertheless, if safety issues prevail over educational purposes, the consequences of this institutional choice in the perception of young offenders could lead them to question the utility of time passed in custody and compromise the rehabilitative goals (Neves, 2007).

The value of time is also reflected in the way youth look back at/review their past experiences, a fundamental step towards the construction of a path of responsible autonomy. This situation acquires special meaning when the custodial measure in course is not the first institutional measure experienced by the young offender. Many times, young offenders' prior placements in care institutions represent a greater challenge as it means that previous state and judicial interventions have failed and young people end up building a perception of the representation of such processes. Thinking about youth's personal and social well-being in a *child's rights perspective* implies that family or substitutes, community and State need to reinforce social networks to avoid the increase of cumulative negative factors over time to which these young people have already been subjected in former care institutions. Future aspirations and expectations are based on present and past experiences, so the absence of an effective social network as an alternative to detention or care could force the young person to enter into an adults' world earlier than expected. In some cases, this could mean an additional rehabilitation effort for the young offender, especially in times of socioeconomic crisis where employment, housing, and educational opportunities become scarce; but, to others, this may represent an opportunity to be more successful based on the goal of breaking the cycle of past experiences.

Perhaps the most complex challenge in rehabilitation emerges when a young offender's family is also involved in crime and delinquency, as this does not concern one new problem, but an intergenerational one, passed from one generation to the next, within a process of social reproduction that is similar to that of other social problems (i.e., poverty, social exclusion) (Carvalho, 2010b).

> My whole family is in jail, only my older sister is out! My father will leave in the summer, but he still has a new trial with my brothers. We don't even know when they will get out of prison; they have long sentences! My brother-in-law

> killed himself in prison. This time my mother is staying in prison longer because she killed a neighbour. She hit her badly and the woman died! *Boy, 18 years old, two years in the closed regime (entered in prison after one year and two months in custody for being convicted of crimes committed at the age of 16 and was sentenced to 21 years in prison)* (Carvalho, 2010a, p. 99)

The intergenerational transmission of crime and delinquency has been extensively described in scientific research. How to break the generational cycle and the strong interaction between convicted parents and their children's own conviction is a question that remains without an easy answer (Besemer, 2012). It is essential to promote early opportunities for children and youth to participate in social life to gain a sense of collective responsibility (Rizzini, Pereira, & Thapliyal, 2008) in order to prevent them from entering into criminal networks or to avoid that personal aspiration goes exclusively towards a life of crime (Carvalho, 2010a).

7. Looking Ahead

An important issue concerning young offenders' path towards personal and social well-being is their preparation prior to release from the EC and the following monitoring process (Bailleu & Fraene, 2009). Unlike other EU legal frameworks, in Portugal, until January 2015, the LTE did not establish any procedure or specific mechanism for monitoring young offenders in their return to the community.[18] Local and community entities should be involved in the reintegration process prior to the release of the young offender from the EC. However, the last evaluation reports of official entities of the Portuguese juvenile justice system show that there is not enough coordination among the different services (Santos et al., 2010; CESC, 2012). To a certain extent, this happens due to the lack of sufficient and adequate responses at a national level for youth under these ages.

> Well, I would not say that the [educational] centre is bad, because it is not. I wouldn't say it's good or open, because being locked up is not good for anyone! But here we learn… I've learned many things. I'm more mature. I've learned; I'm studying and trying to do everything better. When I go out, I want to have something for my future because life cannot be only stealing, right? A person also has to be practical. It's just what I say, being locked up is not a good solution, but ... it has to be! *Boy, 15 years old, 18 months in the closed regime* (Carvalho & Serrão, 2012, p. 48)

[18] Recently, Law Nr. 4/2015, of 15 January (1st change to the Juvenile Justice Law, approved in annex to Law Nr. 166/99, of 14 September) introduced the possibility of a period of intensive supervision of the young offender, which can not be less than three months or more than one year.

Rehabilitation is not a process that can be considered complete when a young offender is released from an EC; as a learning process, it continues over time, and the greatest challenges arise when the youngster returns to the community.

Despite the custodial rehabilitative goals, too often material independence is confused with autonomy. Youth gain autonomy through the process of individualisation where the construction of social identity is crucial and involves three levels: cognitive, emotiona, and functional (Reichert & Wagner, 2007). Having a job or being under training does not mean that a young person is autonomous or more responsible for his/her own life; he/she can have better material conditions, but this is different from being able to be responsible for guiding his/her own life towards social conformity. To develop responsible autonomy, it is necessary to have experienced positive social and personal relations with others (Raymond, 1999). Autonomy cannot be reached through a rigorous method that is the same for everyone (Barth, Greeson, Zlotnik, & Chintapalli, 2009), as it has different meanings based on various individual and social needs, including one's vision of the social world and the ability to integrate more information and be flexible to social change.

Research shows how, more frequently than desirable, young offenders tend to be released without adequate support to enter the adult world, sometimes even leaving with more problems than when they first entered the system (Vieira, Skilling, & Peterson-Badali, 2009).

> I've thought about what to do when I get out. When I leave the centre, I will ask the judge to put me in a [foster] institution, a house for boys. We can go to school there, we can go home on the weekends to spend the day with the family and then go back to the institution. I would like to become a chef. I've talked with my social worker here to see if she talks to the judge to see if later, when I get out, he will get me into a cooking course. *Boy, 15 years-old, three years in the closed regime* (Carvalho & Serrão, 2012, p. 49)

In Western societies, the prolonging of the time of youth is a fact. However, for many young offenders the transition to adulthood must happen sooner than for most of their peers with the same age but different backgrounds. This situation is aggravated in contexts marked by economic crisis and increasing rates of youth unemployment, poverty, and social exclusion, such as in Portugal. This means that aftercare programmes and other interventions must be designed and available to help young people reintegrate into the community.

8. Conclusion

The challenges and constraints young offenders' rehabilitation and education imposes on the intervention of the State and on the informal and formal social

control mechanisms in Portuguese society are far from being fully outlined in this paper. Delinquency occurs for a variety of reasons and circumstances, which, in most cases, can hardly ever be analysed in a singular or linear process, but in the context of accumulated acts over time (Thornberry & Krohn, 2003). Acknowledging delinquency as a plural and diverse phenomenon that has many expressions is the first challenge that the juvenile justice system faces: how can diversity be managed to give a more effective response to each individual?

Since 1999, the Portuguese juvenile justice system has made significant changes, and international standards have been integrated into the legal framework. The State can only intervene when indispensable, and rehabilitation is based on the young offenders' need to be educated in the fundamental values for living in society.

Punishment and retribution tend to be more common in juvenile justice at an international level, and the current legislative framework in Portugal is one of the few exceptions to this trend. In times of severe financial and economic crisis, social concern with young offenders tends to be less visible, and youth are often regarded as strictly responsible for their offenses while punitive sanctions gain more likely public and political adherents (Mackenzie, 2006; Moore, 2013).

The logic of budgetary cutbacks is key in the state's administration of public policies in many countries, and this could affect the implementation of the international standards of a child's rights perspective. Since the problems in this field tend to be borne by a relatively small number of families, children, and youth (Farrington & Welsh, 2007; Piquero, Farrington, & Blumstein, 2007; Thornberry & Krohn 2003), there is a need to reinforce rehabilitation based on a socioecological vision. Education is a decisive component, and its cost-benefit relation tends to be more positive in preventing delinquency than the application of strictly punitive measures (Farrington & Welsh, 2007; Killias, 2013). Several studies indicate that only a minority of children and youth who commit criminal offenses follow criminal trajectories (Farrington, 2013; Piquero, Farrington, & Blumstein, 2007), some with high rates of re-offending and high costs for the State and communities in addition to other personal costs. Regardless of the age of the offenders, it is essential to have interventions geared specifically towards serious and violent delinquency. As Farrington (2013) advocates, it is "never too soon, never too late" to start promoting the prevention of reoffending.

Juvenile justice needs to undergo a paradigm shift towards modes of intervention sustained by both specialised programmes and the scientific evaluation of juvenile institutions. Interventions concerning delinquency, both at the level of prevention and correction, must attend to gender issues. The results of the SNAP® (Stop Now And Plan) Outreach Project concerning children under the age of 12, with more than 27 years of evaluation, are clear in arguing why certain gender programmes and interventions are more effective than others (Augimeri, Farrington, Koegl, & Day, 2006).

An effective system requires the promotion of youth's social responsibility through which personal and social well-being can be achieved. Responsibility and autonomy are not static concepts; these notions are (re)constructed by youth in the social contexts in which they live. As such, there is a need to engage more systematically with youth, providing them with real opportunities for developing their potential, as well as for constructing and planning their future, supported by the existing community structures and involving different stakeholders. Institutional work requires community engagement in supporting youth focused on a positive and holistic approach towards offenders, recognising their needs and strengths.

Before offering new educational, training, or employment opportunities to young offenders, it is essential to work, convince, and motivate them to the need to change, an indispensable condition in their rehabilitation and personal and social well-being. Without their willingness to change, it is difficult to achieve an effective outcome, as they are not prepared to take advantage of the possibilities that are being offered to them (Augimeri, Farrington, Koegl, & Day, 2006; Farrington, 2013; Mackenzie, 2006; Piquero, 2013).

Nevertheless, it is also crucial to note that programmes do not work equally for everyone and should be based on scientific evidence with identified cost and benefits in order to avoid the proliferation of an *industry* of treatment of young offenders such as the one that has been proliferating in certain countries (Killias, 2013). This *industrial* treatment is unnecessary and it depends on the will and determination of policy-makers to take into greater consideration what research evidence has clearly pointed out in terms of the advantage, regarding custodial costs-benefits, of investing in educational prevention rather than institutional correction.

We conclude this paper by reaffirming the importance of the discussion of these issues to societies' well-being, making ours the words of Nóvoa (2010, p. 111): "nothing better defines a society than the way we take care of these children and youth that we label as 'problematic', 'different', 'at risk', and so on. (...) The educational relation is often difficult, but we must all undertake responsibility. (...) Our path is not the institutionalisation of violence, but the construction of dialogue, of respect, of the word. And nothing helps more than lucid informed knowledge and a critical understanding of the past and present realities".[19]

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C.2. Data Availability About Adolescents and Young People At Risk: Educational Pathways and Risk of Social Exclusion

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Abstract: In the scientific literature, there is a lot of micro-level research relating juvenile delinquency to serious affective and behavioural problems and/or to child abuse and neglect during childhood. Many children with that kind of adverse childhood have been in care, in the child protection system of his/her country. In the European countries, the statistical availability of data on children and adolescents in care is traditionally very poor and cross-country comparability is usually impossible, because the inadequacy of the data available for that purpose poses a serious limitation.

One of the most relevant aspects of the lives of children in care for their future is their educational pathways and achievements. The lack of information on these topics brought about a partnership of research teams in five countries that proposed to the European Union an innovative analysis of the situation of young people in care and leaving care in Europe, based on comparing their pathways to higher education to those of the majority of youngsters in each country.

The new data produced (both statistics and qualitative data) revealed that children in care and young people leaving care are one of the social groups with higher risk of social exclusion in Europe, and they had never been identified as such a group by the European Union before. Social exclusion is one of the major risk factors for juvenile delinquency.

In a highly competitive market, the fact of not having higher education gives access only to non-qualified jobs, which have the lowest salaries – and they easily become unemployed, particularly in crisis periods. Children and adolescents in care are usually oriented to non-qualified professional training, because they are expected to earn enough money as soon as they are 16 or 18 years old. That does not happen with young people of the same age in the general population. Most of these youth are not offered any support to continue studying and, additionally, abused and neglected children frequently loose a school year during the period they are taken away from their birth family to be placed in care and have low expectations about their future. Of

course, not having a qualified job does not mean these young people are going to become offenders; however, it means one added risk factor to the many others they have already accumulated along their childhood.
By supporting and improving the educational pathways of children at risk we will diminish many negative consequences in their lives, including the risk of getting involved with the criminal justice, and we will increase their future expectations. Last but not least, in order to evaluate whether any social policy has an *improving effect* on the consequences of being at risk, we need systematic data at macro-level from all European countries about the educational pathways of all children in care and of young people leaving care in order to assess improvements achieved.

Keywords: Adolescents, young people, at risk, risk of social exclusion, data availability, educational pathways, child abuse and neglect, social exclusion, delinquency.

1. Children At Risk and Risk of Social Exclusion: Preliminary Considerations and Empirical Research

In some countries, certain social problems do not exist due to there being no data available on them. The statistical invisibility of such social realities makes it impossible to see them as a social problem, understand them, analyse their evolution and related dynamics, and openly discuss them. More serious still, it makes it impossible to rigorously evaluate the results and the impact of any social or political intervention aimed at improving these realities.

Social representations of social problems are related to existing information – scientific or not – regarding the represented reality in each concrete society and the possibility of openly communicating and discussing such information (Moscovici, 1981; Casas, 1996, 2006).

In European countries, the statistical availability of data on children and adolescents in care is traditionally very poor and cross-country comparability is usually impossible due to the inadequacy of the data available for this purpose. In this paper we are going to focus in only one rather invisible aspect of the lives of children in care and of young people leaving care: their educational pathways.

In such context, what seems evident to many practitioners and psychological researchers on a micro-level (i.e., a potential relationship between child abuse and neglect and future socially undesired behaviours) frequently cannot be tested at a macro-level due to this lack of appropriate data.

In the scientific literature, a lot of micro-level research exists relating juvenile delinquency to previous child abuse and neglect and/or serious affective and behavioural problems during childhood. As early as in 1950, Glueck and Glueck (1950, 1962) already reviewed this topic. The topic was also related to the

institutionalisation of abused and neglected children by international organisations, such as the Council of Europe (1973, 1979). The fact is that many children with an adverse childhood are frequently in care, under their country's child protection system.

At present, a majority opinion suggests that the relationship between child abuse and neglect and juvenile delinquency cannot be considered a direct effect: we know that some children who have been abused and neglected become juvenile offenders, but only some. We also know that some juvenile offenders have been abused or neglected when they were children, but not all. Since the meaning of *some* (i.e., the percentage in a concrete society) often cannot be empirically clarified, perhaps the most important question might be worded in some other way: Why do some abused and/or neglected children become juvenile offenders? Why do some others not? We may try to answer these questions by searching for predictors, but we can also retrospectively analyse pathways from abusive or neglected situations to the present day.

Retrospective studies that analyse the past of people who have suffered abuse come to conclude that in these cases there have been very high rates of intergenerational transmission of abuse. Blades et al. (2011) pointed out that children in the care system and care leavers have long been over-represented in prisons in England: 27% of the adult prison population had once been in the child protection system; concerning adolescents aged 15-18 years old in juvenile justice centres, between a quarter and a half have been in care before. This method does not take into account the majority, however; that is, those with no problems.

Cross-sectional studies have pointed out at a diversity of behavioural problems – both short and long term – among children that have been abused or neglected –, delinquency just being one among many possible non-adaptative behaviours (Duarte, 1995).

Longitudinal or prospective studies conclude that only a small proportion of children at risk become delinquents or abusers themselves. This fraction is however higher than that identified in studies conducted on the general population. Acording to Landsford et al. (2007), although some studies have linked early maltreatment to delinquency, this connection is less clear because much of them use retrospective reports of childhood maltreatment. Using a prospective longitudinal design, these authors found out in USA that the abused and non-abused young adults did not significantly differ on the more subjective measures such as self-reported violent or nonviolent delinquency.

It has been found that the intergenerational transmission rate can range anywhere from **18% to 90%**, depending on the procedure applied (Kaufman & Zigler, 1987, cited by Vanistendael & Lecompte, 2002). The concept of intergenerational transmission of abuse must be taken into account if we are to develop strategies to minimize it: "This study demonstrates both the greater risk

of becoming an abuser after being abused, but also the fact that, in most cases, this risk does not become a reality (Vanistendael & Lecompte, 2002)."

Shofield et al. (2011) pointed out that some risk factors for young offenders coincide in most cases with factors experienced by children in the care system, depending basically on the accumulation and interaction among said risk factors. For example, according to these authors, child abuse is associated with anxiety and problems with attention, and these aspects usually affect behaviour at school, and may contribute to offending.

Studies regarding residential care showed that the care environment may present a set of risks for adolescents that reinforce offending behaviour such as the risks associated with being out of education (NACRO, 2012). On the other hand, one of the findings presented by The Adolescent and Children's Trust (TACT, 2012) was that 74% of respondents felt that children in care are at a higher risk of unnecessary criminalisation. They state that one of the measures to support looked after children and prevent this criminalisation is to promote education ensuring children in care continued engagement with education, which is seen as a strong protective factor against involvement in offending (TACT, 2012).

In social psychology, we know that the most relevant variable in understanding personal and social processes is often context. The contexts of children's lives are often very complex to assess. It is not possible (and is it even ethical?) to collect detailed data from abused and neglected children *just in case* they become juvenile offenders. What we can alternatively do is try to understand the personal and contextual variables involved in the life-pathways followed by abused and neglected children and try to identify which of them involve higher probabilities of undesired behaviours. For this purpose, we require both prospective and retrospective studies involving all stakeholders' points of view – that is to say, we also need the perspective of young people who were abused or neglected regarding their own life-pathways.

Two of the most relevant aspects of the lives of children in care with regard to their future are their educational pathways and achievements. In 2008, the lack of regular statistical information at European level led to the forming of a partnership of research teams across five countries. This partnership then submitted a proposal to the EU for an innovative analysis of the situation of young people in and leaving care in Europe based on comparing their pathways into higher education with those of the majority of young people in each country (the YIPPEE project: http://tcru.ioe.ac.uk/yippee).

The new data this produced (both statistical and qualitative) revealed that children in care and young people leaving care are one of the social groups at higher risk of social exclusion in Europe. They had never been identified as such a group by the EU before.

In a highly competitive labour market, not having completed higher education gives access only to non-qualified jobs, which have the lowest salaries – therefore,

anyone in this situation easily becomes unemployed, particularly in periods of crisis. Children and adolescents in care are usually guided towards non-qualified professional training because they are expected to earn enough money to be able to live by themselves by the time they are 16 or 18 years old (pay for an apartment, clothes, food, etc.). Hard unqualified work usually delays or terminates educational activity. Most of these young people are not offered any support to continue studying. What is worse, abused and neglected children have frequently missed at least one school year during the period they were taken away from their birth family to be placed in care and as a consequence they are delayed and in a situation of unequal opportunities within the education system (Jackson & Cameron, 2010).

With no concrete future prospects regarding education, labour market instability, and an uncertain future, the risk of social exclusion dramatically increases, including the possibility of involvement in undesired behaviours.

What kind of data do we have or should be systematically produced to determine the situations and processes that lead to a high risk of social exclusion in Europe among children and adolescents in and leaving care? Which data would allow us to evaluate actions or programmes aimed at preventing young people leaving care ending up in situations of social exclusion?

A prior question to this is, who are the children that are cared for in the child protection system in different countries? Do they share the same characteristics?

The surprising first answer is that there is no existing common definition, even among European countries. Who a child in care is depends on legal, technical, and political considerations.

There is some agreement that they usually come from *families suffering from severe deprivation* and are separated from their biological families only in extreme circumstances. Most children in child protection systems have suffered serious abuse or neglect (Jackson, 2010a, 2010b).

However, what does *extreme circumstances* mean in different countries, with different welfare systems?

Surprisingly, there is some statistical evidence to show that in the so-called *wealthier* countries, there are MORE children in the child protection system than in the poorer countries. Of course, this does not mean that in poor countries there are fewer children needing care and protection (Table C.2.1). The number of children in care and in the child protection systems does NOT depend on the number of children with family or personal problems, but rather on the social and political sensitivity of a country towards its children … and of the public budget allocated to care for children!

Table C.2.1. Distribution of Children According to Type of Placement

2008	% Residential care	% Family Foster Care	% Other resources	**Total in care** 0-17	**% on overall children 0-17 y.o.**
Denmark	41	47	12	12,346	**1.3**
Hungary	50	50	–	17,220	**.8**
Spain	48	52		43,294	**.6**
Sweden (0-20)	25	75	–	1,800	**1.00**
United Kingdom (England)	14	71	16	59,500	**.5**

2. Data Availability and Comparability Regarding Children At Risk and Educational Pathways

In those European countries with available research data it has been demonstrated that those young people who have been in the child protection system are overrepresented in all social indicators of social disadvantage, such as poverty, homelessness, unemployment, delinquency, and adolescent pregnancy (Petrie & Simon, 2006).

These young people lacking the same opportunities to follow mainstream educational pathways are associated with a greater risk of social exclusion because with fewer skills training the likelihood of obtaining a well-paid and stable job is low.

At present, a wide array of documents adopted by the European Union and other international organisations point to the importance of supporting young people's high-level educational training in order to achieve a more competitive market and a better society.

Among the goals adopted by the European Union in some of its documents, we may highlight the following:

- Broadening higher education access. Improving social and human capital (Bologna process).
- Fighting the social exclusion of young people through qualified training and preventing school drop-out (Council of the EU, 2006).
- Reducing drop-out rates to below 10% (Europa, 2020).
- Promoting social inclusion through education (A European Youth Pact for young people).
- Identifying groups at risk of early school drop-out (Lisbon strategy).
- At least 20 million fewer people in or at risk of poverty and social exclusion (Europa, 2020).

In addition, some of the OECD documents include the following goals:

- Creating jobs, providing equal opportunities, and restoring the trust of our citizens (Better policies for better lives).
- Education is a key strategic priority: a human capital stock. To know how the acquisition of skills affects individuals and society (OECD Skills Strategy. Better policies for better lives: Education).
- Help the insertion of youth into the labour market. New tools and approaches in education, research, and training (Jobs for Youth. Better policies for better lives: Employment and Skills, 2012).
- Child abuse and neglect should receive more attention (Doing Better for Families, 2011. Doing Better for Children, 2009).

Last but not least, the United Nations Convention on the Rights of the Child includes the following statements:

- Each child has the right to an education, and this right should be developed on the basis of equal opportunity (art. 28).
- The UNCRC also commits signatories to providing an education system to develop the child's personality, talents, and mental and physical abilities to their fullest potential (art. 29a).
- Ensuring the highest possible levels of educational achievement for all children addresses this commitment.

If such goals are to be fulfilled, it is clear that we need data to identify where we now stand and evaluate the results achieved after a certain period of developing policies to reach said goals.

However, at present no European country (excepting the United Kingdom) produces regular statistics regarding the educational pathways and educational achievements of children in care or young people leaving care.

It is usually argued that children are in the child protection system because they are children at risk. In fact, some of them continue to be at risk while staying in care and after leaving care (O'Sullivan & Westerman, 2007). In particular, those not finishing compulsory or post-compulsory education will have unequal opportunities to find qualified jobs and should be targeted by specific programmes in order to prevent them becoming at risk of social exclusion. According to Blades et al. (2011), "children need to have hope for the future to give them a reason not to offend. For some, this will come through education, training or employment."

2.1. The United Kingdom experience.

Research in the UK prior to 2000 showed a huge gap between parental support and expectations and that of practitioners dealing with children in residential care with regard to any issue related to school and learning.

Middle-class British parents felt committed and were prepared to fight against any difficulty detected in the educational pathway of their child – a huge range of supportive actions was mobilised. A completely different attitude – contrasting greatly with the above – was observed among adults responsible for the schooling and learning of children in the public child protection system (Jackson, 1987).

The UK was the first country to publish research on diverse achievements among young people leaving care, depending on whether they continued studying or not. Moderate educational success made a big difference to outcomes some years after leaving care. Particularly, among those with education qualification, none reported any problem with the criminal justice, while among those without education qualification, 18.2% had some affair with criminal justice (Jackson & Martin, 1998; Martin & Jackson, 2002) (Table C.2.2).

Table C.2.2. Situation of Young People with a Care Background According to their Education

YP with care background	Education qualification	No Education qualification
Looking for a job	2.6%	72.7%
Single mother	3.8%	41.7%
Criminal justice	0%	18.2%
Living independently	73.7%	13.6%
Sharing house	23.7%	63.6%
Homeless	2.6%	22.7%

In the year 2000, a cross-ministerial Commission of the ministries responsible for education and child care was created after identifying the low achievements of children in the child care system in secondary education. In the UK every school was obliged by law to appoint a *designated teacher* with special responsibility to promote educational progress and advocate for pupils in out-of-home care. A training plan for these teachers was also established (O'Sullivan & Westerman, 2007).

The new 2004 Children Act introduced the obligation to "promote the educational achievement of boys and girls in the protection system." Central Government also commissioned the coordination of statistics to be collected by local authorities in order to keep track of the results of actions implemented to improve the situation (Simon & Owen, 2006).

The systematic collection of data included:

- Data on academic achievement, school attendance, and early school leavers for those children of compulsory school age after at least one year in the social protection system.
- Data on the academic achievement of those young people aged 16 or over who left the protection system during the school year.
- A report on young people who had been in the protection system and were now 19, specifying whether they were still in education, working, and/or some other form of training.

The United Kingdom was the first country to show with systematic and reliable data that children in care and young people leaving care are the group with the highest inequality of educational opportunities, doomed to labour market integration problems, and at high risk of social exclusion (Casas & Montserrat, 2009) (Table C.2.3).

Table C.2.3. United Kingdom Academic Data

Level	Age	Overall population	Population in care
KS1	7	86%	58%
KS2	11	80%	44%
KS3	14	73%	27%
GCSE 5 A*-C	16	58%	14%
Post compulsory	16-19	68%	19%
Higher Education	19+	43%	6-9%

3. Results from European Research in 5 Countries

The aims of the YIPPEE research project were (Jackson & Cameron, 2010):

i) To study the educational pathways of young people leaving care after compulsory schooling.
ii) To analyse how to have more young people leaving care studying in post-compulsory and further education.

Data collection was performed in Denmark, Hungary, Sweden, Spain, and the United Kingdom and took place from 2008 to 2010. Detailed information can be found at http://tcru.ioe.ac.uk/yippee.

Denmark (Table C.2.4) conducted a secondary analysis of official statistics comparing the educational attainment of 17-year-olds in the protection system and those that were not, and the differences were clear to see.

Table C.2.4. Denmark Academic Data

Highest level of education achieved	17 year-olds (in care) (N=1,800)	17 year-olds (general pop) (N= 64,286)
Compulsory education not finished	**20.8%**	**3.8%**
Compulsory education finished	**79.1%**	**96.2%**
Vocational training	**0.1%**	**–**

They also wanted to determine whether this delay in schooling is recovered over time and therefore analysed the results of young people in Denmark aged between 27 and 30 according to whether they had been in the protection system or not. As Table C.2.5 shows, differences still persist at this age (Jackson & Cameron, 2010).

Table C.2.5. Academic Achievements of Young People Aged 27-30 in Denmark

Highest level of education achieved by the age 27-30	Young people leaving care (N= 3,419)	Young people general pop. (N= 257,904)
Compulsory education not finished	**11.9%**	**1.3%**
Compulsory education finished	**50.0%**	**17.8%**
Vocational training	**26.7%**	**37.6%**
Upper secondary	**4.1%**	**8.5%**
Higher education	**7.3%**	**34.8%**
Total	**100%**	**100%**

Sweden also conducted a secondary analysis of official statistics between 2008 and 2010 and the results obtained were no more encouraging than those of other countries (Jackson & Cameron, 2010):

- 14% of the in-care population suffer from school drop-out (unfinished compulsory education) compared to 3% of the general population.
- Marks are noticeably lower among the in-care population as a whole in compulsory education.
- The in-care population is predominantly guided towards vocational training programmes.
- One in 5 young people in care begins post-compulsory secondary education receiving special support.

- 60% of young people in care (cf., 18% of the general population) do not finish the three years of post-compulsory education. And when they do the marks are lower.
- Only 13% of young people in care enter higher education compared to 41% of the general population.

In Spain, this secondary analysis could not be performed due to the lack of official statistics in this area. However, thanks to the YIPPEE project, in 2008-2009 data collection began in Catalonia on adolescents in the protection system. This data collection, which lasted for five consecutive years, represented a step forward in terms of collaboration between the Departments of Education and Welfare, historically distanced from one another (Casas, Montserrat, & Malo, 2010). By way of example, we present data obtained in 2009-2010 (Table C.2.6), which are compared with the general population (Table C.2.7), significant differences being observed both within the protection system (with results of particular concern for those who are in residential care) and in comparison with the general population (Monserrat, Casas, Malo, & Bertrán, 2011).

Table C.2.6. Catalonia (Spain). Academic Level of Adolescents in Care (15-16 year-olds) in 2009--2010

	Residential care		Non-kinship foster care		Kinship foster care		Total	
Year 10	37	23.4%	12	40.0%	35	45.5%	84	31.7%
Year 9	67	42.4%	15	50.0%	28	36.4%	110	41.5%
Year 8	33	20.9%	2	6.7%	6	7.7%	41	15.4%
Year 7	2	1.3%	0	–	0	–	2	0.8%
Spec. Ed. Sch.	19	12.0%	1	3.3%	8	10.4%	28	10.6%
Total	158	100%	30	100%	77	100%	265	100%

Table C.2.7. School Data for Adolescents in Care Compared with the School Population in Catalonia (2009-2010)

	General population	**Population in care**
At expected level according to age	**69.4%**	**31.7%**
Repeat years in secondary education	**9.1%**	**64.5%**
Graduates at the age of 16	**60%**	**20.6%**
Special education at the age of 15	**1.1%**	**10.6%**

The same data collection provided information which indicated that:

- 30.9% of the sample abandon compulsory education without graduating at the age of 15 .
- 12.9% of the sample presented absenteeism during the 2009-10 academic year.
- 29.4% have serious behavioural problems which lead to disciplinary measures.
- Half are guided towards apprenticeship courses (non-formal education), while the percentage for the general population is only 4.4%.

One interesting result worth noting is that the more years they spend at the same school, the fewer behavioural and attendance problems observed. Generally speaking, the results are very disturbing for adolescents in residential care. That said, although those in foster care – both non-kinship and kinship – obtain better results, it is clear that these children also need additional support at school (Montserrat, Casas, & Malo, 2012).

Some important aspects are worth highlighting with regard to this study that has been conducted in Catalonia since 2008. It constitutes a first step both in terms of collaboration between these two Departments – initially with the YIPPEE project, but continuing once it had ended – and evidence of results that give visibility to a problem that is very much hidden in this country. However, there is still a long way to go on both a political and practical level, as well as in the field of research.

4. Leaving Care: Qualitative Factors Increasing and Preventing Risk of Social Exclusion

Most of the YIPPEE project was developed using the same qualitative methodology in each of the five partner countries. Thus, in-depth interviews were conducted with young people who had been through the protection system and semi-structured interviews were held with managers in the social and protection services (as key informants) and with people designated by the young people due to their role as a key adult in his/her life path (most of them social educators or workers) (Jackson & Cameron, 2010).

In each country, interviews were conducted with 35 young people who met the following requirements:

- having been in care for at least one year;
- having been in care at age 16 and showing the ability to follow post-compulsory education;
- now aged 19-22.

Each young person was interviewed twice, the first time in 2008 and then again in 2009. The interviews were recorded, transcribed, and categorized using the N*VIVO software package.

This research identified the following factors that facilitate young people continuing with their studies while in the protection system:

- stability of foster care (that is, no changes of placement);
- stability in reference adult;
- staying at the same school;
- priority given to schooling during placement;
- high involvement of guardian in schooling issues;
- high expectations of the guardian in schooling issues;
- transmission of the value of education by the guardian and teacher: Education can be the key to leaving their difficult social situation behind;
- their inclusion in a group of friends outside the protection system and integrated in the education system; this acts as their reference group and also the group they belong to, providing a positive social identity and neutralising social labelling to some extent;
- the involvement of the school;
- participation in regular free-time activities;
- maintaining relationships with siblings;
- the importance of feeling listened to;
- being fostered by a family or in a residence with only a few places facilitates inclusion in the school system, although not a sufficient condition of itself.

The following quotations come from the young people who participated in the project and illustrate some of the facilitating factors that were identified (translated from Casas et al., 2011):

> ... here they recommend you do a basic training course .... They want you to have a trade, to be alright, a professional career ... but they won't tell you like parents tell their children ... you have to be an engineer, a doctor or have a degree .... They tell you the quickest way to get a job (boy, 21).
>
> My willpower and also seeing that without studies you don't get the job you want (girl, 20).
>
> I don't want to be miserable like my parents and the only way I have to get ahead is to study (girl, 19).

Another important factor noted by various social agents as a facilitator, in addition to those already described, was, once they have reached 18 and left the protection system, the existence of support services: housing, scholarships, personalised support for those who require it, lowering the fear and insecurity

produced by reaching adulthood without family support. This means for them, among other things, not having to continually focus only on the here and now.

We also observed more specific views provided by each group of the social agents interviewed. Thus, young people were very concerned to show that although they had been in care they were able to study and succeed like others, fighting against the label that accompanies them. For their part, social service professionals denounced a lack of overall planning in child policy that includes resources, training, evaluation, and research. Social educators showed great concern about the economic situation of young people and the uncertain future that awaits them. Finally, school teachers highlighted the lack of programmes available to them and the constraints they experience working with this population (Casas & Montserrat, 2012).

Some outstanding considerations by interviewed youngsters are summarised in the following quotations (translated from Casas et al., 2011):

> ... I never said I lived with my grandparents, I was a normal person .... No one noticed. Until ... my sister's teacher found out and asked me if it was true that we lived with my grandparents and I said yes. And ... well, he said he never would have imagined we lived with my grandparents. Because we weren't conflictive people, ... we didn't have any problems… we didn't show it. It was as if we lived with our parents, ... we had a normal life (Maria, 20).
>
> I am the victim of this and I have to move forward, but you have to stop making me the victim (Álvaro, 20).
>
> Because I want to study, and ... I want to be somebody, overcome my limitations, I want to work, to make money, … not make money just for the sake of it ... but to work hard and climb the ladder .... But I'm very scared, because I get stressed out a lot and ... sometimes ... I don't know ... I don't think I'm going to be able to handle it (Zoe, 19).

The YIPPEE project outlined some areas for improvement, focusing primarily on (Jackson & Cameron, 2010):

- Prioritising their schooling.
- Identifying them as a group with specific educational needs.
- Avoiding changes of centres and schools, working towards stability.
- Close collaboration between government departments and their respective services.
- Improved expectations for this group.
- Innovation in the light of current challenges facing the child protection population.

Based on these areas for improvement, some proposed priority actions are as follows (Jackson & Cameron, 2010):

- Assign people responsible for monitoring the schooling of all children in the protection system.
- Establish the obligation to generate anonymous statistics at the end of each school year regarding the educational results of all children in care.
- Issue appropriate internal circulars and regulations providing precise information and instructions for better systematic data collection on the schooling process and its achievements.
- Intensified actions to analyse and deepen understanding of obstacles and opportunities in the educational pathways of these children.
- Promote a wide range of social support and educational mechanisms they can be provided with.
- Implement an agreement for the administrative bodies responsible for both education and the child social protection system to jointly assess the results of these actions.

5. Discussion

Paradoxically, although many publications have contributed for many years with micro-level data to the debate about the relationship between children at risk and offending behaviours, a nuclear fact is that the personal evolution of children at risk – and particularly of these in the child protection systems – has seldom been studied at macrosocial level due to the lack of cross-country comparable systematic statistics. Many of the children in the child protection system have been abused or neglected. Many have lost a school year while a care resource was decided for them, but that is an invisible problem, due to the lack of public available information about their education. For that reason we have focused the present paper on the educational itineraries of children at risk. Our point is that after being abused or neglected many children face inequality of opportunities in education in comparison with the overall population, because the child protection systems are unable to compensate for their personal gaps.

This paper has not aimed to identify how often children who have been abused or neglected and enter the child protection system end as juvenile offenders. Instead, we have tried to point out a set of negative consequences of being in the child protection system – one of them being the risk of becoming a young offender, although it is not one of the most frequent consequences and perhaps not even the most serious one in many cases. These negative consequences cannot be isolated from each other, because they cannot be properly predicted as separated factors – a big range of factors interact in a fuzzy, complex way.

The consequences of inequality of educational opportunities can be very serious at short, medium, or long term for the lives of young people. We have

emphasised the relationship between being in care, being delayed or even excluded from education, and being unable to get a qualified job in a competitive market – all of these factors increasing the risk of social exclusion or even delinquent behaviours.

We have used the findings from the YIPPEE European research project, in order to contribute with recent specific qualitative and quantitative data from five European countries to the necessary international debate. A first consideration from this project is that the inequality in educational opportunities suffered by children in-care must be drawn out from its statistical and social invisibility. To do this, there is first and foremost a need for comparable information and indicators from all European countries which also allow for the monitoring of improvements achieved by any action plans that are implemented. We must then use the knowledge of professionals and young people themselves to reduce barriers and maximize opportunities to provide them with educational pathways that improve their access to the labour market.

The question that the YIPPEE project aimed to answer was: how can the protection system compensate for the deficits these young people suffer from and offer them educational opportunities? The answer was: first establish education as a priority, including when they are 18-21 year-olds.

Results from this European project show that children in-care and young people leaving care are a population with more potential for resilience and achievement than generally thought, when they receive appropriate support. They may also set very ambitious goals, but when they do achieve them it is very late in comparison with the general population (such as reaching post-compulsory and higher education). It is a population with educational pathways which are at a *social moratoria* (in a *social limbo*) (Verhellen, 1994) due to multiple traumatic events and experiences at different occasions in their lives. Therefore, they need generalised support to compensate for this delay. It should be possible for their workplace integration processes to be delayed, and for them to receive the support necessary to extend their period of studies in a similar way as to the general population of the same age.

In addition, we must also adapt expectations of this population, which are generally low and stereotypical. A strong political will is required for change in order to urgently link the social protection system with the education system and ensure the implementation of compensatory actions that enable greater equality of educational opportunities.

According to the results from the research by Jackson & Martin (1998), some years after leaving care 18,2% of the young people that had not reached an education qualification had had some involvement with the criminal justice, while among those who had managed to reach an educational threshold, none had any problem with the criminal justice. Independently of how *representative* this sample can be

of the UK's overall population in child protection systems as regards Europe, it seems a reasonable conclusion that by supporting and improving the educational pathways of children at risk we will diminish many negative consequences in their lives, including the risk of getting involved with the criminal justice. Last but not least, in order to evaluate whether any social policy has an *improving effect* on the consequences of being at risk, we need systematic data at macro-level from all European countries about the educational pathways of all children in care and of young people leaving care.

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C.3. Prevention of Youth Offense: A Safe Investment with a Future

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Just as those cars that run towards the abyss,
The march of these lives (pre-offenders) is always predictable.
Nobody becomes an offender by the work of chance.
(Pedro Strecht, 2003)

Abstract: This text analyses some of the reasons that take young people with inadequate socialising processes to adopt socially unsuitable behaviours. We present six projects of intervention that took place on European territory, focusing on the reintegration of youth offenders or prevention of youth re-offending.
Such projects used methodologies of intervention, most of them unknown, with the purpose of providing personal and social competences to its participants, in order to promote social inclusion and the full exercise of citizenship.
Special attention is given both to the articulation and complementarity of resources and mutual supports between public services and civil society, the local community, as well as to the use of new resources and methodologies of intervention, including technical and trans-disciplinary work.

Keywords: Socialising process, socially problematic young people, fear and anguish in violent behaviours, social risk behaviours, training of social and personal competences, activities of risk, social integration.

1. Introduction

The present text starts by explaining a number of concepts that are discussed throughout the presentation of six projects of intervention in the context of youth offense prevention.

The clarification of the concept of socialisation is primary to the understanding of the complexity and timing of the intervention process. The Disturbances caused to youth's development and their natural resistance to change are well recognised by care and prevention institutions.

The approach to youth with social inadequate behaviours and to its causes, as well as to the consequences to individual's mental health, their potential predisposition to risk and to self-harm and self-destruction, justifies the choice for naturalistic and self-biographic methodologies. In tthis connection, action-based research enables a better understanding of contexts and a better identification of problems, taken from a holistic perspective.

Also, motivating to undertake physical activities coupled and identifying risks through the practice of risk-controlled physical activities, have prompted a more suitable social and re-educational intervention. In terms of social integration, results may be strengthened with the use of evaluation tools both at the level of monitoring behavioural patterns and of ensuring a collection of information that can explain the outcomes.

As to the six projects presented here, these were oriented toward young offenders, or individuals exhibiting serious social behavioural problems, aged 14-24.

While the first five projects have already been concluded, the last one is at the stage of materialisation and development; initiated in 2012 it is expected to be completed by 2015.

Among the five completed projects, the first two were focused on the intervention with young prisoners in detention institutions, aged between 18 and 24. The aim was to facilitate their social and labour reintegration after serving the respective sentences.

The three remaining projects were designed to benefit younger offenders, most of them without any prior detention in prisons, some of whom subject to intervention measures by the justice system. The intervention was focused on the acquisition of personal and social competences with the primal purposes of (i) preventing re-offending behaviours, and (ii) facilitating the integration of these young offenders in processes of professional, social, and work training.

The last project to be presented in this text is, as referred above, at the stage of implementation, has a European dimension and was recognised as innovative by the Programme Leonardo da Vinci – Portuguese National Agency.

This latter project has been included in the cluster "Transfer of Innovation" following the positive impact of experiences developed in Portugal. The objective is to acquire a European dimension, benefitting both national participants and European partners, and ensure the adaptation of the model to differentiated contexts.

In the analysis of the six presented projects we can identify three common aspects:

- Interventions can have a positive preventive effect on re-offending insofar as they succeed in empowering participants with personal and social competences serving their social, family, and professional reintegration.
- Close, and in most cases articulated and complementary, relations between the relevant official judicial, educational, and social services, as well as between these and NGOs and local companies.

– Participation in project planning from the very outset enabled a stronger motivation and operated as an excellent training experience for staff/ technicians involved.

The major difficulty in analysising the five completed projects relates to their limited dissemination. Indeed, they were confined to the contexts of the promoting institutions and were not subject either to an external evaluation or to a systematic dissemination process.

This article, therefore, makes them public. This is possible due to the proximity of the author to some projects, a circumstance that enabled a first-hand gathering of information among its promoters.

It should also be underlined that the methodologies adopted and the resources employed can be decisive factors for the success of an intervention , particularly where its addressees' are normally reluctant to accept help and are going through a late process of internalisation of social rules and behaviours.

Preventive intervention is necessary both socially and economically considering, among others, the early ageing of the European population and in particular the Portuguese. Without concrete and urgent preventive measures, the problem will rapidly tend to aggravate, through a natural process of multiplication, as referred by Kirk & Gallagher (1987) who have analysed the intergenerational propagation of antisocial behaviour. Thus, the importance of pilot projects to reflect on the situation and possible solutions, and of measures which, when timely adopted, can avoid a lot of suffering and a waste of scarce resources.

2. Conceptual Framework

2.1. Socialising process.

According to Rocher (1979) socialisation is "the process by which in the course of life the human being learns and internalises the socio-cultural components of his environment, integrates them in the structure of his personality under the influence of experiences of meaningful social agents and adapts himself to the social environment in which he is supposed to live" (p. 12).

The same author also argues that it is through the "repetition, imitation, administration of rewards and punishments, of trials and errors" (1979, p.25), "that the acquisition of reflexes, habits, attitudes, etc., are inscribed in the body and psyche of the person leading his conduct" (1979, p. 24).

Hence, the importance of a figure of reference for the child's development. That is to say, the presence of a meaningful model, predisposed and prepared to be imitated, who applies rewards and punishments, who provides safety to embark in processes of acquisition of competences through the repetition of trials and errors.

It becomes evident that the earlier the beginning of the socialisation process the less difficulties in adaptation the individual will feel.

Drawing on Freud, Mead and Piaget, Rocher adds that "consequent to the internalisation of the models, the constraint that these impose is no longer felt by the subjects who integrate it" (1979, p.98).

It is therefore understandable the disorientation and restlessness in children, future youth, that is usually observed in the absence of defined limits and of cultural and social referents.

2.2. Socially problematic youth.

According to Salgueiro (1990), several of the disquieting situations of youth result from the low quality of social interrelation with adults, with consequences in the child's set of emotional needs.

Strecht (2003) adds that "all offending adolescents have suffered traumatic episodes very relevant during their first years of life, the majority, before the age of six" (p. 53).

Problems tend to aggravate when educational disadvantages are present, when the individual: belongs to minority ethnic groups that are, socially devalued and segregated groups, having undergone cultural shocks and a loss of values leading to a natural feeling of emptiness and insecurity, or when there are family dysfunctions, where there is a loss of bond with the social environment, an ambivalence of rules of conduct and the relativisation of limits.

This problem can also worsen during adolescence when the individual, in search for personal affirmation, and in need of the presence of assertive adults, if faced with a lack of references, limits to behaviour, and a provider of a safety feeling. Often, the adolescent turns to the streets and gangs for the organisation, rules, feeling of belonging, that he/she is unable to find at home.

Under such dire circumstances socially inadequate, or problematic, behaviours arise. And these often entail choosing *bad company*, seeking out conflictive situations and adopting aggressive behaviours, resisting adults, idleness, running away from home, disciplinary problems at school, staying out until inappropriate hours, sexual risk behaviour and without any kind of affective relationship, and thefts.

Kirk & Gallagher (1987) classify these behavioural disorders as "Childhood Disturbances", under the subgroup "Dissocial Problems."

For these authors, there are children with behavioural disorders, with emotional disturbances and social maladjustments, who seem chronically unhappy, anguished, impelled towards aggression and antisocial behaviour.

2.3. Fear and anguish in violent behaviours.

In the analysis of processes involving aggressive and violent behaviours, Pain (2013) makes a fundamental distinction between those that are caused by fear from those rooted in anguish.

This author argues that while fear is centred on an object or on the object of a relation, as in being afraid of someone or something – and being able to vary in intensity from hesitation to panic – the feeling of anguish concerns a kind of fear without an external object, self-centred in the individual, in his/her integrity, in his/her personal uncertainty. Who am I? Am I capable of achieving? This type of *personality* who constantly questions him/herself may cause a devastating loss of structure and a compulsion/obsession to move on to action.

As Pain adds: (i) if facing life and difficulties is a test or a succession of tests, (ii) if the concern with succeeding and building one's life is a source of anguish, (iii) if anguish goes beyond a certain limit, from a physiological and psychological perspective, there are only three solutions: (a) to run away physically, mentally, or both; (b) to submit and conform, with the risk of isolation and depression; or (c) to confront and fight, if there is margin and opportunity for such.

However, if running away, submission and fight seem impossible the individual is left with no alternative other than to move on to action, in an attempt to free him/herself from anguish, to transpose it to reality and to expel it from within in order to reach inner peace.

This transition can be performed through violence upon another, others or the external world; and it can also be exerted upon oneself, through drug consumption, suicidal attempts, scarification or flagellation, or even both simultaneously.

2.4. Social risk behaviours.

The search for references can lead him/her youth to adopt risk behaviours, as Le Breton (1994) explains, "in the absence of social and cultural references, the individual is taken to seek in himself, and by himself, his own values."

For this author, risk behaviours are assumed by the adolescent as a personal case of *culture*, of self-knowledge, which increases with the feeling of being lost. For this reason, "the body has become par excellence the place of individual investment and valorisation."

On the other hand, the exposure to risk is assumed as a search for values and meaning for one's existence. For Matos (1991) the young person interrogates death to check if life still has any sense. This is a way of feeling alive. If death is the limit to all things, to encounter it, face it, is to find a point of reference that secures a reason for existence, allowing inner peace.

2.5. Training towards the acquisition of social and personal competences, and making use of Controlled Risk Activities (CRA).

A late training towards the acquisition of social competences and the internalisation of values often unfolds as a difficult and sinuous process. Where this compounds with a predisposition of youth to risk exposure, some of the project promoters decided for intervention methodologies that apply CRA.

This choice agrees with Espinosa's view, cited by Damásio (2003), that organisms, living beings, are endowed with capacities to emotionally react to different objects and events, followed by a feeling of pleasure or pain. Other authors reinforce this idea by affirming that only pain and pleasure elicit models of memory that influence the response process of the individual. From this perspective, by involving controlled risk through respect for rules and safety, and providing a place for effort, fear and pain, offer a suitable vehicle for the necessary but untimely intervention.

The need to neutralise the negative effects of an inadequate or ineffective socialising process, has been sought through the practice of CRA and the emotions triggered by these. As argued by Espinosa, cited by Damásio (2003),

> the only possibility to succeed over a negative affection – an irrational passion – requires an even stronger positive affection, triggered by reason. That is, an affection cannot be controlled or neutralized except through an opposing affection stronger than that which needs to be controlled. (p.26)

2.6. Social integration.

Lastly, social integration implies the individual's feeling of belonging in group and and his/her recognition by the members of this group as one of its elements.

This happens when the individual, after internalising the values and social rules, acts in conformity with what the group expects, identifying him/herself and being identified as an equal. Therefore, only when the socialising process is achieved and materialised through adequate behaviours, can we speak of a successful social integration.

3.Is is Never Too Late... Intervention for the Re-integration of Young Prisoners

The first two projects that will be presented show that in cases where it has not been possible to adopt something close to the popular saying that prevention is better than cure, we can always hope to be able to do something to minimise the mistakesof not having planned and intervened in time. This should be done with a view to avoid more serious personal and social consequences, often irreversible.

3.1. Course for Sports Monitors.

The project *Course for Sports Monitors* levels I and II, took place at the Prison Establishment of Setúbal, Portugal, between 1999-2001 and was directed at 16 young adults, detained in prison facilities in the area of Greater Lisbon, former young sportspeople, namely former football players.

The idea for this project came from João Martinez,[20] responsible for the Gymnasium Montalvão Club (GMC) in Setúbal, with specific training in Football and Martial Arts, who designed the training course. He believed that a specific, objective and motivating intervention, would be able to foster the acquisition of social and personal competences, combining them with professional competences in the areas of Sports and Physical Activity. In turn, these competences would facilitate a future integration of participants into the labour market.

This combined theoretical training in the areas of sports entertainment and the management of sports equipment with the practice of football.

The development of this project was only made possible by the articulation of official structures with organisations from civil society, where a spirit of collaboration, complementarity and sense of social responsibility prevailed.

GMC submitted the project to the Directorate-General of Prison Services, to the Institute for Employment and Professional Training. Setúbal Training Centre, and to the Football Association of Setúbal (AFS). Together, working in close cooperation, they were able to arrive at concrete solutions.

As project promoter, GMC secured the training of participants; the Directorate--General of Prison Services contributed, by identifying possible participants and by facilitating their transfer from various prisons to a wing of the Prison Establishment of Setúbal, the former Military Barracks of Brancanes, as well as by conferring them a special status which allowed them to undertake practical activities outside the facilities; the Institute for Employment and Professional Training - Setúbal Training Centre recognised the pertinence of the project, allocating it under the Educational Sciences training domain of the Special Professional Training Programme, while accepting tthat it followed a somewhat different training model. This innovative training was conducted outside the facilities of the Institute, more exactly, at the Prison Facilities, articulating basic contents in the existing modules (Levels I and II), with practice and training in the acquisition of basic personal and social competences in view of the participants' confinement situation; the Football Association of Setúbal allowed GMC to participate in the competitive framework of the Football District Championship of Setúbal; the District Centre of Setúbal (Núcleo Distrital de Setúbal) of the Life Project (Projecto Vida) – National Programme for the prevention of drug-addiction – also collaborated at

[20] University Professor, with PhD in Didactics from the University of Seville.

the beginning of the project, facilitating an open dialogue between the various institutions, having in mind that some of the participants were, or had been, consumers of psychoactive substances.

Throughout its two years, the project combined theoretical training in the fields of healthy eating, personal hygiene, training methodologies and basic notions of administration and management of spaces and sports structures, with issues related to emotional self-regulation and the acquisition of personal and social competences, and taking full advantage of the practical components of competitive football.

During the week, mornings were spent at the prison facilities whenever theoretical training sessions took place and where the participants had their morning meal and lunch. In the afternoons, after taking care of equipment and resting, the prisoners participated in football training, in an area outside the prison facilities, at a field in the city of Setúbal, together with eight other youth from the club, most of them identified as well as problematic young people or offenders.[21]

On weekends, these young people participated in competitions under the aegis of the Football District Championship of Setúbal. When matches took place in Setúbal, lunch was taken at the Prison Establishment of Setúbal. When games took place outside the city, participants had their meals in restaurants close to the match locations, just as any other ordinary citizen, in the company of the rest of the team, under appropriate monitoring by guards.

The transport of the participants was done in non-identified vehicles with nine seats, belonging to GMC. These vehicle were driven by members of the training staff and accompanied by one or two prison guards dressed in civilian attire, with their weapons conveniently hidden.

Sensitive to the existing financial difficulties and the lack of support for this type of activity, some prison guards who felt closer to the project, including the chief guard, offered to accompany prisoners during their outings, even when off-duty, without charging the project or asking for remuneration for the services provided.

3.1.1. Results.

Even though no justice structures exist to follow-up on the cases, and the study on the project is only now being prepared to be integrated into a post graduate course in Education Sciences, the trajectories and whereabouts of almost

[21] Only for the practice of sports, and to facilitate GMC's process of training and representation, the group was complemented with 8 young people coming from problematic neighbourhoods in Setúbal, some of them former players of Vitoria Club of Setúbal. This external participation helped to blur the connotation with which the group was initially identified by the community, and raised awareness among the youth at risk to the harmful effects that confinement can have in their lives.

all participants are known. And the reason is that, despite the years gone by many of the keep a connection between themselves and with the project coordinator.

Therefore, out of the 16 young prisoners involved in the project, 14 were given probation for their performance while trainees and for their adequate behaviour while residing in the Prison Establishment. Among these there is no knowledge of any reoffending, although there is no regular contact with 3 of them.

Regarding the 11 ex-prisoners, 7 have been able to reach a relative stability in the labour market and perform tasks not directly linked to the fields of physical and sports activities; 4 work in the training areas related to the project, among which 3 became responsible for the managing of sports spaces, and the other a regular collaborator of the Football Federation of Guiné-Bissau.

3.2. Neighbourhoods Towards Equality *(Barrios Hacia la Igualdad)*.

The second project in the field of intervention with young prisoners was called Neighbourhoods towards equality (*Barrios hacia la Igualdad*)[22] and took place in Huelva, in the region of Andaluzia, Spain, between 2000 and 2003. This project developed under the European programme EQUAL, funded by the European Social Fund, and worked with populations of ZNTS (Zones in Need of Social Transformation), namely in areas that suffered the effects of massive rural exodus to urban zones in the 80s.

This project was put into practice and was coordinated by the Council of Andaluzia (Junta de Andaluzia), particularly by the Services of Employment, Equality and Social Welfare, in articulation with the European Community that supported the intervention, and with the Social and Labour Baldoco Centre which had been working with prisoners and ex-prisoners since 1983.

The Baldoco Centre, not-for-profit Association, not only did it help over 1,000 people a year into employment, among which many individuals with drug and alcohol addiction problems, it put in place, as a matter of priority intervention, the articulation with the local prison, targeting rehabilitation work with prisoners.

As a practical training for the integration into the labour market of prisoners undertaking professional training, a company was put in place dedicated to the house painting, with the specific aim of promoting an itinerary of inclusion.

During this phase, trainees could go to the Baldoco Centre, where the warehouses were located to receive instructions for their daily work to be carried out in the urban area, in an open labour market.

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[22] DVD: ZNTS. *Barrios hacia la igualdad. Zonas com necesidades de transformación social.* Junta de Andaluzia. Consejeria de Empleo & Consejeria para la Igualdad Y Bienestar Social. Producción ACP Televisión: 958 185 100.

The Centre also provided support services for active job seeking, where a diligent and well-prepared technical team helped prisoners, during their training process, to search for future solutions of employment following their release.

There was a concern to involve the participants, not losing sight of the importance of a holistic, multidisciplinary intervention, framed by a comprehensive plan. This programming sought solutions for housing, education, and work problems, endowing participants with basic and fundamental competences that enabled them with better adaptive capacities to succeed in future labour challenges.

3.2.1. Results.

Over 50 prisoners, during the final part of their sentence, had access to professional and occupational training in 10 fields, namely in bricklaying, construction, carpentry, electricity, and electrical engineering.

For some time, and whenever necessary, work was guaranteed to ex-prisoners who were not able to find a professional occupation. This prevented their fall into new cycles of exclusion, idleness, despair, and recidivism in anti-social activities, by offering them concrete and socially valued alternatives.

Other than the information made available by the Council of Andaluzia, which does not provide any precise statistical data, there has not been any known external evaluation processes.

4. Better Late... than Never! Intervention in Young Offenders.... Prevention of Reoffending

4.1. Integration of young offenders through programmes of Professional Activation.

The project Integration of young offenders through Professional Activation (Casanova & Pesces, 2011) took place in Poznan, Poland, in 2008 and 2009, integrated in the Programme of Social Integration of Minors. It was dtargeted at young people with ages between 18 and 21 under the judicial system, focusing on their rehabilitation.

The project of professional activation was intended for young prisoners, as well as minors in *correctional centres*, known as Educational Centres, who committed, according to the Polish terminology, an *act punishable by law*, which was consequently sanctioned by the court through a educational measure, such as control and monitoring by *family court agents*.[23]

[23] *Family Agents* are the equivalent to educators of the Youth Judicial Protection in the French system, charged with overseeing minors in an opened environment, and specialised in family and minors issues.

The team of family agents consisted of 10 elements: 5 pedagogues, 4 psychologists and a sociologist, each of them with at least 10 years of experience in working with young offenders. All were fully conscious of the need to develop a trans-disciplinary and complementary work in an open environment.

42 young people participated in the project: 14 aged between 16 and 17, 12 were 18 years old, and 16 were 19 years old or more.

Regarding their schooling level, 27 of those participating in the project (64.29%) had not concluded basic education, while 7 (16.67%) had not finished primary education.

Among the remaining participants, 8 (19.04%) did not continue studies after basic education.

The project developed in three phases. For the initial phase the family agents proposed a programme *of education for the profession*, specifically providing pre-professional training, for the acquisition and development of basic professional competences, including a diagnosis of success and failure in training.

The second phase aimed to prepare young people for an active job search. During the third phase, the family agents proceeded with the project validation activities.

Given the limited conditions of employability for youth in an extremely difficult economic context,[24] these young people were motivated to develop volunteer work, carrying out small unpaid tasks, organised by regional associations: works in the city such as fixing and cleaning the streets, parks, and green spaces.

Protocols between the regional services for intervention in an open environment and the Faculty of Pedagogy of the University of Poznan made it possible for university students from this Faculty to accompany young people in various activities included in the programme.

Through this monitoring activity, university students were able to validate the training internship. This student participation strengthened the actions developed by the team of family agents.

Another direct intervention was the visit of young offenders to small private companies, with protocols with professional schools and who were willing to integrate young professionals. The purpose was to show what was in demand in the labour market, in terms of professional areas and type of work, and to generate a network of direct contacts between potential employers and prospective employees.

In order to strengthen this strategy, all forms of intervention included a *specific therapy* based on goals such as: (i) motivating for an active life and for entering a

[24] The unemployment rate in Poland, in December 2007, was 11.2% according to the Statistics of the Republic of Poland, Warsaw, 2008 (Casanova & Pesce 2011, p. 242).

profession, (ii) incentives for an active search for jobs, as well as (iii) development of necessary competences for access and continuity in jobs.

Another not least important objective was to develop the understanding that a job could become the main source of income for the young person and his/her family (rather than relying on the permanent system of state benefits, as previously known and experienced by the youth's family).

It is important to mention that although the minors were participating in the project on their free will (thus the relevance of the programme), there were social factors that made that participation difficult.

Other than the very low average schooling level that led Stepniak[25] to state that "the reduced school baggage of its elements [the young people] made it difficult to work with the group effectively" (Casanova & Pesce, 2011, pp. 54-65), other factors existed which posed serious obstacles to the success of the project.

Still according to Stepniak, among the *dissocialising* factors, it is worth highlighting those related with the household structure and those derived from parental mentality, in particular their resistance to change (*stuckness*), negatively influencing young people and conditioning their motivation.

In the first case, and according to Stepniak, there were 38 cases where one could verify a de-structuring of the household, due to divorce or abandonment by one of the parents, generally the father, and to the fact that many families were living on the brink of poverty, surviving out of social entitlements. Part of the parents and siblings did not have permanent jobs, while most of them did not even care to search for jobs. These families struggled with various problems, from alcoholism to drug-addiction and family violence.

Regarding the second dysfunctional aspect found in the families of these young people, which Stepniak designated as "perplexity of habits" (Casanova & Pesce, 2011, p. 57), it concerned *t*

> the resistance to change … which was cemented in a mentality forged over decades and transmitted through generations, apathetic and expectant regarding the solution to their problems. Having grown in the context of a socialist economy where, at least officially, unemployment did not exist, and where it prevailed the conviction that a guarantee for employment existed for everyone and forever, where work was seen as a duty, [such expectations] opposed to the project as it appealed to the search for work and personal initiative. (as cited by Casanova & Pesce, 2011, p. 57)

Considering the difficulties that this posed to the family agents work in an open environment, with negative influences on the youth's behaviour, it was decided intervention should prioritise families.

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[25] Piotr Stepniak was an educator and magistrate, currently professor of Penitentiary Sciences at the University of Poznan in Poland.

This aim became to persuade the families of the need to adapt their children to a more active professional which required changing their mindsets and an education focused on *learning to do*, fundamental to the access to and continuity in the labour market.

Given the difficulties in changing mindsets, a "passive" strategy (Casanova & Pesce, 2011, p. 60) was adopted, which encouraged parents and tutors to stop opposing the intervention, and to assume a *neutral* attitude, that would not interfere with the work of the training staff.

To achieve this, parents were encouraged to integrate several project activities, participating in organised sessions either dedicated to them or to the youth. A special methodology of interviews and personal contacts was developed, on a weekly basis in the office of the family agentat the court, and, two to three times every fortnight, in their respective homes.

Meetings with parents of young people who were already working were also organised, which enabled a vivid exchange of views and experiences.

Once parents' neutrality was accomplished, which occurred in 31 out of the 42 cases in the project, the intervention around the youth's motivation entailed a series of short gatherings between them and the "legal family agents of open environment", outside the court, in training centres, with the duration of 30 to 45 minutes. This was done with groups of 6 to 8 youth, involving a daily programme of 4 to 6 hours aiming to strengthen and motivate the search for work.

Pedagogical Councils directed at youth and their families were also organised, encouraging participation in (i) workshops outside the meetings and individual appointments; (ii) mini-courses with the use of audio and visual support; (iii) sessions presenting problem-situations, with practical exercises and group dynamics, including the use of role playing and practical training in job search, with autonomous work such as CV writing and replying to job offers; (iv) self-promotion presentations; (v) sessions on how to fill out forms; and (vi) sessions providing support in situations of discouragement, feelings of incompetence and fear of failure.

A *work club* was also created through which young people followed a specific programme which was carried out in two phases, over 13 sessions of 1 hour.

The first phase tackled issues related to the discovery of individual competences while providing support in the restructuring of personal lives and job search.

The second phase focused on questions of citizenship, taking up themes such as general principles of reintegration, the system of monitoring and the tasks of family agents, the rights and duties of unemployed citizens, and the system of help and support.

4.1.1. Results.

Even though the innovative aspects of the project are easily recognisable, the projet evaluation reveals that certain problems persisted and were not overcome by the economic approach to the socialising process. That is to say, while levels of schooling remain low, it was not enough to motivate young people to enter the job market, if social and personal competences do not exist.. Therefore, in the group of 27 young people with only a primary level of schooling, none was considered successful.

Also the poor level of reading and writing limited responses to job search. 31 out of the 42 participants in the project obtained better results by using mobile phones rather than written applications.

The project did generate a new pedagogic discourse adequate to the new social and economic transformations, and developed a practice of multidisciplinary and complementary intervention, as well as a programme for the acquisition of labour market competences. However, in the final evaluation process it became clear that it did not ensure a real integration of young people in active life, namely older participants and those with lower schooling levels, given the project's and the team's limited ability to influence the labour market itself.

4.2. Europe for All.

Like the previous project, Europe for All (Ayuntament del Prat de Llobregat, 2004) focused on an intervention with young offenders and ex-prisoners with the aim to prevent the relapse of anti-social acts by young people living at Bairro de S. Cosme, Barcelona.

This project, which took place between 2002 and 2004, and was coordinated by the municipality of Prat de Llobregat, in the region of Barcelona, Spain, under the European programme EQUAL, counted with the participation of 20 young people with criminal record, some of which former prisoners and the rest subject to judicial measures for the practice of acts of vandalism, robberies, and drug traffic.

The intervention at Bairro de S. Cosme, in which the population was mainly of gypsy ethnicity, was motivated by a need to respond to severe situations of social exclusion and delinquency which were perpetuated or compounded by the rehousing of people coming from slum areas.

The project was initially subdivided into 5 areas, among which, socio-labour integration, access to new technologies, and support for the creation of microenterprises. It ended up merging the areas of reintegration of drug-addicts and former prisoners, and that focusing on problematic young people from slum areas, now under the designation "labour integration of conflictive youth." Despite

this merge, all of the project participants were able to access all areas, as long as duly planned and organised in advance with the municipal services.

The general goal of the project was to promote personal training towards a normalised labour life and consequent abandoning of the spiral of violence, thus facing the real needs of the slum areas and its residents, in light of the increase in vandalising acts.

The European partners were the Cooperative OESSE – Oficina Sociale de Roma, Italy, and Questão de Equilíbrio – Association for the Education and Integration of Youth (QE) from Setúbal, Portugal. The latter partner ended up having a prominent role in the project when, following the invitation of the organiser, it became responsible for the supervision of the implementation of a model for emotional control in young Catalans.

Aiming at tangible intervention results, the following goals were established from the beginning of the project:

- 40% of the participants should go through the entire pre-defined trajectory.
- at least 10% of the participants should obtain an occupation before the end of 3 months after the conclusion of the internship.
- 40% of the participants should consolidate an improvement in their labour situation, measuredby increase in income and reduction of time.

The challenge seemed difficult, given that the group consisted only by men, all with low school and professional qualifications, 95% of whom of gypsy ethnicity, which made it difficult for them to accept any model of professional training aiming at their integration into the labour market.

Adding to this, delinquent practices were continuous, with car robberies in the urban area of Barcelona, followed by the disassembling and selling of their parts to organised buyers, which gave young people access to significant amounts of money when compared with the meagre scholarships offered by the training programmes.

The award of the scholarship required participation in several training actions with the duration of 9 months, which included various workshops and professional internships, as well as on the giving up on delinquent activities.

At an initial stage, and prior to the process of professional training, the project organised 2 workshops for the acquisition of personal and professional competences, with collaboration of the Sac Xiroi association (Catalonia), specialised in emotional unblocking methodologies through Equine Therapy, and of QE, specialised in learning processes for emotional self-control through the practice of CRA and behavioural and cognitive confrontation methodologies.

These workshops increased young people's levels of personal trust and self-esteem, by learning self-control strategies to avoid violent situations and the transition to action. This allowed them to become aware of the consequences of

their actions and to develop competences to work in teams, to cooperate and trust others, to respect the handling of equipment and materials, and to protect the places where the activities were taking place.

The equine therapy activities were developed in the middle of a rural area in the outskirts of Barcelona, which participants would access through the use of public transportation, accompanied by two monitors. The activities of controlled risk, in particular climbing, were developed in artificial walls in the centre of Barcelona, during the period of two months, culminating with a trip to the Pyrenees, during an extended weekend, with accommodation in a shelter mountain.

This was a new experience for the whole group of young people, for whom, except for the nights spent in prisons or judicial centres, this was the first time not sleeping in the slum.

The practice of rock climbing during the first day, and of rafting on the second, tested the youth's emotional competences and helped to identify the lack of preparation in some of the participants for a life in society and for their continuation in the project during the following phase of professional training.

The conflicts brought about by pressure and stress and the inability to cope with frustration, that was seen in some of the participants, helped to understand the problems and to filter the group, to prevent destabilising elements from jeopardising the process of behavioural change of others and the overall success of the project.

Those who stayed in the group evolved rapidly to stage 2 of the project, concerning professional training and internship, but also schooling support, where the participation of the Barcelona Marists was important.

Considering that part of the group had previously exhibited anti-social behaviour of part of the youth related to car the prior, it was proposed that professional training focused on car mechanics, locksmiths, and safety systems.

4.2.1. Results.

The majority of the initially designed objectives as achieved; it was only with regards "completion of the training trajectory," at results fell short of initial expectations no more than 30% of youth (rather than 45%, as predicted) concluded the process. As for the remaining indicators, all of them were achieved, both at the level of achieving jobs (10%) and of improving occupational capacities (40%). Furthermore, there was a reduction in vandalism and an increase in the participation of young people in positive activities later developed in Bairro de S. Cosme.

Technical intervention also included the assessment of participants' satisfaction, as well as diagnosis and monitoring of the process of behavioural change.

Among the positive outcomes of the project one should mention changes in delinquent life trajectories of young people who concluded the training process, as well as their integration in the labour market. This was particularly evident in the

industrial sector, which is noteworthy in light of most of the participant's gypsy ethnicity, not culturally prone to participate in typical industrial jobs.

4.3. School of the Forest *(Escola de Floresta)*.

To conclude the analysis of projects developed in the context of intervention with non-institutionalised young offenders, the focus moves on to the project School of the Forest[26] which took place in Setúbal, Portugal, between 2002-2010, under the responsibility of the already mentioned Questão de Equilíbrio – Association for the Education and Integration of Youth.[27]

This project was developed to address the identified need of an intermediate structure to cater for children and young people who had abandoned the regular learning systems. This intervention aimed at motivating them towards the learning and acquisition of socially adequate behaviours, with a view to preparing them for a return to the regular system.

Further to young people who had abandoned the regular system system and were in situations of social exclusion, and had been referred to the project by the social welfare services, the project gradually opened up to include young offenders who were monitored by local teams of the Institute for Social Reintegration of the Ministry of Justice. Among those, some had left Educational Centres, others were serving judicial measures or waiting for a decision, of which some were using electronic bracelet.

By agreement with the Ministry of Agriculture, QE could use 27.18 acres (11 hectars) space in the National Forest of Machada, in Barreiro, where it could establish an educational structure.

However, for various difficulties, such as the displacement of teachers and students, the project ended up being based in the 1st floor of a building in the city centre of Setúbal. The name of the project was maintained as its ambition to develop activities in the forest was kept alive; also because it was possible to negotiate one day per week without formal classes within school hours, which allowed the organisation of activities in the Nature Reserve of the River Sado estuary, as well as in the Natural Park of Arrábida or other forest areas.

There were no means to speed up, in a more convenient manner, the functioning of the project as an alternative to the existing educational system; therefore, the

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[26] School of the Forest was a project developed by Questão de Equilíbrio (www.questaodeequilibrio.org). More information can found in Martínez (2010).

[27] Questão de Equilíbrio (QE) – Association for the Education and Integration of Youth, was founded in 1994, with the initial objective to intervene and monitor street children and youth in the city of Setúbal. Later, its concerns included securing their entry into the school system, which almost all of them had abandoned, surviving by way of illicit acts, thefts or robberies, as well as of prostitution and begging. For further information, see: Casanova and Pesce (2011).

project promoters established protocols, on an annual basis, with several schools in the region to the project to available course offers, such as Recurrent Education, Training for Adults or Educational-Training Courses.

Without further resources, the project articulated school training with civic training and social and psychological support, while accompanying both youth and their families.

This was possible due to the existence of a teaching force made available through protocols with schools and with the Ministry of Education; the existence of psychologists, social service workers, and educators (Technical team of Backup Support), guaranteed by allocation of the project under QE's CAFAP (Centre for Family Services and Parental Support) with the support of the Social Security Institute and the Food Bank Against Hunger; and articulation with the Institute for Social Reintegration, Ministry of Justice, namely or the monitoring and electronic controlling of the participants.

School learning such as the acquisition of personal and social competences was ensured through cooperation between teachers and backup technical workers, a shared philosophy of intervention, both multidisciplinary and complementary, as well as through the joint planning of activities, which included curriculum contents.

School learning developed in parallel with outdoor physical activities, in natural spaces, which promoted personal growth, and trust in the staff and the group.

Equally pertinent, an education for justice was taking place in parallel with the regular learning process.

The internalisation of rules of conduct, the adoption of social and human values, the acquisition of personal and social competences – with a focus on self-esteem and self-knowledge, team work and the exercise of citizenship and solidarity – were gradually integrated. through the articulation of CRA[28] with the fundamentals of Institutional Pedagogy (IP).[29]

ARC physical activities and final reflection thereon, worked together with, application in the participants' life and daily problems of experiences and learning acquired through the activities, elaboration and managing of "Belts of Competences" (*Cintos de Competências*), and self-assessment social behaviours and acquired competences as a practical exercise of citizenship. This enabled: (i) the adoption of more adequate behaviours, (ii) the internalisation of shared values and social rules, (iii) and a better understanding of the process of personal growth

[28] The CRA are further described in www.questaodeequilibro.org and www.arpiproject.org

[29] Information on IP can be found in Pain's website (www.jacquespain.fr). Also for a more in-depth approach to the different topics mentioned in this paper, see Pain (1999), and Pain and Hellbrunn (1986).

which led to increased self-confidence and self-esteem, through self-discovery of existing competences which had been undervalued by the participants themselves, their peers or close adults until then.

4.3.1. Results.

With variations over the years, and depending on the greater or lesser capacity to adequate the various programmes of the education system to these young people, and equally depending on the teachers' capacity to take advantage and to integrate the learning from the practice of outdoor activities and the involvement of families, there was an objective academic and social success of a significant number of students. This was substantiated by: (i) a reduction in absenteeism; (ii) the responsibilisation and coooperation in the learning process; (iii) a change in the inadequate patterns of social behaviour inside and outside the premises; (iv) improvements in the relationship with others, particularly with teachers; (v) a non-relapsing into offending, and (vi) an overall betterment in school performance with a rate of academic success above 75%.

Given such encouraging results in social behaviour it was possible to organise joint activities with students from the Faculty of Education (Escola Superior de Educação) of Setúbal, the Bocage High School of Setúbal (Escola Secundária de Bocage de Setúbal), and youth from associação Aparece, Lisbon (providing support to young people in the field of health), as well as an associative exchange in Bordeaux, France, with youth from the association ABC (Association Blanquefortaise Culturel de Aquitaine).

5. Prevention is Better Than Cure! A Useful Time for an Effective Intervention

5.1. ARPI – Risks Activities and Institutional Pedagogy – A social and pedagogic intervention model with children and youngsters at social risk.

The inclusion of the project ARPI – Risk Activities and Institutional Pedagogy – A Social and Pedagogic Intervention Model with children and youngsters at social risk[30] under the heading Prevention relates to the increasing need to recognise the value and meaning in the popular saying that has long recognised the importance of prevention in matters of health and education, and, consequently, of social; and fundamentally to the project's intended addressees, young people with social-behavioural problems. It was recognised as a ground-

[30] Project ARPI – Leonardo da Vinci Programme (PROALV), Transfer of Innovation programme, project ref. 2012 – 1 – PT1 – LEO 05-11295 (www.arpiproject.org).

breaking project by the Portuguese National Agency in charge of the Leonardo da Vinci programme.

Initiated in October 2012, and still at a stage of implementation on a European level, the inclusion of this project in the Transfer of Innovation strand acknowledges that previous experience acquired over the years at a national level, deserves, to be transferred and shared with European partners. This allows for reaching a European-wide dimension and for project enrichment through the contributions of different countries, namely through its adaptation to different national realities, aiming at a later dissemination strategy servicing diverse contexts.

Coordinated by the association QE, this project targets 40 youth, 8 from each of the 5 participating countries, with ages between 14 and 20, who have been formally identified as at social risk or as having a criminal record, and the majority of whom is being monitored by the protection systems.

The project was introduced as a possible solution to the recognised difficulties of placement institutions throughout Europe in working with their youth, who are resistant to intervention, with a view to their social integration, as discussed in point 2 (Conceptual Framework).

Thus, the project follows the ARPI intervention model, which is no more than an intervention that combines, with precise criteria, CRA and IP with some personalised monitoring procedures.

This model uses physical activities considered to involve some controlled risks as a strategy for getting close to youth and helping them become more motivated for the intervention.

The choice and sequence of different physical activities is based on the application of a plan where the aim is firstly to work towards personal competences, which enable the development of self-esteem and self-confidence. Later on, the participants are able to acquire, on a gradual basis, increased trust in staff and other participants, as well as in institutions, and in the community.

Therefore, the intervention begins with activities that awaken the young person to the value of life, moving on to the recognition of the importance of being able to ask for help and allowing oneself to be helped, from the perspective of the practice of solidarity in a community. This is followed by the practice of combat sports, dealing with conflict management, aggressiveness, violence and compliance with rules of protection of the weakest and defenceless.

Along this sequential approach, the project proposes to go from individual to group activities, ending with collective sports. That is to say, work will be directed towards personal aspects and the capacity for the young person to compete with oneself, to later move on to structured, non-violent, modes of competition with others, and then to activities involving team confrontation, collective sports, of increased complexity given these youth's difficulties in playing, living and working collectively.

The benefits of these activities can only be achieved by motivating the youth to engage, by training specific competences such as recognition and compliance with rules, and by the absolute need to analyse and reflect about the processes of transposing living experiences towards the search for solutions and the resolution of daily life problems in society.

Considering the need for recognition and internalisation of personal growth processes, it was established that the production of certain materials, both physical and digital, previously discussed with the group of young participants, would help (i) to consolidate the learning and acquisition of competences, (ii) to promote the thinking about the process of personal growth, (iii) to substantiate the elaboration of a Personalised Plan of which the young person is both the focus and the *manager*.

This process of (re)construction of personal identity is simultaneous to the practice of physical activities, through an articulation between the two processes.

Assessment of group and individual progress will be facilitated by the shared management of the self-assessment process, through the use of Belts of Competences[31] where each young person should actively participate and be responsible element of the group.

5.1.1. Expected Results.

By using initial diagnoses and monitoring documents produced in the project,[32] the aim is to objectively assess the participants' behavioural changes, not only regarding their degree of motivation for participation in physical activities and related processes of reflection, but also in terms of the self-identification of problems and difficulties with which young people struggle, including the analysis of the solutions found to overcome them.

6. Methodologies of Intervention

Looking at the available data and information, most of the projects adopted combination of various methodologies of intervention which brought them very close to ethno-methodological studies and action-based research.

The proximity or simultaneity of functions of the technical staff and the researcher, the close and continued analysis of participants' life situations, the recognition of the role of young people in undertaking responsibility for reflecting on their own choices and behaviours, clearly denote a choice for a naturalistic and qualitative research. This is understood as "a category of research designs which

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[31] With regards Belts of Competences, see QE and ARPI websites (www.questaodeequilibrio.org and www.arpiproject.org).

[32] Diagnosis files, monitoring and assessment files, in a total of 18 (www.arpiproject.org).

attest its considerations their observations through questionnaires, comments, field notes, audio and video recordings written records, photographs and artefacts," according to Le Compte. On the other hand, the holistic perspective is also very present, endowing these projects with a privileged field for naturalistic inquiry as defined by Miles and Huberman and cited by Gregório Rodriguez (1996).

It is also easy to identify the interventions that resemble Pierre Bourdieu's *sociology of action* logic (1980), that opposes intellectualism, as external observation, and objectivism, which is only able to take concrete action as an object of knowledge, at a given moment and without accounting for its dynamics.

In this connection, while Bourdieu predicts the possibility the researcher actively participating in the context of the action, Hess (1985) goes even further to argue for its inevitability.

Although somewhat unknown, these processes emerged and developed during the nineties in the United States through the work of Luc Suchman (1990) and in France through Isaac Joseph.

Regarding the integration, through the applied methodologies, of the group of young people as actors of their own transformative process, and later evaluators of those same processes, this is legitimated by the choice for ethno-methodology as a process of intervention. According to Hess (1985) and Garfinkel (1967) this method, to be used in Sociology, is not only a research resource for experts, but an issue that concerns everyone everyday. Thus, the *sociological profane activity*, so called by the latter author, can be defined as the active reflection by the members of a society about their social activities.

For Becker (2002) research should not be be grounded on the trust put on scientific research produced by a technician or on the dominant discourse about a certain group, but adopt the perspective of its participant actors, by encouraging them to understand the meaning of their own practices and to interpret their own lived situations.

As such, the relatedness of the interventions to ethno-methodologies and naturalistic studies in social research is clearly recognisable and cannot be questioned for not following more traditional sociological research. This can found in: (i) the almost daily interventions; (ii) the conjoined planning of activities with participants and related reflections; (iii) the elaboration of diagnosisc files and assessment grids on participants' satisfaction; (iv) the adoption of processes of self-evaluation regarding the acquisition of competences; as well as (v) the collection of images, opinions, and much more material concerning these approaches and their later processing.

7. Conclusions

From the analysis of the projects discussed in this chapter we can conclude that for an intervention to succeed in changing anti-social behaviours and preventing offending and reoffending, it is necessary not only to become aware of rules and laws, but also to internalise those rules, laws, and social values. This will only be possible by motivating young people to change and adhere to the project. Such a radical attitudinal change presupposes the adoption of new methodologies of intervention, resorting to non-moralising and active strategies involving the body, encouraging to reflection, and acquired learnings that can be transposed to daily life, recognised as useful to resolve personal problems.

Even if difficult to execute, acitivities that motivate and challenge, that are carried out in new sites, that surprise and can be appreciated by these young people, can be decisive in fostering a closer link to the staff and acceptance of the monitoring process, thus promoting the success of the intervention.

The complexity of problems affecting a young person in a situation of social risk requires that any technical intervention is carried out by professionals with (i) adequate training, (ii) appropriate technical and personal profiles, (iii) capacity for empathy and assertive skills, as well as (iv) competences in multi and trans-disciplinary work.

Any intervention should be based on a clear and shared logic, with well defined but complementary tasks, bearing in mind that the approach should be holistic, comprising the various domains of human development and in view of the complexity of problems that affect the life of the young beneficiaries.

Among the projects that have been discussed, it is possible to trace a common concern with their customisation to specific target populations, through the combined work of (i) national structures and local services, (ii) public entities and institutions from the community, (iii) staff and family and/or neighbours of the participants.

On a deeper analysis, the following conclusions can also be drawn out:

- Whenever activities targeting youth at risk took place in less formal, although structured, environments these ended up enhancing the motivation of the participants.
- Whenever work between peers was fostered in a cooperative climate under close technical monitoring, a sizable contribution to the learning process of conflict management was evident.
- Whenever collaboration between youth at risk and other youth was allowed, and monitored, the acquisition of skills and the internalisation of social values was faster and more consistent.

- Whenever the involvement of families of young people monitored in their processes of modification of behaviour and (re)socialisation was promoted, the conflicts between young people and staff were reduced.
- Whenever young participants were involved in their own processes of evaluation and resolution of problems, better conditions were created for collaboration and, therefore, more efficient monitoring, opening up perspectives for accrued success rates in the intervention.
- Whenever school training or professional training was included and articulated with personal training and training towards citizenship, faster attainment of specific learning and global development objectives could be observed.

Thus, we can conclude that the exercise of citizenship presupposes the learning of rules. But most importantly, the internalising of social values, which allows the surge of individual responses and behaviours that may be considered adequate by society, can only occur when the site of *training* is society itself.

The training of social relationships will only take place in precise conditions and in concrete community settings, where contradictions and conflicts may freely co-exist as a consequence of the interplay in the realm of diversity of individuals themselves seeking integration into society.

Social exclusion will not be resolved with the isolation of individuals, given that socially adequate behaviours will not be learned if they are trained outside a concrete community setting and its unique free dynamics.

The discussed projects, other than providing abundant statistical data, represent a rich source for reflection and learning, materialising also the *dream* of a number of staff and citizens who aim for an enhanced articulation between official, public entities, and civil society at large.

This open collaboration will promote an increased efficacy in the process of social inclusion of young people at risk of social exclusion, preventing marginalisation and breaking the cycle of relapse, that seem inevitable in the processes adopted today. Present espoused methodologies do not offer perspectives of life and future to those who already experimented with the bitter taste of the limitation of freedom and rights for committed offenses. Even though already punished, serving judicial sentences does not allow them to reach any new horizons for their professional integration and social inclusion.

Lastly, it is important to refer that the projects discussed in this chapter share a sociological interest in human behaviour with Elias and Dunning (1992). The latter refers to this interest as "rooted in a profound desire of expanding our knowledge about its social and psychological roots", a knowledge which is not merely scientific, knowledge for the sake of knowledge…, but has an associated practical usefulness: "the hope that this understanding will help people to

reconcile their lives – their shared patterns of life – according to ways that will allow them to avoid all type of violent tragedies with which humanity has seen itself particularly affected" (1992, p.20).

If young people are the future of this world, of humanity, it is important that we start preparing this future today, recognising that any single person is too precious to be lost or devalued.

The fight against delinquency and the exclusion of young people should therefore be understood as our own fight for the survival and the construction of a better world.

To invest in the lives of young people – on their training, on the prevention of offense and other forms of delinquency – constitutes our soundest investment on our common future.

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C.4. Affiliation, Identity and Competence: A Route Towards the Inclusion of At Risk Youth

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Abstract: This paper results from an exploratory study on factors promoting trajectories of inclusion for young people with at risk backgrounds. This study aims at understanding the capitals provided by social interventions over the trajectories of young people, in order to constitute a ground of analysis on the diversity of professional and institutional practices regarding these subjects. It intends to contribute to the contextualisation of social interventions with at risk youth, at both micro and macro level of social responses to this group of people.

The methodological strategy that was adopted lies within the scope of qualitative research and is developed through a case study on the *Youth Club* (*Clube de Jovens*), an intervention project targeting at risk youth situations in Lisbon, which is being carried out since 2002. The empirical investigation has been undertaken through a systematic gathering of data on the participants in the project, using focus groups, semi-structured interviews, and personal observations of the researcher.

The following factors have been identified as playing a central role in the process of inclusion: the importance of the group in the process of belonging and personal identity; the role of professionals in providing a relational capacity and the aggregating elements for the necessary stability in the evolution of the processes of positive identification; the impact of the group and of the intervention in young people in terms of their identities and in the construction of their life projects.

The results point towards three core components of the intervention process: the process of affiliation, the identity constructed between the *I* and the *other*, and the development of personal and social competences as key-elements of integration, which attests that "sometimes small events are enough to provide new life trajectories" (Machado, 2005, p.13).

Keywords: Protection Factors; Intervention Process; Social Inclusion

1. Introduction

From protection to the promotion of inclusion there is a long way to go that involves not only the identification of risk factors, but also of all exogenous and endogenous factors allowing an inclusive response. The identification of these factors will eventually enable the construction of intervention methodologies, which are centred in protection factors rather than in risk factors, as well as on the construction/improvement of interventions developed in this context.

The study discussed in this paper took place in 2009 and was undertaken in the form of a case study. It started from the reconstitution of an intervention project called *Youth Club*, functioning in Lisbon since 2002, an initiative from the Social Centre of the Church of Campo Grande in Lisbon, a Private Institution of Social Solidarity, which has been going on till the present days (2013/2014). The Youth Club was developed as a response to the need of an articulated intervention directed at the youth population addressing the lack of spaces for recreation-time for this group of people. Its main purpose was meant to offer a contribution to the prevention of marginalisation and to the social integration of youth in social disadvantaged situations, in urban contexts.

The project is based on a perspective of collaboration and involvement of youth in the definition of their own life project, making them the main agent of its construction. With a methodology of non-formal education, it develops through a group of training strategies with diversified activities enabling young people to reflect about themselves and about their life projects.

At the time of the study the Youth Club maintained a fixed hub of youth ages 12-16, who were monitored from the outset, which facilitated not only the reading of the trajectories of the participants, but also the identification, through concrete situations, of factors of inclusion, addressing all analytical dimensions. The target population in this project was marked by a particular social vulnerability, presenting characteristics of a multi-factorial risk situation, including: belonging to mono-parental families, displaying a context of family violence; belonging to large families with low socio-economical level; low income and precarious housing; poor school achievement; deviant behaviours with the consequent opening of educational processes.

In the context of an intervention intended to decrease or eliminate youth risk, the project Youth Club showed to be particularly relevant in its aims concerning:

a) The participation of youth and their families as agents of their own change processes.
b) Community involvement through the establishment and integration of local networks of solidarity.
c) Inter-institutional and inter-sectorial partnerships integrating various knowledge-bases and perspectives in the intervention fields of the project.

d) Early intervention, promoting preventive actions regarding social risk factors affecting young people, avoiding situations of marginalisation and social exclusion.
e) Flexibility and innovation, motivating the development of creative capacities for intervention, as a systematic, participated, open, and multi-disciplinary process regarding both processes and results.

These characteristics provided an accrued analytical interest to the project from a knowledge perspective of mechanisms and processes of both protection and risk. The nature of the protection factors was heterogeneous, which made the Youth Club a pertinent object of study: a) for its location in an area with a great diversity in terms of its population, with differentiated age-bracket, ethnicities and social characteristics and b) for being promoted by an institution firmly grounded on the community, which facilitated the study of the different intervening factors.

Therefore, according to what has been exposed, the Youth Club articulated a number of characteristics allowing to consider it a representative case of an intervention with at risk young people.

The procedures for the gathering of data followed a *combinatory strategy*, in the sense that they privileged an approach which associated qualitative and quantitative techniques. Therefore, the statistical data was used for the construction of the evolution of profiles of young people (diagnostic characterisations through social processes) from the beginning to the current date of the project, while also using data obtained from desk research (evaluation reports, internship reports, educational projects of the Youth Club), in order to complement the information collated through the *focus group* with its different actors, and the *semi-structured interviews* targeting young people[33].

From this perspective, there were two references which guided the construction of this paper, the ecological theory of human development, proposed by Bronfenbrenner (1979; Martins, 2000), which assumes that to understand "people-in-development" is to think about this development "in context;" and the socio-ecological conceptualisation of juvenile delinquency which suggests that it is multi-determined by the inter-relation and dynamics of the characteristics of the young person and key social systems such as family, peer group, school context and the more extended community context (Agnew, 2003).

In fact, current research, developed in several countries, allows to consider a comprehensive approach to the multi-factorial nature of the development of juvenile delinquency, articulating its intra-individual, inter-individual and social

[33] A more in depth discussion of the methodology and results of this study can be found in "The turning of the arrow: positive factors in at risk youth" - "O Virar da Seta: factores positivos em jovens em risco" (Oliveira, 2010).

context variables. However, empirical data indicates the role of the two structures of vertical socialisation, family and school, as foundational, being that the group of peers emerges also as a significant structure of non-conventional socialisation.

The development of anti-social behaviours and, specifically, of offending, by young adolescents is found associated to failures in expected functions in the structures of conventional socialisation, on the one hand in the family, the space of primary socialisation, and on the other hand in school, the structure of secondary socialisation. From this framework it is possible to identify risk factors and contexts at the level of delinquency, but also factors of protection in delinquency. That is to say, the identification of predictive variables of persistence *versus* withdrawal from offending or risky pathways, as well as the assumption that transgressive behaviours are susceptible to modifications, enable the undertaking and assessing of specific prevention and intervention programmes.

In this study it was possible to verify that the combination and interaction of different factors of protection can contribute to a diversity of responses by the individuals and it is this response that makes them unique. To illustrate the capacity of an individual to overcome adverse situations in a positive and constructive way, one observes that while some young people are vulnerable, they are nevertheless able to transform themselves in integrated individuals with competences, making them also *invincible* when certain protective elements are activated, such as the affections, the relational and personal competences.

2. Risk and Protection Factors: a Necessary Interaction

Youth is the period for the consolidation of identity, meaning that identity possesses a non-rigid shape, indicating the possibility of reversion in the construction path of an identity marked by less positive events. In the perspective of Neuenschwander (2002), this personal identity, a dynamic centre for experiencing, thinking and acting, is constructed in the objectual investment and in the narcisistic investment, in coming close to the other while assimilating his qualities, as well as in the contrasting affirmation of oneself. It is a difficult task, filled with emotional accidents that sometimes leave more or less indelible sequels, in which a lot of young people drown or become lost[34] (Matos, 2002).

To what extent do these young people who live/have lived effective deprivations do not realize themselves as *being deprived*: deprived of affections, competences,

[34] Erikson (as cited in Neuenschwander, 2002) defines identity as a "subjective feeling of similitude and continuity which are empowering." (p.67) Identity represents the point of departure of a life plan directed to the future. To Erikson, identity has psychological, social and developmental connotations with at least three meanings: an unconscious search for a continuity in life experiences; a conscious feeling of individual unity; and a solidarity towards the ideals of a group.

goods (which others possess), of someone who cares for them (for their work in school, their personal tastes, their future projects), deprived from a domestic protecting space? And to what extent does this *reading* hamper the resizing of intervention?

From a detailed analysis of the concept of risk, and according to Martins (2004), there are two structuring dimensions at a substantive and temporal level of the actual idea of risk that are important to highlight:

a) First, the idea of risk concerns the probability of unfavourable occurrences at a given domain or content: individual or collective, physical, psychological or, more specifically, in concrete areas of occurrence (school risk, mental illness, accidents, etc.).
b) Second, the idea of risk as a temporal notion, reporting to the possibility of a future unfavourable occurrence, primary or secondary to an earlier risk already brought to present.

These substantive and temporal dimensions of risk allow placing the trajectories and life contexts of young adolescents within a framework of interpretation of events indicating the probability of unfavourable occurrence. This understanding runs closer to a definition of risk from the viewpoint of of health and which, according to the Resolution of the National Council of Health from 96/06/19, involves the possibility of damage at the physical, psychic, moral, intellectual, social, cultural or spiritual dimensions of the human being.

From this perspective, it can be stated that the definition of the concept of *risk*, in the context of research about the child and the young person, should consider the heterogeneity of physical and psychological needs at different ages (stages of development) and the capacity of the various contexts of development (family, school, community) to satisfy these same needs, given that, by definition, the child and the young person are exposed to an augmented risk due to their fragile and vulnerable condition.

On the other hand, in the context of this analysis it is important to refer what has been defined by UNESCO with the Declaration of Salamanca (1994) concerning the concept of *high risk*, in other words, the presence of specific characteristics or conditions of the young person and the environment in which he/she grows and develops, entailing a strong possibility for the production of negative effects, to the extent of determining a delay in development at a larger or smaller scale. Considering this definition, there is a broader understanding of risk once it can be determined by the characteristics of the family and/or context to which young people are subjected, that could provoke strong omissions and deprivations that compromise the fulfilment of their basic needs, whether at a material or affective level. In a complementary mode, when we speak about psycho-social risk this concept follows closely what Schonert (2000) advocates

when he refers to a set of dynamics presumably of cause and effect that condition the young person to be found in negative situations.

Literature shows the influence of multiple factors in child development. Thus, it is important to investigate both those which are centred in the child/young person and those which are related to his/her environment. Together, biological factors (centred in the young person) and social (centred in the environment) modify and potentiate their influences, bringing positive and/or negative consequences to their development.

Risk factors in isolation may not represent on their own a probable risky outcome. In effect, research demonstrates that there aren't unique causes as such, nor a relation based on cause and effect, and that situations arise from an accumulation of different factors. Here the perspective of Magalhães (2002) should be emphasised as it considers that risk factors are any sort of influence that increases the probability for the occurrence or maintenance of a given situation and which can be grouped as individual characteristics, specific life experiences or contextual factors, but cannot be seen in isolation.

Highlighting the multi-factorial approach, the work *Guidance on the Assessment Framework*[35] (2000) articulates fundamental levels where the exposition to risk and the lack of structuring responses can compromise the balance of the young person: the parental capacity; the needs for child development; family and environmental factors. This perspective reinforces the inevitable interaction between different risk factors and allows the interpretation that the aetiology of risk will always need to be problematised within an interactive referential framework, in which the socio-economic and cultural conditions, the biological characteristics of the young person and the personality traits of parents act in a dynamic and reciprocal way. The perception of risk is an expression of the interaction of different factors, which in an isolated mode do not have a significant expression, whereas in accumulation produce a multiplying effect which can lead towards a *high risk* situation.

In a similar proportion, research works in this field (Martins, 2004; Magalhães, 2002), emphasize that a situation is not only determined by the present risk factors, but by the combination and interaction between these and the protection factors, which can contribute to a diversity of responses by the individuals. It can then be stated that development does not take place in a linear mode, but that experiences, situations, events, relationships, can create negative and/or positive opportunities.

In this context, Neuenschwander (2002) argues that development is close to the processes of overcoming *stress*, presenting the paradigm of Hann (1977), which

[35] The Stationery Office-Department of Health, London (http://www.open.gov.uk/doh/quality.htm)

regards development through *overcoming*[36]. The paradigm of development through overcoming starts in events that are not integrated and that enact processes of overcoming. Experiences enact processes of development in the individual which can be seen as either *overcoming or accommodating* to a situation. The analysis of important life experiences and the overcoming of these can be determined in four stages of development, where the processes followed during the passage from one stage to another are formalised and systematised, constituting a spiral of development: *corroborated structures; stress; overcoming; and well-being*. The process of development, particularly at the phase of adolescence, searches for a balance in order to re-calibrate, adapt and find new ways of organisation in face of numerous events which young people will inevitably have to go through, being this dynamics the place where their identity is consolidated.

The adoption of this perspective reports to the notion of *resilience*, which converges with the idea that protection factors defined by Gramezy (1985), such as the characteristics of the individuals and events are capable of contradicting or limiting the effects of risk factors. In fact, resilience is a concept borrowed from Physics, being the opposite of fragility. It involves the capacity to achieve a functional adaptation despite adverse or threatening circumstances (Terrisse, 2000). The consideration of the presence of factors which increase the individual's ability to overcome adverse situations in a positive and constructive mode, confers to the study of factors of inclusion a comprehensive approach as it may enable to observe how some vulnerable young people are able to transform themselves in integrated and competent people.

To identify the nature of protection factors becomes essential, given that these may enable a positive response in a risk situation and therefore it matters to understand how they can be enacted or developed. Globally, three large groups of variables are identified: dispositions and personality traits (ex: autonomy, self-esteem, a positive social orientation); supporting family means (ex. family cohesion, human warmth and absence of discussions); and availability of social supports.

The heterogeneous nature of the protection factors should be emphasised, as it can be identified either at an individual or environmental level, or even in the relation between the individuals and their life contexts. They include intra-family and extra-family influences which facilitate, support, reinforce and promote competences. Some authors (Rutter, 1999; Werner, 2000) refer to various factors that contribute to a resilient attitude: personal competences (a good inter-personal relationship, the ability to perform tasks, the capacity for problem solving, a good

[36] Or, as Herzog (1991) would put it, the coping-man, which comes up precisely in studies on adolescence as for several years adolescence has been seen to concern a critical period (Buseman, 1953; Erikson, 1968; Lazarus & Folkman, 1984; Seiffge-Krenke, 1990).

level of self-esteem, among others) and also the environmental support (peers, parental, teachers, religious group or neighbourhood support, etc.).

The focus on protection factors is important as there are various risk factors which cannot be easily altered or removed and an optional preventive strategy may mean *the strengthening of protection factors* (Matos, Simões et al., 2000) and consequently the decrease of risk situations and the activation of supportive resources.

Here the perspective of Rutter (1999) is most relevant, where the concept of protection factors entails an active effect with a decreased impact of risk factors, or even of factors associated to a turning point in the deviant trajectory, towards a more adaptive result in the long term. Some factors should be highlighted in the reduction of risk situations: family (parental competences and positive communication); parental supervision; regulation of the activities of young people in peer groups; and more intrinsic characteristics – such as a realistic concept of self, a positive interpersonal communication, the ability to identify and resolve problems, school success, the valuing of self-efficacy (*I am able to*), and the valuing of health, among others (Matos, Simões et al., 2000). The goal of prevention can therefore be to reduce the impact of risk factors, promoting personal and social competences in young people and increasing parental competences. In the same way, the development of a social network of support with key people in the life of the young person can strengthen his/her competences and diminish the impact of risk factors within the context.

It is important to emphasize that the protection factors, similarly to what has been referred in relation to risk factors, can be an expression of the interaction of different characteristics, which in an isolated mode have no significant expression, but in accumulation produce a multiplying effect that can trigger a *high protection* situation. In this sense, a protection factor can overlap with another factor as well as depend on one other factor in order to trigger a positive result, or even to make emerge a new protection factor.

Risk and resilience, vulnerability and protection, are not distinct subjects of investigation, but articulated facets implicated in the relation subject-world (Rutter, 1999). A *crisis* indicates a special situation of vulnerability, motivated by a lack of balance, a developmental moment which organizes regressive or evolutive possibilities, that either stagnate or create, being this a moment of risk with the possibility to mobilize protection factors as much as vulnerability factors. This view is sustained by Richters e Weintraub (as cited in Martins, 2000), who affirm that the boundary between vulnerability and protection is not static, as it depends on the relation that individuals establish with life difficulties and adversities, being that the same situations could either promote vulnerability or protection. In this sense, vulnerability and protection are here considered two poles of the same concept, with distinct emphasis on the two extremes of the adaptation

process, where the mechanisms of protections are preferred. Both the effect of vulnerability and of protection are only evident in combination with risk factors. The processes of protection/vulnerability operate indirectly, through an interaction with risk variables that function as catalysts, modifying the expected effect of another variable, whereas risk processes directly produce the effect of disturbance or of disorder. The impact of the mechanism of vulnerability/protection is not significant in situations of low-risk, but becomes more relevant in the presence of the risk variable.

Within this viewpoint, Werner (2000) argues that a factor is considered to be protective when it has the capacity to moderate or weaken the risk effects, improving the individual reaction to the episodes of tension and to the situations of chronic adversity, incrementing the appropriate developmental results and, therefore, the adaptation of the individuals. Converging with the notion of resilience, it is attributed to the protection factors the ability to modify, improve or reduce the negative impact and risk repercussion.

From this basis, an oriented intervention is here proposed, departing from a diagnosis of the needs and competences of youth, families and community, allowing a careful analysis of the forces at stake, and of the best way to take advantage of these, through the construction of solutions based on the available resources – people, families, and communities, who will be mobilised to such solutions. Therefore, the first premise for the removal of risk factors or the increase of resistance to these through protection factors, is its necessary adequacy identification.

To assume a diagnosis at this level means to recognise that an early intervention is extremely important and that risk behaviours and juvenile delinquency can be prevented in a concerted, systematic and continued way.

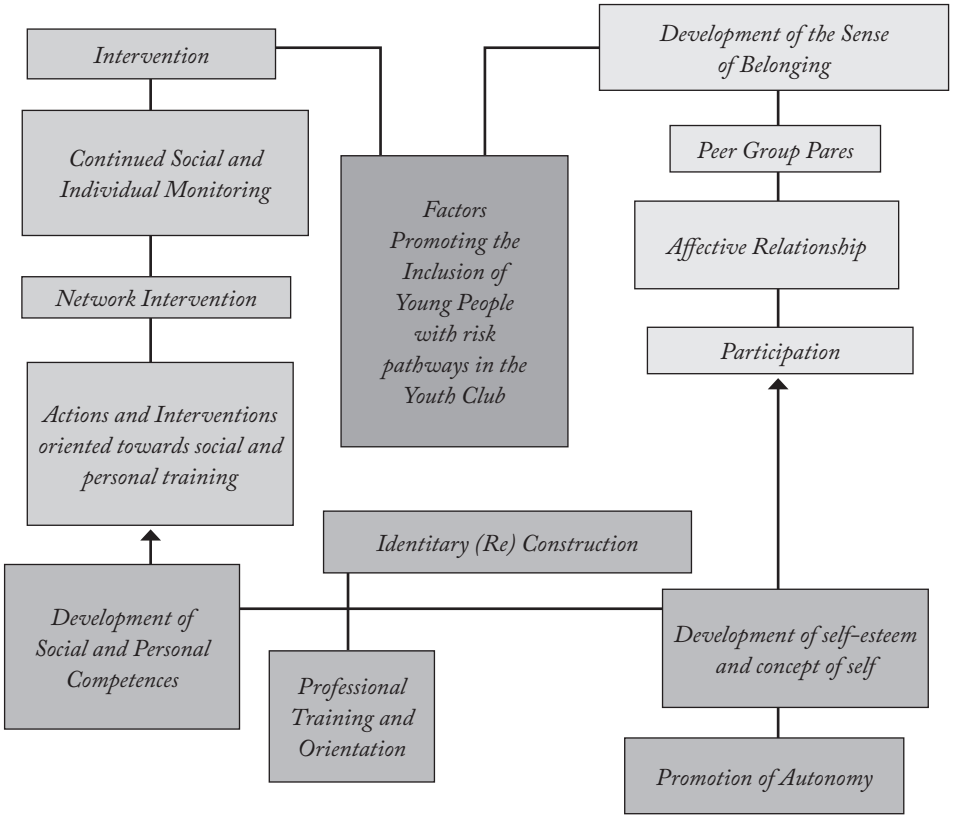
3. The Intervention as a Process of Individual and Social Restoration

According to this perspective, the results of the above mentioned research are here highlighted, as they allow us to regard the interaction between risk and protective factors as an essential element enabling a turning possibility of the situation and the elements for a successful intervention. This discourse on young people recognises: (i) the importance of the group in the process of belonging and personal identity; (ii) the role of professionals in generating the capacity to relate while cementing the necessary stability for the evolution of the processes of positive identification; (iii) the impact of the group and of the intervention in the identity of young people and in their construction of life projects.

The figure presented below intends to synthetize graphically the analysis which was undertaken in this study, presenting its main components and rehearsing the understanding of factors of success present in the intervention with the Youth

Club, as well as the construction and development of an intervention promoting the inclusion of young people with risk pathways.

Figure C.4.1. Intervening Variables for the Promotion of the Inclusion of Youth with Risk Pathways – Youth Club Project



Source: Author

A general and synthetised view is here presented, demonstrating that the focus of intervention is centred in the promotion and development of domains of resilience (including internal and external factors associated to resilience during adolescence): safe background, secure ties, solid and healthy relationships; sense of belonging and identity; education; curiosity towards the environment; support/incentive to cognitive development and stimulation; friendships; strong relationships, the ability to make and maintain friends and an environment favouring such capacity; self-esteem, a sense of success in the implementation of aptitudes, talents and interests; encouragement to development; positive values, such as the capacity for empathy and of de-centring; moral principles; altruism

and pro-social behaviours; social competences, such as self-efficacy, autonomy, self-control, attention, persistence, resistance to frustration.

Consequently and according to the variables referred by the interviewed actors (youth, professionals and volunteers in the project), it is possible to group them as:

a) Factors related to the peer group and its dynamics, as well as individual motivation to change.
b) Factors related with the type of social intervention, which involve the technical team but also the actions, activities and the objectives that have been defined for the project.
c) Factors related to the orientation given to identity (re) construction and to the life project of the young person.

As previously highlighted, it is important to mention that these factors do not appear to function in an isolated mode or separated from the specific context in which the young person circulates. A simple factor does not predict a positive inclusion. There exists multiple combinations of protection factors that act together and that might contribute or not to an inclusive pathway. They function as protection factors, meaning that as positive opportunities for a *re-calibrated* development; they constitute a possibility for the overcoming of adverse situations in a constructive way as we will explain further on.

3.1. The force of the processes of affiliation.

The discourses by the three groups of actors are reasonably consensual, where the group dimension is signalled as fundamental. Hence, the statements reveal that the group dynamic is one of the central factors, generating a feeling of belonging, peer identification, and affective relationship, all parameters playing a structuring role in the development of young people.

a) Sense of belonging.

Social identity is acquired through inter-group processes, being developed in the context of group interaction and associated to the development of the feeling of belonging to social groups. Thus, one is bound to emphasise the emotional and evaluative meaning of this feeling of group belonging. Networks of civic compromise, norms of mutual trust and richness of associative fabric are fundamental factors in providing positive responses from children and youth. The structures of socialisation influence the social adjustment of young people to the extent that they provide normative orientations and, simultaneously, learnings through an exposure to the actions of others.

> There is actually a huge feeling of belonging, and I think that among them, a lot involve friends, friends with whom they make arrangements, whom they bring along and whom they call to go to the Club. What links them is a feeling of union and of responsibility for something which is theirs, and only theirs, and in a space where they are responsible for one another. Even if it is not to celebrate or to go out at night, or to go and have a coffee and talk, they share a feeling which is only theirs and is a reality that only they can know. (V1, Volunteer, 21 years old, integrated in the project in 2004)

Nevertheless, peer identification, and identification with the group, is presented as a condition of integration. The collected statements show that having a goal, an established relationship of mutual help, the sharing of past experiences, but also of life events and responsibilities, provides union, cooperative learning, positive identification, encouragement and orientation.

> I got into the Club and saw people of all colours, of all ethnicities. And there I felt a group. I was afraid of going into a place where no one had the same past as mine and where no one was there for the same reasons as my own. (J1, Young Girl, 20 years old, integrated the project in 2004).

b) Affects as the foundation of belonging.

The analysis of discourses allows us to elicit affectivity as a central aspect for an intervention with this age group, with a determinant role in its success or failure. Friendship, relationship, is itself considered a way for inclusion, described as a possibility to overcome blockages or as an opportunity to trigger interventions at other levels. The statements of youth show that *to feel unique and special* was essential to mark the difference. From this perspective, identity is highlighted as a process that integrates the experiences of subjects throughout life, in the interaction between each one and the world that surrounds him/her, evolving and re-constructing itself.

> I believe that in adolescence, when we are between the ages of 13 and 17, it is fundamental to feel loved and that someone really likes you. And I think that when people arrive here it helps a lot to feel that there is this support, that there is someone who really cares about him/her, and that each of us is different and each of us is special (J3, Young Boy, 16 years old, integrated in the project in 2002).
>
> I think that one of the fundamental aspects was that we were made to feel special and unique. And for you to know that there is someone there that loves you just the way you are (…) And I felt, from one momen\t to another, that maybe people that I had known for a long time also loved me in a unique and special way and made me feel unique and special. I believe that this helped a lot (J1, Young Girl, 20 years old, integrated in the project in 2004).

c) The construction of individual responsibilisation.

Another perspective that articulates itself with the previous one is the participation of the young person in the group and with the group, which is highlighted in the statements as a positive aspect of the intervention. Youth feel that they are called to choose, decide, and organise the activities and life in group. The concept of mutual help emerges as a natural phenomenon for the members of the group, brings reciprocal support and is central to the process of a balanced individuation.

> We also learnt that we are all equal and that we also need to share our ideas. Then, it is as if each of us was the person providing orientation. It wasn't only the monitors who spoke. All of us spoke. (J5, Young Boy, 15 years old, integrated in the project in 2002).
>
> I think this is essential as we create things, rather them simply being part of someone's creation. We create things and therefore it is much easier. (J2, Young Girl,18 years old, integrated in the project in 2002).

Belonging to a group enables a feeling of hope that arises when meeting people who went through similar situations, as the members learn not only to receive but also to provide help, which has effects at a personal and behavioural level. The group provides also a safe place for new learnings, to experiment new behaviours: the acceptance of others and of their expression of ideas reduce anxiety, and frees the energy required to attain goals. Being able to compare the perception of others with one's own reduces the risk of a distorted image of oneself, of others and of concrete situations. The group presents itself, therefore, as an important means to influence the young person and society itself, among other aspects.

3.2. Professional support: between interaction, family stability and professional competence.

Within the series of statements another important aspect stands out, related to the profile and performance of professionals in the intervention. The ideas expressed in the statements of the participants identify a relationship between professionals and the role that they undertake throughout the trajectory of the young person as a factor of success, considering this to be central. The concept of a professional role gathers three particularly suggestive dimensions: on the one hand, the reference to a parental figure, on the other the stability of this figure, and lastly the notion of professional competence.

a) The identifying figure of the professional monitor.

The main characteristic identified by the young people as to the recommended profile of staff refer the capacity of generating and maintaining a relationship, of producing trust, as requisites for an appropriate bonding that enables changing processes.

> There was a technical team who was always close to us. They themselves stated that the Club was like our second home. They went to school to meet our teachers, arranged for our after school lessons, and if we wanted to undertake a particular course at a particular school, they would get us a place there. This was important. They could have not done this, or not have this capacity. They cared about us and did not give up on us. If we failed they tried to understand the reasons why we failed. They always gave us other opportunities and always believed in us: you can do it, you cannot let yourself go down. There was always a technical team who was close to us (J2, Young Girl, 18 years old, integrated the project in 2002).

b) The stability of the team and of the staff

The point concerning this relationship becomes more central once it is necessary to nurture youth/citizen as a person, which requires a work of identitary instauration or restoration, but also a work targeted at the local production of social bonds.

Thus, the relationship seems to constitute itself as one of the founding elements in the building of a threshold of trust enabling the integration of young people. The relational dimension of the process of intervention emerges as the scenery where action acquires meaning, at the centre of which the intervention acquires a formal character.

> This is important at least to the extent that we are also role models, and by being models we are the voice of conscience, we are the voice of reason, that which they do not have outside. They end up finding that voice here, that voice which is a greater consciousness of a reality that might help them; in other words, if a young person has poor school achievement and eventually decides not to continue his/her studies and becomes a job seeker, we need to be able to show him/her the pros and cons of this option. (T2, Social Animator, 26 years old, integrated in the project in 2003).

c) Professional competences.

It is important to mention that, within a group dynamic, staff undertakes a relevant role, namely as moderators and promoters who provide roles and enable interactions among all members. Therefore, the staff is invited to undertake an attitude of attentive analysis of the relationships and interactions established in the group and among its members, as well as a critical view on the impact of these relationships.

> The whole technical team working at the Club is very diversified in their life experiences, due to the fact that some are believers and some aren't, that they come from different kinds of neighbourhoods and from different zones, that some studied and some quit studying and are working. All these hypotheses provide youth with the possibility of looking around and finding various references in different people (V1, Volunteer, 21 years old, integrated the project in 2004).

3.3. The biggest impact: the growing of new identities and new life projects.

In what concerns the construction of future perspectives, this path is not formulated in the statements as such. Nonetheless, and in general, when questioned about the goals of the project and the shifts produced in the life of young people, there are aspects related to this dimension that become evident.

a) The learning of the "I".

The construction of life projects is possible essentially because there is a more reflexive and more constructive emergence of *the I*. The way in which this expression is eloquent is through a discovery of oneself beyond others. According to young people, the intervention that allowed them to experiment themselves as unique and special, made a difference, altering their life trajectory, this being expressed in a personal valuation and individual growth.

> The Youth Club made me think about things in my life that I would possibly never have thought about. It helped me to grow and to value myself, and to say: You are important! You can make a difference! This was something that I did not believe in: that I could make a difference. Through time, I came to realize that I could really make a difference. (J2, Young Girl, 18 years old, integrated in the project in 2002).

b) New projects, new lives.

Envisaging new projects, such as the construction of a *new life*, appears in the statements as a new way of looking at oneself and at others, in a positive way integrating dimensions that were experienced previously as destabilising, namely school attendance and family belonging.

New projects are configured as a *turning of the arrow* in a construction of a life project where mandatory and prohibitory directions appear, as well as reconsiderations and resumptions of paths.

> I believe that at this point I would not be in school. I wouldn't even be here talking to you, I would be sleeping. Yesterday I would have stayed home, doing nothing till 5 or 6 am. My options would be different. Instead of choosing the arrow pointing towards that way, I think I would go towards the opposite direction turning the arrow to the opposite point (J5, Young Boy, 15 years old, integrated in the project in 2002).

c) Resilience to carry out a life project.

In accordance with the mentioned statements, the development of social and personal competences appears to be central. On the one hand, as a goal that is intended to achieve through activities and the development of a project and, on the other, as one of the attained goals, therefore a promoter of change.

The indispensable resilience in the reorganisation of the ways of working, capable of enabling new learnings and new interpretations, emerges in discourses as a creative way of surviving situations which are adverse to development.

Resilience is constructed in the interaction between people and context, not depending solely on the involvement of the individual in the environment. From this perspective, social and personal competences, in a broad sense, appear as a group of actions, attitudes and thoughts that the young person presents in relation to the community, to individuals with whom he interacts and to himself. The quality of this interaction results from the conjugation of innate data with the socialising processes.

Starting from the learning model (Bandura, 1976), social behaviour can be acquired as any other motor behaviour.

3.4. The intervention as a restorative process of identity.

The nature of the proposed actions and activities assumes a significant place in the discourses of the participants while promoters of a positive development of young people having an active effect in the reduction of risk factors.

The importance of the type of leisure activities offered for the psychological, cognitive, physical and social development of youth is largely recognised. The choice of appropriate programmes for the occupation of leisure time constitutes an effective measure in the prevention of risk.

a) Activities as structuring in a new way of being.

Activities seem to involve the construction of new experiences, while facing events not yet lived, experiencing new roles and learning new behaviours.

> I think that there are two types of activities: the serious ones, which supposedly direct us to think about our lives and help us. But I think that the practical ones, those that are informal, are also important as they enact a group spirit through informal things and we get to know each other. (J2, Young Girl,18 years old, integrated in the project in 2002)

b) Social follow-up as a differentiating factor in intervention.

The social follow-up is an element that seems evident in the discourse of all participants, presenting itself as a differentiating factor, to the extent that it produces a concrete support to the development of the life project of youth.

> I think that there are almost two levels here: (i) from the part of the group, the feeling of belonging, enabling a feeling of well-being, allowing work on the other aspect concerning (ii) individual work, which is then what marks them the most, this individual relationship that has been established with them. Therefore there are these two levels: being part of a group but also being an individual when necessary. (T1, Psychologist, 28 years old, integrated the project in 2002)

c) Systemic vision as a constructor of new strategies.

Besides highlighting the importance of the follow-up, the statements also point out the relevance of the existence of a network of support to the young person, with elements of intervention and differentiating aspects in the inclusion trajectories of youth.

> I think that a good intervention does not take youth in isolation. To the contrary, it should concern everything around him/her, from family to school, to ways in which they are in school, to everything that surrounds them. (V3, Volunteer, 26 years old, integrated the project in 2005)

According to the analysed testimonies, it can be said that the social follow-up appears as a factor of inclusion, considered both at individual and collective dimensions. It is constitutive of an interactive process, concerning the restoration of social bonds and of social belonging, where the young person builds him/herself as a subject of rights, but also as a person, re-orienting his/her life. According to Ion (1998) this is a work of "Identitary instauration or restoration, a social work in the singular." (p. 18)

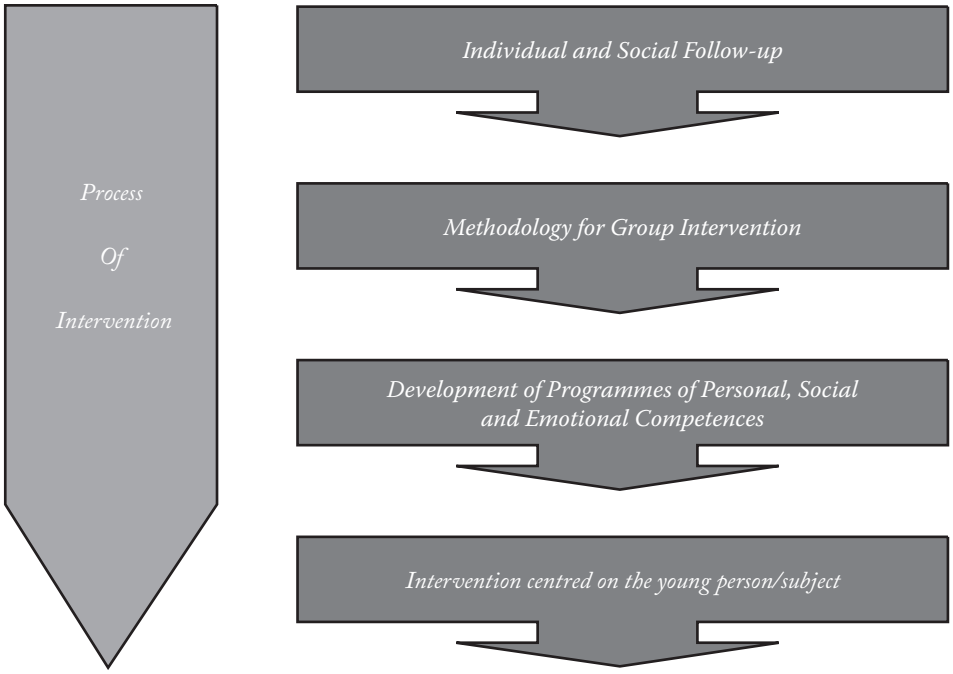
The collected statements unfold an image of the follow-up as a central reference of all interventions and emphasise inner change, that is to say the relation of trust and empathy as constitutive aspects.

Action can be directed towards a capitalisation of strengths developed through a diagnostic of the needs and competences of youth, families and community, constituting a careful analysis of the forces and the modes of taking advantage of these forces, and building up solutions based on the available resources – people, families, and communities, who take part in the design of such solutions.

The data analysis enabled the identification of four essential dimensions for the construction of a process of intervention, highlighting the relational matrix throughout the whole process. These dimensions allowed us to understand

that the construction of the intervention would not be possible outside thess conditions. Hence, the four dimensions, in which the young person is considered the protagonist of the intervention are: social follow-up; life and work in group; training in social, personal and emotional competences; and collaborative work.

Figure C.4.2. Dimensions of the Process of Intervention



Source: Author

In short, it therefore matters to think on how these dimensions might contribute to the (re)conceptualisation of intervention methodologies between professionals and youth with at risk pathways, having in mind that these are not defined temporally, nor sequentially. They may occur simultaneously and, for this reason, they need to be adapted to each individual and to his/her context.

The social follow-up is the dimension that defines itself as being between the subject and the group, constituting a key element in the process of intervention that triggers the protective factors, as it is centred in relationship. This is the terrain in which follow-up takes place and is built on the basis of trust, understanding, knowledge and compromise. The relational dimension is stemmed on empathy, as the professional needs to be able to put himself in the place of the other, but also on his personal implication, where the more affective/emotional side of the intervention stands out. The non-confrontational approach seems to characterize

the beginning of this relationship, enabling an open space for sharing, exchange, and encouraging the formation of an affective bond without prejujdice of the professional dimension. The young person notices that he/she is not simply a number or a file, but someone who the staff member cares about. Such an awareness marks a difference in the way in which he/she acknowledges the follow-up, allowing the building of common perspectives of action based on a joined effort. Marked with a personalised treatment and with an increased attention to the meaning of life and singularities of the person, follow-up assumes a continued and multi-faceted character, where the central concern is to focus on the young person as a citizen and as a person (Ion,1998). To have a comprehensive and individualised approach of the young person, valuing his/her singularities and biography, in a relationship that enables the understanding of his/her attitudes and motivations, creates a support that allows a continuing orientation of his/her actions.

Group intervention stands out as another essential dimension in a process based on the protection factors. The development of group work is understood as a collective dimension of the intervention, where the encounter with peers appears as a dynamic of identification, of encounter and mutual-help, enabling an appropriate consolidation in the construction of personal identity. The group is explored as a space that offers a large range of opportunities to share, learn, support, challenge, create a joined action, foster role modelling, and construction of relationships. The group presents itself as a learning resource, underscoring the opportunities for personal apprenticeship. A number of competences can be rehearsed within the safety of the group, and it appears as a resource for ideas and advice offered by other members of the group who go through similar life situations, which may not be part of the experiences of the staff or other members of the family of the concerned youth.

The development of social, personal and emotional competences is highlighted as another essential dimension, presenting positive results at the level of society, and mobilising different personality factors, such as motivation, anticipation, responsibility, self-image, self-efficacy, and in a more general approach, self-regulatory competences, etc.

The development of competences is presented as a preventive strategy for social maladjustment and contributes to the formation of youth through methodologies and techniques enabling the development of a number of personal, social and emotional intelligences, preparing them to better correspond to and face the demands of a contemporary world. This may be pursued via processes that recover their self-esteem and improve their ability to communicate, mingle, respect individual and cultural differences, love and fight for an integral citizenship. Although implicating some criteria of subjectivity, including criteria of opportunity and value judgments (Matos, Simões et al., 2000), social, personal and emotional competences seem also to include a number of social skills which, given

the reduced behavioural repertoire of the young person, contribute to overcome his/her reduced relational competences. The problems of interpersonal relation relate partially with the insufficient social repertoire of the young person, which prevents him/her of choosing the adjusted social response to each situation. For this very reason it turns out more relevant to invest in a preventive intervention.

The prevention of risk behaviours has a lot in common with what has been designated by positive interventions, in other words, with the promotion of competences in the fields of health, school, relation with others, emotions, etc. In this sense, it is important to highlight that interventions in the context of prevention should promote *healthy growth* through the acquisition of typically emotional capabilities such as decision making, handling situations involving anxiety, resistance to peer pressure and the development and maintenance of interpersonal gratifying relationships.

Finally, an intervention centred in the young person recognised as an active subject is a kind of orientation that seems transversal to all dimensions of an intervention. The young person needs to be constituted as partner of the action, underlining his/her will to be listened to and involved in decisions regarding his/her life, while promoting his/her participation as an agent of his/her change process. An intervention directed towards the promotion of autonomy and towards self-empowerment relies on an investment in terms of self-esteem and self-confidence, through the promotion of an integrated reflection around all actions and the involvement of the young person in all moments of the action.

It conceives an intervention that allows: to help young people use and improve their capacities in the solution of their own problems; to facilitate the contact between young people and the mechanisms to access resources; to modify the interactions between young people and the systems of resources; to improve the interactions among young people within the systems; to contribute to the development and change in social policy regarding this target group.

4. The Necessary Ingredients for a Route of Inclusion

A project of intervention with young people with risk pathways is situated within a framework of a broader cooperation at an institutional level. This aim calls for a systemic work, in networks and with a dynamics of partnership, disposing of a mature and interdisciplinary team, and using methodologies that depart from the young individual and establishe goals at a short, medium and long term.

The path of integration, understood as a process that is established in the interaction between different actors, situations and contexts, within which new perspectives, possibilities and changes arise, should be designed as a *bridge*, where the young person, with the help of a professional, defines what he/she is searching to become, where he/she stands today, also how he/she arrives there. In this sense,

in general, a path involves various intermediate well-targeted stages, developed in the relationship between a professional and the individual. After clarifying the final goal which the young person aims to achieve, the construction of the path of integration is adapted and personalised, according to an assessment of surveyed difficulties, and to the real goal proposed by him/herself.

Agreeing with this perspective, the relational matrix is here highlighted as being involved in the whole process, in the understanding that the construction of this path would not be possible without this condition. Based on the analysis developed in this study, an intervention promoting inclusion with at risk youth could be seen as being based on the settling of a starting and arriving point, most of all making it possible for youth to be in full charge of decisions about their trajectories (Osmont, 2002), while enabling the development of *active actors* and their appropriation of some *power*. The intervention offers the option of a growing awareness and of a cooperative mood with the means to develop a more equal sharing of cultural, social and material wealth, reducing social inequalities and disadvantages. It is still necessary to consider the process in itself, which concerns identification with a democratic apprenticeship, with pluralistic, non-sexist, multi-racial, and non-militaristic characteristics, where enthusiasm appears as a central medium of intervention. This perspective does not exclude the context of the young person, since a systematic collaboration between the young person and the professional is regarded as playing a core role, assuming itself as an *affective bond* which could be fundamental in the re-enactment of the ties with society.

The four previous dimensions are structured into three components, which are key inclusion: the process of affiliation; the constructed identity between the *I* and the *other*; individual competence. These components underline the need of a permanent evaluation and methodological adaptation of each intervention concerning at-risk youth, and reinforce the vital need of a multi-dimensional, concerted, integrated and strategic approach.

Regarding the process of affiliation, in the context of this analysis, this is understood as the recreation of a space of affectivity, belonging, responsabilisation, which allows to understand that exclusion is not just a condition, but also a result (Castel, 2000) that can and should be reverted. To assert and consecrate the prevalence of affective relationships is determinant to a clarified understanding of the healthy development of a young person, where the characteristics of individuals and events contradict or limit the effects of risk factors. Even when science struggles to deal with affections, however in line with the enormous progress made in the terrains of emotional intelligence and its relevance to enact effective transformational learning, it is essential to understand how these are pre-condition to the existence of a healthy subject. The feeling of belonging to groups, namely of family and peers, seems to be a milestone in a trajectory of integration.

The encounter with figures of identification, within a broad range of possibilities, enables the flourishing of the personality of youth and a stable relational blossoming to the social world. An approach where love and strength need to be higher than the previous pain and emotional devastation, implies an intervention that corresponds to a fight to rescue the healthier side of the young person. It implies the existence of means capable of producing and maintaining stable high quality affections. The external cohesion increases the possibility for young people to attain the feeling of a confident self, as well as of making connections with others and with the surrounding reality. Living positive experiences is essential to help youth to overcome situations of loss, to embark in a reconstruction of their identity and to assist in overcoming adversity. Trust, security and stability present themselves as conditions for the reparation of the *I* of young people.

Regarding the perception that identities are constructed in an interplay between the *I* and the *other*, the relational dimension must be reinforced, namely in adolescence where external models are structuring. One must recognise that these are barely present in the most handicapped environments. This notion of identity is based on elements through which the young person recognises himself, knows what he/she wants, knows how to act, often with total independence, and in a different manner from all the rest, and moreover, possesses a conscience of his/her own situation in space and of his/her temporal continuity, of a past that he/she does not forget, a present that he/she manages, and a future in which he/she projects him/herself.

This *I* is constructed within a process of self-knowledge, through the internal information that he/she gathers from him/herself: from his/her needs, impulses, wishes; from his/her fantasies and projects, from the imaginary picture that he/she invents for him/herself and the world; from his/her goals or targets and the destiny which he/she predicts for them, everything that therefore results from the capacity for memory, analysis and prevision; and from the process of self-identification (in the sense of recognising his/her personal originality and his/her continuity in time. Furthermore, of knowing him/herself to be different from his/her fellows and as having a past, present and future).

But this is an *I* that situates him/herself in a relationship with *Others*, as a process of identity building through an intense contact with the identity of the other. This process is a normal psychic growth, acculturation (in the sense of the internalisation of a culture in which one his born and lives), which is crucial to the formation of personality. Group intervention promotes an identitary and social reconstruction. The group is recognised as an environment of growth and change, in which individual identity matures along with that of peers.

In this sense, individual competences appear as key to integration, revealing the importance for the development of generic and specific competences that expand

the repertoire of social behaviours and help young people in the reconstruction of social bonds, to the extent that they are able to identify situations and problems, and attempt to implement solutions and evaluate the results, altering, if necessary, their strategies. These programmes of competences are processes that involve the construction of new experiences, the facing of events that till then have not yet been experienced, while experimenting new roles and learning new behaviours, which are fundamental to the construction process of identity and autonomy. Intervention in the context of prevention and protection should promote a healthy growth through the development of competences, intellect and affect, emotions, and ability to exercise choices.

5. Conclusion

Modern society alters the logic of social integration. More than the processes of integration, individual competences are key to integration, throwing evidence on the importance of the development of generic and specific competences that expand the repertoire of social behaviours and help young people in the reconstruction of social bonds, to the extent that they are able to identify situations, problems, and attempt to implement solutions and evaluate the results, altering, if necessary, their strategies.

The proposed activities appear as a support to the development of social, personal and emotional competences. They are not ends in themselves, but only means to support intervention. Activities are chosen in accordance to their ability to influence development and individual learning on mutual help and the fulfilment of tasks. They are a precious instrument to harmonise life in groups. They enable the development of physical, intellectual, emotional and artistic capacities; facilitate contact; create relational bonds; provide opportunities to communicate, in a verbal and non-verbal way, and express feelings of friendship, solidarity, hostility or indifference; offer invaluable possibilities for new experiences of discovery, opening, exploration; enact happiness and moments of pleasure that later on will be remembered; allow to learn at any age and improve at different levels; allow the acquisition of a robust and applicable emotional intelligence.

The promotion and development of competences is considered a preventive strategy to social and personal maladjustment, facilitating a positive integration of young people at school, labour, and social levels to the extent that it can provide them with the ability to participate actively in decisions concerning their lives and the resolution of their problems. These programmes of competences development are processes that involve the construction of new experiences, the encounter with new events, the experimentation with new roles and the learning of distinct behaviours which are deemed fundamental to the process of construction of identity and autonomy. Interventions at the level of prevention and protection

should promote a healthy growth through the development of competences, intellect and affect, emotional intelligence and capacity to exercise choices. In this sense, this training involves competences such as self-esteem, concept of self, ability to make decision, the handling of situations, such as bearing anxiety, resistance to peer pressure, the maintenance of interpersonal relations, assertiveness, emotional maturity and robustness, among others.

From this standpoint, the group evidences itself as a space for the re-enactment of social competences. The proposal is to consider the group from two angles: as place of resource and as a space for the promotion of social competences. It is a general idea that people who are in a process of exclusion see their social competences diminished and their isolation accentuated. Participation in collective actions enables the acquisition and re-learning of core social behaviours. The competences to live in society are numerous and belong to various domains, such as the capacity to manage a budget, family, training, health, home, etc., and they impact on the mobilisation of different factors of personality such as motivation, anticipation, responsibility, self-image, etc. These social competences are weakened by situations of exclusion and this is why the participation in collective actions might enable the activation of these competences.

From this perspective and before a group of people exhibiting pathways marked by risk experiences, characteristics of marginalisation, deficiencies at the level of knowledge and aptitudes, a significant suspicion towards institutions, a huge devaluing of themselves and a life centred in the here and now, the intervention ought to be oriented towards a future with clear goals, situated on a short term basis, with delimited and controlled demands, and with realistic offers of success.

Social intervention is, therefore, essential in a system of new opportunities, making it necessary to undertake a robust investment in these young people with dysfunctional behaviours and risk pathways, in order to prevent an irreversible entry in situations of exclusion. Based on this perspective any valid intervention requires an integrated planning, having in mind all dimensions of the problems that need to be addressed to attain their solutions, as well as the planning of the goals to be achieved and the ways to achieve them.

At the level of prevention, this cannot be perceived as a prosthesis, a mere add-on. It is necessary that prevention is transformed into an attitude – as an anticipation, a pro-action. The early intervention should be a mandatory policy, spreading everywhere and fostering a balanced development of the young person. The detached character of isolated measures, the lack of strategic vectors for action, the inexistence of defined and functional communication channels, feed a sense of persistence into stiff approaches to infantile and juvenile protection inevitably tending towards rigidity throughout time. To look at social policy as an instrument of emancipation and of effectiveness of the rights to citizenship, nercesitates the courage to propose *localised* responses to the needs of young people at risk.

In conclusion, it is emphasised that, as a process, intervention should be built step by step, in an interaction between different factors. Affiliation, identity and competence present themselves as key elements of a trajectory marked by a relational dimension, capable of functioning as mitigators in young people with at risk behaviours. From a material, emotional and social point of view, the positive relations constitute the adequate stimulus for the awakening of the personal capacities of young people, empowering them with new choices.

From this standpoint, youth are not considered *victims* or *failures* of the system, needing protection, but rather the protagonists of their own lives. Indeed, successful young people find a singular way to face adversity, uprooting strategies that enable them to deal with their own vulnerability, and becoming authentically happy. As one of the young people from the project Youth Club states: "I can say that I feel happy and proud with the person that I am today." (J2, Young Girl, 18 years old)

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D.

Institutional Dimension – The Portuguese Benchmark

a) Legal

D.1. Conceição Cunha

– *Educating for Justice During Custody: An Irreconcilable Combination?*

D.2. Armando Leandro

– *Protection Systems and Youth Well-Being – A Focus on Intervention*

D.3. Manuel Lopes Rocha and Inês Almeida Costa

– *Children and Young People, the Internet and Cybercrime – The Example of Copyright*

D.1. Educating for Justice During Custody: An Irreconcilable Combination

Conceição Cunha
Porto Law School – Portuguese Catholic University (CEID)

Educate the children and it won't be necessary to punish the men (Pythagoras)
The bad kids are often also the sad kids (…)[1]

Abstract: The Portuguese juvenile justice system aims to educate for justice, with a view to reintegrate young people in society when they commit criminal offenses, by showing them the need to be educated.

But what does educating mean and, more specifically, what does Educating for Justice mean?

While educating consists in helping to grow, to develop skills in a harmonious way, and building personality, Educating for Justice assumes a directed development towards respect for the essential values of the community, thus potentiating a dignified and responsible integration in society.

But how can we educate a young person to respect community values? How can we prepare this young person to be integrated in society? How do we educate in a way that respects cultural differences and the individuality of a person who is developing his/her personality? Is it possible to educate by restricting rights? And is that restriction legitimate? In what way?

Placement in an Education al Centre is the most severe, the *ultima ratio* of measures intended for the most problematic situations. This measure, especially in the form of the most severe custodial regime (closed system, which entails the greatest restriction of rights), puts us before a paradox: is it possible to educate for full social integration, for freedom, and for responsibility, by restricting the freedom and temporarily removing the young person from that same society? How to prepare a young person to face society following a removal from it? And how should a proper transition between life in a closed centre and life in an open society be prepared?

These are some key dilemmas for which I will try to offer evidence-based and research-supported answers.

Keywords: young offender, Education for Justice, custody, freedom, responsibility, community values.

[1] Event: "Sad Kids, Not Bad kids: Shaping a Europe-Wide Youth Violence Prevention Strategy," 29 November 2011, Brussels.

1. Introduction

As a professor of Criminal Law, I came across a gap in the higher legal education – a lack of training in Juvenile Delinquency.[2] This gap is responsible for a shortage of specialised lawyers who are familiar with the particular issues at hand, which has hindered chances of achieving more adequate responses in this context. As such, my proposal was that it should be included as a course at Masters' level. Since then, I have developed an interest in the field and have become more aware of the complexity of the issues and of the need to adopt an interdisciplinary approach that articulates with the law in action.

However, I should stress that I am a mere apprentice in these matters, in particular concerning the practical application of the law and the psychological and social causes of youth offending, due to my lack of direct contact with the underlying reality. A committed apprentice nonetheless, wishing to contribute with the eyes of a scholar who is concerned with practical matters and with learning from reading and talking with legal practitioners. And in doing so, I might just help build the necessary bridges between law in books and law in action.

In this sense and also for the opportunity to learn and share, I am very grateful for the invitation to join this initiative which I highly commend for the urgency of the issues it addresses and for tackling the need for interdisciplinary, intercultural, and international dialogue.

I was given the task to reflect about custody, the most severe of the measures established in the law and targeting the most serious of youth offenses. I will focus on the educational aims of said measure, how to attain them and what changes could be considered in view of better Educating for Justice and better integrating youth in society. To frame the issue, I will start with a brief overview of the development of the legal system addressing children and youth.

2. Development of the Legal System for Children and Youth and Models of State Intervention

Even though the interest for children and youth issues and awareness of the need to specifically cater for them (also in legal terms) are still relatively recent, Portugal, in line with its humanist tradition, was one of the first countries to demonstrate such an interest and awareness.

The *Ordenações* already established a special treatment of children and youth by prohibiting the death sentence to offenders below the age of 17 (book 3, title 88 of the

[2] Albeit ambiguous, I will use this concept to refer to behaviour of young people between the ages of 12 and 16 that the law defines as crime (and this is exactly the scope of application of the Juvenile Justice Act (LTE)).

Ordenações Manoelinas). Likewise, the first Penal Codes made references to prevention and educational correction of young offenders (Sousa Santos, 2004, p. 127).

However, it was in 1911 that a true major development occurred in the special treatment accorded to children and youth with the enactment of Decree-Law of 27 May. It contained a set of legal rules addressing minors and implemented the first Youth Courts, named *Tutorias de Infância* (Childhood Guardians). As put by Anabela Rodrigues (1997), "Portugal is proud, and rightly so, to be among the first or even to have been the first ever to adopt, in 1911, a set of special legal provisions for minors"(p. 359). At the same time, these rules were truly innovative in the way of distinguishing between *minors in moral danger* and *minors who commit crimes*, of factoring the specific offense into the choice of measure, of emphasising the educational character of the measures, and of providing procedural guarantees (along the same lines, see Gersão, 1984).

The need to bring together the different existing documents on minors into one legislative piece was the reason for enacting the Minors' Guardianship Organisation (OTM) in 1962. Its more protectionist character was further reinforced by Decree-Law Nr 314/78. "In fact, it was at that moment that our country introduced a maximalist 'protection' system" (Rodrigues & Fonseca, 2003, p. 5).

This "paternalistic vision" (Rodrigues & Fonseca, 2003, p. 7) was patent mainly in the following aspects:[3] the non-differentiated treatment (viz., in terms of measures) between minors in danger (ill-treated, misfit, neglected, *street children* engaged in vagrancy and/or begging) and minors who commit crimes.[4] Both were considered in need of protection and assistance, insofar as the offense was seen merely as a symptom of poor social adaptation and needed not be rigorously proved; the informal nature of proceedings with no guarantees for the minors (viz., the adversarial principle and the right to be assisted by a lawyer); and the flexibility of the measures which lacked any fixed duration.

This model did have some advantages over the repressive/security-focused model, namely a lower stigmatisation of the young offender, measures with a correctional instead of a punitive character, as well as a certain understanding of the phenomenon of youth offending as a reaction to (or expression of) affective/education/social deficits, which, in my view, is (at least to a considerable extent) accurate. It is a well-known fact that many young persons who commit crimes were or are ill-treated or neglected. However, not every ill-treated or neglected young person commits crimes

[3] On the same note, see Rodrigues (1997) and Gersão (1994, p. 244).

[4] Contrary to some doctrine according to which a child or a young person does not commit a crime, in my view the lack of criminal responsibility concerns incapability of guilt and not of committing criminal wrongdoings (unless it is such a small child to whom not even the wrong itself can be imputed, following a notion of personal wrongdoing).

(and even less so in a systematic or serious manner). Therefore, this model also held serious risks, which might have been less obvious early on:

(i) Firstly, the risk of applying the same measures to young persons with different problems and behaviours and who might as such require differentiated treatment; risk of placing together in the same institution ill-treated young persons who themselves had never been the agents of ill-treatment, and young persons who committed, perhaps violent, crimes. Ultimately, it could mean putting together the most serious cases of ill-treatment and the most serious cases of offending (in fact, institutionalisation was to be used in the most serious cases, but there was an overuse of custodial measures [Rodrigues, 1997]; on custodial measures within the OTM, see Fonseca, 2005).

(ii) Secondly and equally relevant, the abuses and arbitrariness allowed by the lack of procedural guarantees for the minors.[5]

(iii) Finally, where the crime was seen as a mere sign of poor social adaptation and lack of protection, the type and duration of the measure were not necessarily determined by the lesser or greater gravity of the crime. Measures were undefined and unlimited, which meant a failure to protect the minor.

Paradoxically, a system focused on protection thus culminated in a system that failed to protect, leaving the young person at the mercy of state intervention.[6]

In view of the above, the pure or radical protectionist model was seen as conflicting with the fundamental principles of the democratic rule of law, whereby state interventions that restrict rights should be based on the principles of necessity and proportionality (in particular, article 18 of the Constitution of the Portuguese Republic[7]) and proceedings should safeguard the fundamental rights of citizens, adults or minors.[8]

Not even in other legal systems with protectionist models (Spain, Belgium) were excesses committed as in the Portuguese model;[9] reforms were implemented that set them apart from the latter.[10]

On the other hand, the international community saw the emergence of a growing interest in the rights of children and youth, leading to the 1989 approval

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[5] Note that the lack of a right to be assisted by a lawyer was considered unconstitutional (and as a result, article 41 of the OTM was declared unconstitutional by Decision Nr 870/96, published in *Diário da República*, Series I-A, of 1996-9-3).

[6] On the same note, see Rodrigues & Fonseca (2003, p. 9).

[7] Hereinafter CRP.

[8] On the same note, see Rodrigues (1997, pp. 358-359).

[9] Spain (1048), Belgium (1965); compare, Rodrigues & Fonseca (2003, pp. 6-33).

[10] For example, in Spain, Organic Act 4/1992, followed by Organic Acts 5/2000 and 8/2006; and in Belgium, the Acts of December 1992, and February and June 1994.

of the United Nations Convention on the Rights of the Child, which was ratified by Portugal in 1991.[11] The Convention defines child as "every human being below the age of 18 years" (article 1), elects the "best interests of the child" as the guiding principle (article 3), and lists a number of obligations and procedural guarantees in article 40 that States should respect within their *juvenile justice*.

In this context, other international instruments should also be mentioned: the Beijing Rules, establishing rights and procedural guarantees and the rule of deprivation of liberty as a last resort disposition and only for the minimum necessary period (rules 17.1[c] and 19.1); the Ryiadh Guidelines, establishing the need for phased delinquency prevention measures (I.5.); the Havana Rules, stressing the importance of deprivation of liberty as a last resort measure and applicable in exceptional cases only (article 2) and the aims of "counteracting the detrimental effects of all types of detention" and "fostering integration in society" (article 3); and the Tokyo Rules on non-custodial measures.

Also within the Council of Europe several documents were adopted aiming at juvenile delinquency prevention and guaranteeing the rights of the child, among which we find the following Recommendations: R (87) 20 on social reactions to juvenile delinquency, which emphasises the need for social policies to prevent juvenile delinquency; R (01) 1532 ("A dynamic social policy for children and adolescents in towns and cities"), which recommends non-judicial and non-custodial measures and enhances youth violence preventive measures; R (2003) 20, concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, and highlighting the need to prevent offending and reoffending, to (re)socialise and reintegrate offenders and address the needs and interests of victims; R 2008, on the European Rules for juvenile offenders subject to sanctions or measures; finally, noteworthy is the Opinion of the European Economic and Social Committee on "Prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union," of 2006.

By referring to this range of international and European instruments, I want to illustrate the growing concern towards children and young people[12] and the awareness of the need for any state intervention to respect their rights. This means doing away with the Guardian State or Paternalistic State and promoting respect for the rights and guarantees of young people and their growing autonomy, also attained through an educational responsibilisation[13] in cases of serious violation

[11] Note that Portugal was one of the first countries to ratify this Convention.

[12] Some prefer this terminology over that of *minors*, which is seen as less dignifying or as side-lining their role; however, where many laws and international instruments refer to minors I will also sometimes use the term without any derogatory meaning.

[13] This was the final chosen formulation in the bill to amend the Juvenile Justice Act (Furtado, 2013, p. 127). It can be argued that the above instruments do point to such a choice, framed

of the community's fundamental values. Moreover, preference should be given to extrajudicial dispute settlement and non-institutional measures, highlighting the need to keep deprivation of liberty as a last resort disposition and limited to the most serious cases. Equally important is to reinforce preventive measures (and protection measures, if needed) taking into account certain more recent (and more violent) forms of youth criminality.

In fact, the rise in youth offending (in any case exacerbated by the media[14]) and the new ways it manifests particularly in major urban centres have given way to a feeling of insecurity and demands here and there for a punitive recharge. As a reaction, some countries adopted *justice models* (or something close to justice models) which, albeit respecting the guarantees of young people, choose to apply measures that are more punitive than educational with a view to fostering security in the community. Furthermore, these models abandon the notion of protection and make young people accountable for their acts. In the words of some authors, it amounts to a "Penal Law for minors," that is, a legal system that is based on Penal Law but takes the age of the offender into account (as a mitigating factor).

As a result of the aforementioned critiques to the protectionist model, in line with international recommendations,[15] and the need to prevent youth offending and promote security, Portugal decided to reform its Law on Minors. It did not give in (and in my view, rightly so) to those *securitarian trends* that were growing. Rather, following a profound reflection, the choice[16] was for a *third model* that combines the advantages of a protection system and the advantages of a justice system, without identifying with either.

On a similar note, Souto Moura explains: "The educational system … is a 'third model' that seeks to reconcile an unassailable principle of subtracting the young person from the penal system – and in that sense comes close to the 'protection system' – with stronger procedural guarantees and a strategy aiming at responsibilisation, thus having some commonality with the penal justice model" (2002, p. 111).

Referring to this third model, Anabela Rodrigues highlights the need to foster security within the community: "The aim was to … find a 'third model' that harbours the ability to both safeguard the rights of the child – making the intervention

within a *third model*, that responsibilises the young person not in punitive but in re-socialising and educational ways.

[14] Along the same lines, see Sousa Santos (2010, p. 16); for an analysis of children and young people in the media, see Sousa Santos (2010).

[15] Note that the Committee for the Rights of the Child expressed concerns over the fact that Portugal did not provide the procedural guarantees of article 40(2)(b) of the Convention on the Rights of the Child and did not differentiate between state intervention targeted at delinquent minors and that targeted at minors in need of protection (Rodrigues, 2003, p. 24).

[16] By the Committees responsible for the Reform (Rodrigues, 2003, p. 17).

legitimate – and to meet the community's expectations of security and social peace – in turn, making the intervention effective" (Rodrigues, 2003, p. 19).

This third model is clearly present in Laws Nr 166/99 (Juvenile Justice, LTE) and Nr 147/99 (Protection Act for Children and Youth in Danger, LPCJP). Having entered into force in 2001, these acts introduced a differentiated treatment between young people who commit crimes and children and young people in danger, safeguarded procedural guarantees for minors, and refocused interventions targeting young offenders on *Educating for Justice*. Nevertheless, they did not neglect the necessary *bridges* between protection and an educational responsibilisation, and made the Public Prosecutor's Office responsible for activating the *protection* mechanisms at any stage of the educational process (article 43 of the LTE). In fact, it is often the case that the minor requires protection and an educational responsibilisation; it may also be concluded that what the young person really needs is to be supported (protected) when the crime expresses no more than protection deficits.

As such, this system seems to respond adequately to the needs of the *children and youth justice*."

Laws only become alive and are tested for their validity and effectiveness when confronted with real-life situations. Moreover, any law can be improved and made to adapt to the way problems develop. This said, some years after these acts entered into force, a bill was proposed to amend the LTE;[17] however, it never reached discussion.[18]

Interestingly, no substantial change was intended. Instead, the purpose was to "retain the philosophy" of the law in force and strengthen the "educating and responsibilising for justice dimension,which was paralleled with the notion of co-responsibilising the parents. In the same line, the proposal advocated a reinforced role for the Public Prosecutor's Office, the definition of the entity to be in charge of executing the measures, the intervention of the social reintegration services, and the adjustment of process-related, procedural, and regulatory issues and those related to international judicial cooperation" (Furtado, 2013, p. 23).[19]

I will mention some of the proposals for amendment and their *rationale*, especially those concerning custodial measures and which, in my view, deserve particular reflection and analysis.[20]

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[17] This followed the analysis and discussion by the Working Group appointed for that purpose by Order Nr 11878/2009, who produced a Final Report to which I will refer whenever relevant. The group is hereinafter referred to as GT-LTE.

[18] Due to various constraints, namely political, that need not be identified in this context. Meanwhile, however, some changes were recently introduced by Law Nr 4/2015.

[19] This is a summary of the main objectives behind the proposals for amendment.

[20] Albeit having contributed (as a scientific advisor) to this Amendment Bill, I do not identify with all of the proposed changes; this is very natural insofar as it reflects the result of a *group* analysis and discussion. I do nevertheless identify with the philosophy of the current act and with the *philosophy* that guided (is embedded in) most of the proposals for amendment.

Finally, the Young Adults Act of 1982, for young people between the ages of 16 and 21, was principally aimed at enacting a transitional regime and established measures appropriate to that age group (these young people are legally presumed to be *doli capax* but their personality is not yet fully developed or *stabilised*). It has also generated critiques and debate, mainly due to its *poor* sanctioning approach, its *legal gaps* and for not having been duly ensued by the setting-up of "detention centres" as established in that law. There have been several Reform Bills (Bill Nr 275/VII, approved in March 1999) which were never converted into acts. Although a reform would indeed be fundamental to secure an adequate treatment of youth offending (which is most expressive precisely in this age group), it is still waiting to see the light of day. Given the topic of my reflection (mostly the issue of Educating for Justice in Educational Centres [ECs]), I will not deal further with offenses committed by *young adults*[21] and will therefore limit any reference thereto to this brief note.

3. Requirements and Aims of Educational Measures

One of the requirements of any educational measure is that a crime[22] has been committed by a young person aged between 12 and 16[23] (article 1 of the LTE). However, this is not enough. The LTE requires further (in my view, rightly so) that there is a *need to Educate for Justice* which must exist at the time of deciding which measure to apply (article 7[1]).[24] That is, the fact of the crime must reveal those educational needs which, in turn, must still exist at the time of choosing the measure; if they are met in the meantime, there is no longer a reason to apply a measure that aims exactly at Educating for Justice.

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[21] The dividing line between young person and young adult, between criminally responsible and irresponsible, is far from clear. There are differences between legal systems and no precise recommendation from the international community as to the age of criminal responsibility, even when the Convention on the Rights of the Child (article 1) defines a child as below the age of 18 which is the age of civil majority and criminal responsibility in most European countries. I will also not be able to develop this further in the present context.

[22] Behaviour that is defined by law as crime.

[23] The 16-year-old age limit draws the dividing line between criminal irresponsibility and responsibility (article 19 of the Penal Code) which, as mentioned before, is open to debate. Moreover, below the age of 12 (as a rule, the beginning of puberty) it is considered premature to responsibilise (even in a corrective/educational sense); below this age it is possible to promote protective interventions, if the offending behaviour reveals the need for protection (Rodrigues & Fonseca, 2003, p. 38).

[24] In this light, it was opportune that the LTE Amendment Bill clearly established, already in article 1, the two essential conditions for applying a an educational measure (Furtado, 2013, p. 129).

As such, the LTE makes *Education for Justice* its core notion: it establishes the need for it as a legal requirement and endeavours to meet that need, by educating. The requirement and aim of the measures are, as such, indissolubly connected.

When instead of educational needs the offense reveals protection needs, the young person's case is then dealt with under the Protection Act. According to Anabela Rodrigues: "an educational intervention should not occur if the offense still expresses an attitude that is congruent with (or simply non-disrespectful of) the basic legal values and is, for example, a mere product of educational deficits that the social services failed to satisfy and which, as such, fully justifies an assistance-type of intervention" (1997, p. 380).[25]

The above already hints at some differences between the protection and the education afforded by assistance-type of interventions and educational interventions, respectively, without prejudice to articulated interventions where both types co-exist with respect to the same young person.[26] In my view, Education for Justice implies a notion of educational responsibilisation,[27] that is, of becoming aware of the harm caused and of being educated to respect the basic values of the community. Again, a responsibilisation that is not punitive but educational.

The difference between the LTE (and underlying rationale) and Penal Law then becomes apparent and prevents us from reducing the so-called youth

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[25] However, sometime judges *divert the system* and refer to an educational intervention cases that would be better framed under the protection system. And they do so to have access to the most severe of measures – custody! What is the reason for diverting? According to their own statements, the decision seeks to protect the minors themselves, as it is understood that they will be better monitored in ECs than in institutions working within the protection system (Sousa Santos, 2004). This situation is troubling and makes it imperative that we reflect about these institutions and ways to improve their conditions and how they monitor children and young people in their care.

[26] Compare, article 43 of the LTE and article 18 of the LPCJP. In any case, the opinion of the Committee for the Supervision of ECs) is that it should be assumed that a young person subject to a custodial measure needs protective intervention; therefore, the application of any educational measure, *maxime* custody, should be communicated to the National Committee for the Protection of Children and Youth in Danger (Neves et al., 2012, p. 8). Likewise, it is also necessary to articulate Social Security and Justice, when monitoring both the young person and the family (2012, p. 39). I agree with these suggestions insofar that one of the problems with the current system is, in my view, this exact lack of articulation between protective interventions and educational interventions and it is imperative that the young offender and the family are monitored during and after the educational measure, especially in cases of placement at an EC. The recent changes introduced by Law Nr 4/2015 intend to respond to these specific needs, providing appropriate monitoring after the educational measure (article 158-B).

[27] Compare, along the same lines, the proposal to change the name of the Act – from "Lei Tutelar Educativa" (literally translated as Educational Guardianship Act) to "Lei de Responsabilização Educativa" (literally translated as Educational Responsabilisation Act) – mainly because it was understood that the term *tutelar (guardianship)* is still associated with a "protectionist paradigm" (Furtado, 2013, p. 24).

justice to a type of *Penal Law for minors*. The former does not entail a penal censure insofar as the agent is *doli incapax* (the agent's personality is still under development – Rodrigues, 1997, pp. 373-374; Fonseca & Rodrigues, 2003, p. 36; Rodrigues, 2011), whereas a penal censure is a condition for applying a penal sanction. Furthermore, Penal Law's ultimate aim is to protect legal interests (article 40 of the Penal Code), whereas the purposes behind the LTE focus on the minor's interests (article 6[3] of the LTE) and on Educating for Justice; Education for Justice is the interest and in the interest of the young person. Naturally, such Education for Justice aims at integrating young people in society, empowering them to respect the basic values of the community; in this sense, there is no actual contradiction, but convergence, between the interests of young people and those of the community in preserving legal interests protected by penal law. Notwithstanding, the interests of young people do come first (arguing the same, see Moura, 2002, p. 112); on the other hand, although a penal sanction also fosters re-socialisation of the offender (article 40 of the Penal Code), a need for re-socialisation does not necessarily have to exist at the moment of applying the penal sanction. Requirements for applying a penal sanction call for a criminal behaviour and personal fault on the part of the offender; suspended sentences are limited to the exceptional cases of less serious crimes and no significant fault and where there are no special or general prevention needs (article 74 of the Penal Code). Finally, albeit neighbouring concepts with intersecting points, re-socialisation and Education for Justice are not to be confused; Education for Justice is a broader concept and "as a rule [presupposes] an early developmental stage of the personality …," thus contributing "to the harmonious development of that personality …" (Moura, 2002, pp. 113-114). This also highlights the difference between prison and placement in an EC: "where both entail deprivation of liberty, the difference between prison and educational custody lies in their regime, resources, and perspectives. In prisons, the State's punitive power is massified; in the EC, the educational duty is individualised …" (Neves et al., 2012, p. 18).

4. Main Principles of an Educational Intervention[28]

Educational interventions follow the principle of legality. On the one hand, the range of criminal behaviours giving rise to the application of educational measures is limited to those defined in penal law; on the other hand, applicable

[28] Under the LTE, the fundamental principles of educational interventions are identified in different articles; however, the LTE Amendment Bill provides a more systematised list already in its article 2 (legality; best interests of the child; educational responsibilisation; minimum intervention and actuality; flexibility, proportionality and individualisation; procedural promptness; parental responsibility – which would be an innovative principle; mediation).

educational measures are those listed in the law (article 4 of the LTE). As such, this principle protects young people against arbitrary treatment.

There is, however, a major difference with Penal Law: in penal interventions, the principle of legality establishes that each crime is matched with a penal sanction (type and limits of the sanction); albeit subject to the principle of legality, educational interventions offer more scope for choice where, instead of matching each crime with a specific educational measure, it is possible to choose from a range of measures provided in the law, considering their limits and pursuant to the principles of proportionality, adequacy, and *minimum* restriction of rights, which I explain below.

The principle of necessity and of minimum restriction of rights must be upheld. This means that custody is an ultimo ratio measure insofar as it restricts, to a greater extent, the rights of the minor (article 6 of the LTE, pursuant to the constitutional principles established in article 18 of the CRP, the Beijing Rules – 17.1[c] and 19.1 – and the Havana Rules – article 2).

In fact, article 4 of the LTE lists a number of educational measures in ascending order of severity, starting with reprimand and closing with placement in an EC.[29] In relation to the latter, it further distinguishes three regimes, also in ascending order of severity defined by measure of openness (and therefore by measure of deprivation of liberty): open, semi-open and closed.

Pursuant to article 6 of the LTE, when choosing the measure "among those that are adequate and sufficient, [the court must] give preference to the measure that interferes the least with the minor's freedom to decide and direct his/her own life and is likely to have the highest degree of acceptance from the minor, parents, legal representative, or person with the *de facto* custody."

Further to this principle of minimum restriction of rights, also the principles of adequacy and of the best interests of the minor (or young person) should be mentioned: the measure should be adequate to its aim, that is, to educating the minor for Justice (that concrete minor with those concrete personal characteristics), and should be guided by the minor's *interests* (cf. also, relevant international instruments, maxime the Convention on the Rights of the Child which establishes that in all decisions concerning children, the best interests of the child should be a primary consideration – article 3[1]).

The court must also give due consideration to a consensus criterion – that is, it must consider to what extent the minor and those responsible for the minor adhere to the measure. The highest degree of consensus it elicits and the more

[29] Between the least and the most restrictive of measures, one finds the following: deprivation of the right to drive mopeds or to obtain permission to drive mopeds, compensation to the victim, payments or community work, imposition of rules of conduct, imposition of duties, attendance of training programmes, educational monitoring (article 4[1][b] to [h] of the LTE).

it is viewed as necessary and meaningful by the young person and family, the better effects it will produce, that is, the more effective it will be in educating the young person for Justice. This is not about the young person getting to choose the measure, insofar as it has to be proportionate and adequate to the situation (the offending behaviour and the perceived needs of an Education for Justice), but about accepting and understanding the measure; therefore, between two measures that are adequate to the situation, preference should be given to the one that elicits greater adherence by the young person.

Still in relation to the choice of educational measure and respective duration, it should conform to the principle of proportionality (article 7[1] of the LTE, article 18[2] of the CRP).

In this context, reference should be made to article 17(3) and (4) of the LTE. It limits custodial measures in semi-open and closed regimes to crimes with a certain degree of gravity (further requiring increased gravity for closed regimes compared to semi-open regimes).[30] These are in fact the most liberty restrictive regimes and as such require greater care in their application to safeguard the principle of minimum restriction of rights and the principle of proportionality.

Looking in more detail at the differences between custodial regimes will enable a better understanding of the rationale behind article 17(3) and (4):

In the open regime, minors reside in the EC "but should carry out their school, educational or training, work, sport, and leisure activities preferably outside the centre" (article 167[1] of the LTE). Moreover, minors may be authorised to leave without supervision and to spend holiday periods or weekends with their parents, legal representatives, *de facto* custodians or other persons of good repute" (article 167[2]). Lastly, "cooperation from the surrounding environment" should be stimulated (article 167[3]). Therefore, albeit restrictive of the young person's liberty, it is so to a low degree: as a rule, it is only late afternoons and during the night that the young person is confined to the EC. This explains why application of this measure is not limited to a certain measure of gravity of the crime.

In turn, in the semi-open regime, "minors reside, are educated, and carry out educational and leisure activities at the institution but may be authorised to perform school, educational or training, work or sport activities outside the centre, insofar as it is necessary for the initial or phased execution of their personal educational project" (article 168[1] of the LTE). Leaving the Centre generally requires supervision by educational intervention staff; however, young people may

[30] Semi-open regime: crime against persons, punishable by imprisonment for more than three years or (if not a crime against persons) two or more crimes punishable by imprisonment for more than three years (article 17[3]); Closed regime: crime punishable by imprisonment for more than five years or two or more crimes punishable by imprisonment for more than three years (article 17[4]). Another issue, which will not be dealt with in this context, relates to the fairness of these limits.

also be authorised to leave without supervision for certain activities as well as to spend holidays with their parents, legal representatives, or persons of good repute (article 168[2]). This is a very flexible regime which can resemble either the closed or the open regime, depending on the case and the stage of execution of the measure.[31]

In the closed regime, the young person's life takes place at the institution: all (school, vocational, sport, and leisure) activities are offered at the EC (article 169[1], first part). Going outside the Centre is exceptional and supervised, limited to the occasional "compliance with judicial obligations, healthcare needs, or other equally serious reasons" (article 169[1], second part). Going outside the Centre without supervision may only be authorised for limited periods, for purposes of reviewing the measure (article 169[2] and article 139[1], jointly). As the most liberty restrictive of the measures it should only be applied to the most serious of cases.[32]

However, there is some debate around this rule of proportionality between the gravity of the crime and the custodial regime to be applied.

The question that can be raised is whether the greater gravity of the crime, which demands (and legitimates) a more liberty restrictive custodial regime, pertains to the criminal behaviour or to the measure of necessity of an Education for Justice, or to both.

In fact, gravity of the crime and degree of necessity of an Education for Justice are two sides of the same coin: in general, committing a more serious crime would reveal a greater need to be educated for Justice. I would therefore argue that the principles of minimum restriction of rights and of proportionality should refer to both aspects. Nonetheless, I stress once again that this is not without controversy. In this sense, the LTE Amendment Bill chose to eliminate the provisions of article 17(3) and (4) on the grounds that a need to be educated for Justice is an adequate and sufficient criterion to decide which measure to apply: "consideration should be given … to the educational needs of the young person expressed through the offending behaviour and surrounding circumstances, existing at the moment of applying the measure" (Furtado, 2013,

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[31] The notion of phasing, of progressivity in the execution of the measures, in particular custodial measures, is very important. I will come back to this point later on.

[32] Note that there are also age limits – the closed regime is applicable only to a minor above the age of 14 (article 17[4][b] of the LTE). The LTE Amendment Bill included the clarification (given that the current wording has elicited doubts) that the closed regime also applies to a young person aged 14, in my view, this would be a useful clarification. In fact, Law Nr 4/2015 now establishes that it applies to a minor aged 14 or more (article 17[4][b]). It should also be noted that institutional measures (custody) must be applied by a mixed court (one professional judge and two social judges); this is a laudable requirement and shows a greater concern in the application of such measures (article 30 and article 119 of the LTE).

p. 65). The option is understandable in light of the importance attached to the requirement of a need to be educated for Justice. However, I question the adequacy thereof. In fact, if a criminal behaviour is a basic condition for applying an educational measure, then should the level of gravity not also factor into the choice of sanction? In particular, should a lesser degree of gravity not block the most severe type of educational measure? In my opinion, it should, or we might risk resembling too much a protection system.[33]

In any case, a requirement of proportionality between the measure and the gravity of the crime (and not only the need to be educated for Justice) is established in article 7(1) of the LTE: "The educational measure should be proportionate to the gravity of the behaviour and the need of the minor to be educated for justice which transpires from the behaviour and subsists at the moment of deciding which measure to apply." Furthermore, there are clear limits to the duration of confinement, again related to the gravity of the behaviour: "in no case shall the period of placement in an EC be more than the maximum prison term established for that crime" (article 7[2] of the LTE). Also concerning the need to set clear limits as to their duration,[34] noteworthy is that the law applies limits to all the measure,[35] among which custodial measures: the time limits of custodial measures depend on their regime (the general rule is two years; exceptionally three years can apply to more serious cases in a closed regime – article 18 of the LTE).

Finally, the principle of actuality is important and required under the already cited article 7(1) – a need to be educated for Justice should subsist at the moment of deciding the measure.

5. What Does Educating for Justice Mean?

So far the analysis has built on a key concept: Education for Justice. One must now understand it. What does it mean to educate and, more specifically, to Educate for Justice?

Starting with the verb *to educate*: to educate is neither the same as to teach nor to dominate or subject (in this connection, see Rodrigues, 1997). According to the dictionary (Houaiss, 2003), to educate means: 1. "to give (somebody) all the care needed for a full development of the personality"; only after this first definition, is there a reference to "convey knowledge, teach, instruct." The concept to educate is richer and broader than the concepts *to teach* or *to instruct*.

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[33] In protection systems, the behaviour is read as a mere sign of maladjustment and need not be rigorously proved; also the measures carry a different meaning (cf., above).

[34] Things were different under the OTM (protection system).

[35] Compare, articles 10, 11(4) and (5), 12(2), 13(3), 14(5), 15(2), 16(5) – all of the LTE.

One educates with one's life, by example, by caring for the *other*; to educate implies to give (to give care); to educate is not only to convey knowledge or information, but to contribute to the other person's overall and harmonious development; "To educate is to create the conditions for a human being to grow and to reach full development as a person" (Ribeiro Dias, 2000).

Who educates? Who helps us grow towards fulfilment?

"Naturally, the home is centre stage and the parents the lead directors of this education movie; they are the main *role models* for their children" (Bandura, 1999). What we are, feel and do is being constantly "observed, modelled upon, reproduced by our children. Even without us noticing it. For that reason also, we should be always aware that to educate is a *journey*" (Veríssimo, 2010).

Therefore, it is no surprise that most young offenders come from precarious family structures,[36] often lacking in affection, having no (or few) rules, no (or low) sharing of social values (values of respect for others); sometimes, young people simply emulate the behaviour of parents or older siblings, their role models as they grow. It also often happens that a young person is transferred from a foster institution to an EC; in these instances careful consideration should be given with respect to the intervention models adopted at these institutions (with the same opinion, see Neves et al., 2012, pp. 39-40).

Therefore, it is important to offer new opportunities, new role models;[37] new possibilities should be opened, thus breaking with the cycle of rebellion or even violence in which the young person lives.

But how to educate this young person? And what is it that is so specific about Educating for Justice?

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[36] I am not identifying precarious family structures with poor families or families with low social and cultural status, although they often coincide. It is true that poverty, social marginality, and low cultural status may influence delinquency by potentiating it (Sousa Santos, 2010; Neves et al., 2012, p. 10; Carvalho, 2005). But there are also poor families and with low social and cultural status that give affection and teach values of respect for others. Likewise, there are rich families and/or with high social (and even cultural) status that reveal precarious structures and do not give affection or set examples of respect for others. However, it is believed that ignorance of youth crime occurrences is higher concerning young people coming from these families. Lastly, it should not be forgotten that whenever crimes are (or also are) a manifestation of protection deficits (the young person is neglected or a victim of violence), protection mechanisms should be activated (either alone or jointly with educational interventions). Moreover, not all cases of youth offending should give rise to state intervention, which is not needed when the behaviour is merely expressing an attitude of rebellion/testing limits, which is typical of the age and still viewed as within a *normal* developmental process (along the same lines, see Rodrigues, 1997, p. 380).

[37] Some magistrates have expressed opinions on how important it is for these young people to have "adult role models" and to be educated "through relationship" and "conviviality" (cited in Sousa Santos, 2004, p. 607).

To Educate for Justice means to educate to respect the most fundamental values of a community, to respect the most fundamental rights, those same fundamental values and rights that the young person offended when committing the crime.[38] That is to say, an educational intervention is mainly based on making the young person understand the harm caused and internalise the basic values of a community (grasping how important it is to respect those values). "An educational intervention should therefore respect the singularity, culture, values of each young person, so long as they do not collide with society's basic values: respect for life, physical and psychological integrity, freedom (in all its dimensions, including sexual freedom and self-determination), honour, property … that is, those values that underpin the legal interests protected under penal law and violation of which elicits a crime" (Cunha, 1995, pp. 195). Differences must be respected and tolerance cultivated. "Therefore and particularly concerning minors, education must respect diversity, discover new possibilities, avoid indoctrination" (Rodrigues, 1997, p. 356). And if the young person's worldview is one of violence and intolerance, this must be *countered*, by making him/her understand that to earn respect one must respect others. In this way, Education for Justice helps the young person achieve a dignified and responsible integration in society (article 2 of the LTE).

Naturally, if the young person is not accustomed to following rules and often feels lost in society and has no goals, educating to respect and be tolerant is no easy task and requires preparation, patience, determination, and empathy. The young person needs to "learn the social rules and norms that hold society together, that normalise behaviours … and structural educational principles should be introduced together with school and professional training programmes that are able to provide minimum basic integration tools" (Neves et al., 2012, p. 6).

Finally, it should be stressed that an educational intervention does not replace the family; instead, it should be articulated with the family,[39] by helping the parents of the young person (or legal representatives or whomever has custody) cooperate in and carry on with the educational project. For this purpose, it is important that the EC is located somewhat close to where the families reside; however, this is often not the case.[40]

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[38] Along the same lines, among others, see Fernando, 2002, p. 126. Note that a crime always entails a harm (or at least, danger) to a community's most fundamental legal interests (article 18 of the CRP).

[39] The Committee for the Supervision of ECs (Neves et al., 2012) repeatedly mentions the need to monitor the family, during and after custody.

[40] This was denounced by the Neves et al. (2012, p. 8) which highlights the need to set up ECs south of Lisbon.

6. How to Educate for Justice While Removing the Young Person from Society?

I will now focus on the most severe and most liberty restrictive of the educational measures: confinement in an EC.

How does one Educate a young person for Justice in an EC? Also: is it not a contradiction or even a paradox to aim at preparing the young person for a dignified and responsible integration in the community (article 2 of the LTE) while removing him/her from that same community? How to re-socialise while removing from society?

Any custodial measure is based on the need to temporarily remove the young person from the normal environment to the EC for the purposes of being Educated for Justice. This removal from the family (and in the most restrictive regimes, from friends and colleagues) is seen as helping the young person to re-evaluate the offending behaviour, become aware of the harm caused and to create, in a new environment, new relationships built on tolerance, cooperation, and respect. The EC then becomes a small society where young people develop different competences, engage in ways of socialising that are different from what they are used to, thus becoming aware of the importance of respecting basic rules that make life in society possible.[41]

However, it should not be forgotten that the young person will not remain in the Centre forever and that the Centre serves as a *bridge* to life outside: "an educational project that is developed within closed walls is disconnected from reality; it is simulating a life that finds no parallel in society" (Neves et al., 2012, p. 41). According to the Council of Europe's Recommendation 2003 "preparation for the release … should begin on the first day of their sentence." As such, the Centre must open up to life outside, both to allow the community to come to the Centre and be involved (through artistic or sport activities and the promotion of volunteer activities) and to allow young people to gradually participate in activities taking place outside the Centre (including volunteer actions).[42] As explained by

[41] Compare, article 1 of the General and Disciplinary Regulation of ECs: "By way of temporarily removing the addressees from the normal environment and implementing pedagogic programmes and methods, the intervention at the EC aims to help young people to internalise values that conform with the law and to acquire resources that empower them to lead a socially responsible life in the future." Furthermore, the principle of minimum restriction of the rights of the young person should underpin life at the EC – that is, restriction should be limited to what is strictly necessary to execute the measure (article 18 of the CRP and article 159[1] of the LTE). For this purpose, life at the centre should "be based on normal social life standards, minimise potential negative effects of confinement on the minor and family, and foster social ties, contact with family and friends, as well as cooperation with and participation of public or private entities in the educational and social reintegration process" (article 159[2]).

[42] The Report by the Committee for the Supervision of ECs strongly stressed that ECs should open up to the community (Neves et al., 2012, pp. 9, 20, 28, 30, 31, 35, 36, 40, 41).

Anabela Rodrigues and Duarte Fonseca, "opening up the centres is not only outwards but also inwards, thus allowing … the structures of the centre to remain open to the local community and stimulating the community to participate in the activities that are taking place in the facilities and structures of the centre itself" (2003, p. 315). It is important to raise the community's awareness to this participation.

That being so, efforts should converge towards " moving beyond a *confinement and isolation* perspective. This is a challenge that demands multiple answers: openness to the community, a responsible engagement by the community to promote inclusion, overcoming internal difficulties and limitations by searching for resources and competences which can only be found by looking outwards, developing the young person's personal project within the community whenever that is possible and does not pose a risk to the youth's safety and that of the community" (Neves et al., 2012, p. 40). Moreover, in my view, crucial to preparing for life outside is an educational process that is phased. Confinement should run along four stages: integration, acquisition of competences, consolidation, and autonomy; also, it should include the possibility of having the measures reviewed (articles 136 *et seq*. of the LTE).[43]

The difficult combination between removing from society/depriving of liberty and preparing for social integration/life outside is felt very differently in each of the three custodial regimes and becomes highly complex in closed regimes.

In fact, in an open regime, the young person always retains contact with society (school, possibly leisure activities…) and, in general, permanence at the centre is limited to late afternoons and during the night. As such, removal is more expressive in relation to family than to colleagues, friends, and teachers, with whom the young person maintains contact.

In this case, the problem is not that of removal from society but the reverse. It has been debated whether this measure is useful insofar that it does not leave much time to assist/educate the young person at the centre since the young person retains contact with the outside… There are those who propose abolishing this regime, whereas others argue that it should be retained and even applied more widely.[44] In the middle, some propose that it is retained but only for exceptional

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[43] The ECs Regulation reads: "an emphasis is put on the educational character of the intervention which is a *phased and progressive* process, where the disciplinary regime should be a last resort instrument to correct behaviours that cannot be sufficiently addressed by way of pedagogic action .... Special focus is given to development programmes carried out in ECs as part of the educational intervention project, which conjugate the general educational and training needs typical of the addressees' age group with the specific needs revealed through the offending behaviour and requiring adequate treatment."

[44] The Comissão de Acompanhamento e Fiscalização dos Centros Educativos (Neves et al., 2012, p. 9) prefers the open regime as the default regime exactly for the fact that it allows more contact with the outside.

cases, when removal from the family is deemed to be beneficial and removal from colleagues and friends unnecessary, or that it is used as the last stage of confinement.

I tend to favour those middle-ground proposals. I do not believe that this is a regime that should be applied frequently as it leaves little time to assist/educate the young person.

However, I accept that in exceptional cases (exactly when contact with family is a destabilising factor or is even stimulating delinquency[45]) this regime might be beneficial and that, in line with the idea of phased measures, it could be used as the final stage of confinement. Noteworthy is that, in the context of the GT-LTE, it was suggested (by the Secretariat) that this regime should be eliminated as a self-standing regime since it was regarded as "an outward facing measure that, when applied *ab initio*, did not contribute to the success of the intervention and was useful only to adjust the final stages of the other regimes …. Therefore, it should be introduced through the mechanism of review and, especially, at the final stage of a monitoring process that is inherent to a custodial measure."[46] Albeit "sensitive to these arguments," the GT-LTE chose to retain the open regime as a self-standing regime so as to safeguard the possibility of applying it whenever adequate, even if in residual cases" (Furtado, 1013, pp. 57-58).

In the semi-open regime, there is no such problem of lack of assistance to the young person. In fact, in my view, this regime is generally the most appropriate to educate young people,[47] insofar as it combines periods of contact with the outside and periods of life at the centre. Also, it is very flexible in that it allows more or less openness to the outside according to each specific case and the young person's progress: "As such, the semi-open regime is particularly suited for educational intervention projects and programmes that are progressive and flexible, where the number and duration of the leaves increase and supervision decreases with each intervention phase, depending on the degree of attainment of proposed goals, or decrease and increase respectively in case of regression" (Rodrigues & Fonseca, 2003, p. 317).

In light of these features, I am tempted to conclude that it would be possible to eliminate the open and closed regimes, and retain the semi-open regime as the only custodial regime. This is conceivable in view of the flexibility offered by the semi-open regime which allows more or less openness according to the educational needs of the young person. However, (as mentioned before) I admit that exceptional cases might warrant an open regime and that other type of

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[45] In these cases, it should be considered whether it is more adequate to provide a protection type of intervention instead of an educational intervention, or if there is a need for both.

[46] I will come back to this issue of phasing the custodial measure at a later point.

[47] It is, in fact, the most frequently applied (Neves et al., 2012, p. 25).

exceptional cases (of significant gravity) require a closed regime. Nevertheless, I maintain that the semi-open regime should be the general rule.

The closed regime is more problematic in terms of preparing the young person for a life outside. As stated, in this regime, all activities take place at the EC; the young person's life is limited to the EC. As such, my initial questions become even more pertinent in this context: is it not a contradiction or even a paradox to aim at preparing the young person for a dignified and responsible integration in the community while removing him/her from that same community? How to re-socialise while removing from society?

This regime should be applied *extrema ratio* only, in cases that are particularly serious in terms of the gravity of the crime and the need to be Educated for Justice that is manifested through the criminal behaviour:[48] that is to say, where the educational needs require a period of removal from society so that the young person can seriously rethink life and be helped to understand the meaning of the values that were violated. It should be noted that, very often, society itself (maxime family, school, and friends) has somehow contributed to that crime.[49] Also for this reason, the temporary removal from these negative influences might be an important factor in the education of the young person.

I do, however, reiterate, the exceptional nature of this regime: due to its severity it should only be applied where the semi-open regime is deemed insufficient and inadequate (notwithstanding its flexibility and, as such, the possibility of starting out as not very open to the outside) – article 6(1) of the LTE and 18(2) of the CRP.

Furthermore, this regime ought to be carefully executed. Life at the Centre should give opportunity for interactions that empower young people for a future social integration and the measure should be phased and include outside experiments at a more advanced stage of implementation, ultimately leading to a review of the measure (article 169[2]).

In any case, I am of the opinion that, at a final stage of a closed regime confinement, reviewing of the measure should be compulsory to avoid an abrupt transition from life in a closed regime to life outside. A review mechanism is established in the law (articles 136 *et seq.* of the LTE) but it is not compulsory. However, particularly in the case of confinement in a closed regime, it seems important to require a mandatorily phased implementation where a specific part

[48] At this point I should highlight the importance of the conditions established in article 17(4). The Committee for the Supervision of ECs (Neves et al., 2012, p. 9) also mentions that the closed regime should apply in "extreme cases."

[49] And this has also led to some debate concerning measures aimed at co-responsibilising the parents, which are absent from the current Act. These were proposed in the LTE Amendment Bill (Furtado, 2013, pp. 67-68). Albeit controversial, I will not be able to develop the issue further in this context.

of the measure is focused on adaptation and on opening to life outside (the last 1/5 of the measure could be carried out in a semi-open regime, open regime, or under educational supervision[50]).

Also, the rule whereby custodial measures are served consecutively should be reconsidered; a possibility is to replace it with a legal computation rule (of the same opinion, see Sousa Santos, 2010, p. 334; Neves et al., 2012, p. 7). In practice, the current rule can actually counter the aim of social reintegration which requires a certain restraint with respect to periods of liberty deprivation given that the *times of the young person* are different from the times of the adult. Notwithstanding, a judicious use of the review mechanism (whereby any procedural subject is allowed to apply for a review) could avoid prolonged and unnecessary confinements.[51]

A new measure was proposed by the GT-LTE: the Duty to Attend a Youth Integrated Centre (Furtado, 2013, pp. 63-64).[52] Even though not a custodial measure, I should mention it briefly insofar as it would require the young person to spend part of the day at an EC. Contrary to the open regime whereby the young person is temporarily removed from the family, spends the night at the centre but still carries out school and training (and even leisure) activities outside the centre, in this case the young person would stay with the family but would be subject to an educational intervention, the duration of which would vary according to the individual needs. This measure would target young persons for whom staying with the family is beneficial but who need support and assistance during part of the day (after school hours). In my view, this measure has significant educational advantages, especially in situations where, in spite of sharing a structural affective bond, the family has no time or capacity to assist (supervise) the young person. It could also be combined with educational supervision[53] (article 16 of the LTE) or

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[50] Of course, provided that the measure has not been reviewed previously. To respond to this problem, Law Nr 4/2015 sets a period of intensive supervision (this is not compulsory, but it can be determined by the judge), or, where this period does take place, a monitoring system after the educational measure (articles 158-A and 158-B)

[51] During preparation of the amendments to the LTE, the Secretariat's proposal to convert several custodial measures into one single measure ended up being set aside by the GT-LTE on the basis that is was possible to have the measures reviewed. However, the latter did propose, and in my view reasonably so, to include the wording "on its own motion or upon request" in the amendments, thus allowing any party to the proceedings to apply for a review (Furtado, 2013, pp. 103-104). Law Nr 4/2015 changed article 8, thus solving the problem of consecutive custodial measures.

[52] The designation proposed by the Secretariat was "Duty to Attend a 'Day Centre'" (in line with the designation used in the equivalent Spanish and Italian provisions). However, the final choice was to avoid a designation that was similar to that applying to centres for the elderly (Furtado, 2013, p. 63, note 30).

[53] The wording proposed in the LTE Amendment Bill was "monitoring with intensive supervision" (Furtado, 2013, pp. 60).

the duty to attend programmes (article 15 of the LTE); and it could also be used at the final stage of a custodial measure, in view of the phased nature of measures.[54]

The measure of weekend confinement has attracted strong contestation (and in my view, understandably so): it applies to cases of failure to comply with other non-institutional measures (article 138[2][d] of the LTE). Further to not being unanimously accepted as a replacement or supplement to the failed measure, this confinement offers little educational benefits (or none whatsoever). In fact, the Centres are not prepared to receive and support these young persons; it very often means that their weekends are the same as leisure time (playing football, going to the pool), seeming more like a *bonus* than a *punishment* (along this line, see Guerra, 2004; Sousa Santos, 2004, pp. 324, 441 and 601; Neves et al., 2012, p. 7). In my view, it ought to be either revoked or restructured to be made to meet educational purposes and without interrupting the originally applied measure (for a somewhat similar opinion, see Sousa Santos, 2010, pp. 329-330).[55]

Finally, there is the issue of lack of a *therapeutic confinement* for young people with severe mental disorders. It was proposed by the GT-LTE as "indispensable" to treat young people "that suffer from psychiatric illness or disorder, perception changes that severely affect awareness of reality, addiction to alcohol or drugs or psychotropic substances, so long as these circumstances do not prevent them from being able to understand the meaning of the intervention for responsibilisation" (Furtado, 2013, p. 57); that is to say, and coming back to the LTE, provided that the disorders do not prevent those young persons from understanding the meaning of the educational intervention, in which case they are referred to the mental health services (article 49 of the LTE). Also, the need to separate these young persons was emphasised by the Committee for the Supervision of ECs (Neves et al., 2012, p. 7). This is another debated topic: some advocate separation while others fear that separation equals more marginalisation. I sympathise with this concern against *labelling these young persons*; however, if the alternative is failing to adequately treat them and if socialising with other young people becomes very problematic and hinders the recovery of both groups, I cannot see it as a viable solution. In the impossibility of ideal solutions, one has to go with the *lesser evil*. And in serious cases, separation seems to allow these young persons to be adequately treated.[56] However, as soon as the situation is controlled, as soon as the problem is mitigated and life together with others is possible, I am of the opinion that these young persons should be

[54] Note that in Ireland, Spain, the United Kingdom, and the United States of America, this measure supplements other measures, and in Spain the tendency has been to carry out all non-institutional measures at a Day Centre (Furtado, 2013, p. 64, note 31).

[55] Recently, Law Nr 4/2015 revoked the measure of weekend confinement (article 138)

[56] Advocating confinement for purposes of "medical and psychological treatment, even if not executed at a justice institution," see Sousa Santos (2010, p. 343).

transferred to confinement at a *non-therapeutic* EC – but naturally, only if there is still a need to be Educated for Justice; otherwise, the measure ought to cease.[57]

Finally, therapeutic confinements would not mean that there is no need for psychological support in all ECs. On the contrary: even young people without mental health problems have a need for this type of support. This has been highlighted by the Committee for the Supervision of ECs: "… we believe that it is fundamental to develop an approach that guarantees regular assistance and support to all young people and not only to those with a mental health diagnosis. In fact, confrontation with a situation of confinement and the particular personal developmental stage at which they find themselves are, among others, factors that determine and require monitoring" (Neves et al., 2012, p. 30). Among those others factors, I would stress the fact that, in most cases, these young people come from precarious family structures and suffer from cognitive and emotional deficits.

7. Education for Justice During Custody and Some Suggestions for Improvement

Understanding and internalising values as well as developing social competences can only be achieved through hard and continued efforts. This education is premised on some fundamental pillars: calling to reflect on one's past and future identity, establishing rules and explaining their rationale, creating (positive and negative) stimuli, providing school or professional training, discovering possibilities at different levels. However, none of the above will produce any of the intended results if not offered in an environment of understanding, and I would even add, of empathy.

To start with, psychosocial group or individual programmes should be put in place, according to the needs of each young person; and this urgently requires the training of specialised personnel.[58] As such, further to school or professional training activities and even leisure activities (which are also formative/educational – such as artistic and sport activities), young persons should be monitored, according to their educational needs. However, adequate time management is of essence. As stated by Sousa Santos, if the young person is "overloaded with school, training, or leisure activities" there would be no "time for psychosocial intervention" (2010, p. 343).

Moreover, monitoring will not be possible in overpopulated centres,[59] insofar as it requires developing personal relationships instead of massified *relations*.

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[57] And always in articulation with the health services so that the young person continues to be treated, if still necessary.

[58] Also in this sense, see Neves et al. (2012, pp. 13-14).

[59] On the issue of overpopulation of ECs and the need to open centres south of Lisbon, see Neves et al. (2012, p. 25).

Professional training should be diversified and school training facilitated; in this respect, significant improvement has been achieved and there is currently one primary school teacher in each EC to give support to young persons with more difficulties (Neves et al., 2012, p. 28).

One aspect that ought to change is the fact that the Centres are designed (in terms of logistics, activities, psychological support) for the confinement of boys. It is therefore necessary to rethink the activities, the dress code, and even decoration to make them more adequate to the needs of young girls.[60]

The environment (architecture, decoration, dress code) is important when it comes to fostering a peaceful and educational context. There are good news at this level: the Committee for the Supervision of ECs has mentioned that there is an ongoing process aiming at "humanising the spaces" (in cooperation with the Faculties of Fine Arts and Architecture) and that the the young persons' dress code is now more "dignified" (Neves et al, 2012, pp. 26-27).

Even though it is not possible to address every single aspect of an Education for Justice in ECs, the issue of rules should be mentioned.

It is generally accepted that educating entails rules and that the addressee needs to understand their importance (Veríssimo, 2010; Rodrigues, 1997, p. 384). For this purpose, incentives should be put in place that are both positive (awards, including progress during confinement, towards autonomy) and negative, if rules are not followed. This brings to the fore difficulties concerning *punishment* and what is legitimate punishment,[61] maxime in the context of an EC. In no case is it allowed to treat young people in a way that violates their dignity (corporal punishment, food deprivation, or limiting the right to visits are banned) – article 188 of the LTE. To ensure proportionality and adequacy between the gravity of the offense and the punishment (the disciplinary measures), offenses are defined in the law and divided into less serious, serious, and very serious, to which different disciplinary measures apply (articles 191 to 197 of the LTE).

Noteworthy is the most severe of measures: suspending contact with colleagues for a period of no more than a week (article 194[1][h]). If it is partial (limited to only certain periods of the day or to certain activities), it raises no problems. However, an absolute suspension, applicable only as a last resort, has generated some debate. The measure cannot be executed through the use of a *disciplinary room*, following the rejection of a proposal to include a "disciplinary measure of permanence in a disciplinary room for a period of no more than three days" as the most severe

[60] Along this line, the Committee for the Supervision of ECs has further emphasised that this point deserved a special mention by the High Commissioner for Human Rights during the dignity and justice for detainees' week, as part of the commemoration of the 60th anniversary of the Universal Declaration of Human Rights (Neves et al., 2012, p. 13).

[61] This is a complex issue of more general relevance; however, I will address it in the context of the educational centre.

measure. This was said to be "excessively repressive and punitive." However, this critique is not shared by everyone: according to Anabela Rodrigues and Duarte Fonseca, so long as executed in a "unit especially prepared and adequate for the purpose, monitored by the staff of the EC," those critiques would lose reason (Rodrigues & Fonseca, 2003, pp. 359-360; Fonseca, 2005, p. 462). As a result of that rejection, an absolute suspension has to be executed in the "young person's room or another space in the residential unit that is adequate and the EC must ensure the necessary educational and, if relevant, clinical or psychological support to help the young person reflect on the gravity of the behaviour and internalise the values protected by the infringed norm" (article 106[2] of the General Regulation of ECs; Rodrigues & Fonseca, 2003, p. 359; Fonseca, 2005, p. 462).

However, I still doubt this measure, in the form of an absolute suspension: is it not excessive to cut relationships with colleagues for a week? And is it not a contradiction to consider that carrying out the measure in a disciplinary room for a period of no more than three days is "excessively repressive and punitive" while accepting an absolute suspension (even if not executed in a disciplinary room but in the young person's room or another unit that is adequate for the purpose) for a period of seven days?

8. Transition Between Life at the EC and Life in Society

One of the most complex issues, to which our system fails to adequately respond, is that of the transition between life at the EC and life outside. The question is: "what happens the next day?" (Sousa Santos, 2004, p. 641).

If after being Educated for Justice, young people return to their original environment, an environment that is responsible (or, at least, co-responsible) for the offending behaviour, how do we prevent them from repeating the past? How do we prevent "wasting experiences that were gained and personal and social competences that were developed?" (Sousa Santos, 2010, p. 344).

This requires a transition and monitoring stage, of the young person and the family.

Therefore, further to a mandatorily phased confinement the latter part of which never in a closed regime, I also argue for the creation of a follow-up period. But how should it be done? Should it be a supervised liberty similar to other legal systems?[62] An alternative would be to continue in stages, through a transition from custody to an educational follow-up or from custody to day centres (or *youth integrated centres*).

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[62] For example, in Spain and Ireland. As already indicated above, Law Nr 4/2015 introduced a period of intensive supervision (article 158-A) and the monitoring after confinement (article 158-B).

A number of problems and possibilities arise in this context. One issue is to determine whether this period of supervised liberty or educational follow-up or attendance of day centres should be integrated in the final stage of the measure or if it should be additional to the measure. The most correct would be to integrate it in the final stage of the measure so as to avoid restricting the rights of the minor beyond what was established.[63] This could therefore imply prolonging certain time limits but it is, I believe, to be preferred over the present situation – where it is actually possible not to have any phasing of the measures and where social reintegration and transition to liberty are little (or not) monitored.

Also, and further to phased custodial measures, one could consider articulating with the mechanisms established in the Protection Law (for this, see Sousa Santos, 2010, pp. 344-345).[64]

In any case, all of these possibilities could be combined: a phased confinement with a final stage that is never in a closed regime but in a semi-open regime, open regime, at day centres, and/or as an educational follow-up period; and, whenever necessary, even after the measure, securing an adequate articulation with the protection system so as to monitor the young person and family.[65]

Likewise, there are (good) ideas for establishing protocols with firms and institutions where young people can carry out internships during the final stage of the measures,[66] with the possibility to retain employment thereafter (depending on performance). In my view, these initiatives are crucial for social reintegration and, as such, for breaking with the cycle of marginalisation, poverty, and criminality. These internships could be performed in an open (or even semi-open) or educational follow-up regime.

Finally, another initiative for the most difficult cases would be to create *autonomy homes* (*casas de autonomia*). After completing the measure, young people "lacking basic conditions of stability in their original environment" would be able to "stay for as long as necessary to develop alternative life circumstances and to stabilise their life course" (Neves et al., 2012, p. 11). This idea was also welcomed

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[63] In fact, the period of intensive supervision is now integrated in the final stage of the measure (article 158-A)

[64] In fact, this solution is now provided in article 158-B.

[65] As noted above Law Nr 4/2015 introduced a period of intensive supervision (article 158-A) and a monitoring *system* after custodial measures (article 158-B). However, these are provided as alternative ways of implementing the transition between confinement and life in society. I wonder if it would have been better to provide the possibility to combine both.

[66] This idea was welcomed by the Directorate-General for Social Reintegration (DGRS) and "resulted in a protocol between DGRS and Sonae for six-month paid internships, to be carried out in the last part of the measure, with the possibility of retaining employment thereafter according to performance. The internship is monitored by DGRS and by a professional mentor in the firm who supervises the young person and articulates with the assigned technical staff" (Neves et al., 2012, p. 10).

by DGRS, and União Meridianos has even offered to provide an autonomy home for young people that it would "maintain and supervise." However, "due to lack of appropriate legal framework" this did not bear fruit (Neves et al., 2012, p. 11). I do hope that this initiative is not lost and that the necessary legal conditions are put in place for it to carry through.[67]

It is true that there has been much reflection and a lot has been done, but there is still a long way to go.

Educating young people for Justice and empowering them for a dignified and responsible inclusion in society are permanent challenges for us all: families, educators, criminologists, lawyers, psychologists, sociologists, social reintegration workers... A stimulating challenge nonetheless, as there is no real freedom without education and without free and responsible youth there are no free societies...

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[67] Law Nr 4/2015 provides autonomy homes during the period of intensive supervision (article 158-A) and residential units for the transition, after the end of the educational measure (article 158-B).

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D.2. Protection Systems and Youth Well-Being – A Focus on Intervention

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Abstract: The main topics of this chapter are:

- Analysis of the needs and virtues of interventions with children/young offenders, both in terms of prevention as well as rehabilitation and integration/reintegration. This will be discussed on the basis of the scientific, legal, social, and policy values and ethical principles that should guide the promotion and protection of children's rights in this context, based on an integrated systemic intervention that includes all subsystems.
- Fundamental importance of Human Rights – giving due priority to the rights of the child in light of the principle of the best interests of the child as a person autonomously invested in rights – as the irreplaceable benchmark on which to model the values and principles of any intervention.
- An approach that constructs and functionally takes Human Rights as the system's *good conscience*.
- Features of an intervention approach that respects and promotes the right of the child to full development and well-being, to inclusion through effective integration or reintegration, and to a positive self-projection into the future based on a rehabilitated present in which he/she has a word and plays a part as maker of his/her own destiny.
- Taking special account in all preventive and rehabilitating interventions of the child/young person's rights/duties to internalise (through critical and participated dialogue): (i) the values of human dignity, ensuing rules and discipline; (ii) a sense of the *other* and the greater good, solidarity and justice; and (iii) the preparation to assume a "responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples" (article 29 of the UN Convention of the Rights of the Child).
- Duties of all persons and institutions formally or informally acting as an affective, educational, and socialising reference for the child/young person (from family to community, and the national, regional and local State). In view of the child/young person's dignity and needs at each developmental

stage and context, these actors should endeavour to secure that the rights primarily belonging to the child/young person (and not to those in charge of securing them) are realised in ways that are both affective and stable, creative and solidarity-based, so as to become strong drivers of genuinely embodied responsibility and hope.
– Need to conform with basic intervention principles, namely those of the best interests of the child, privacy, early intervention, minimum intervention, proportionality, parental responsibility, primacy of the family, participation of the family and child, and subsidiarity.
– Constant interplay between the relevant sciences, norms, and intervention policies so as to achieve successful interventions.
– Issues related to age limits of criminal responsibility and criminal majority, protective intervention and responsabilisation through educational measures with respect to children and young offenders.
– Based on the above, possible models of intervention with a view to the effective (re-) integration/inclusion of the child/young person.

Keywords: rights of the child, rehabilitation, inclusion, values, intervention, intervention principles, co-responsibility, communicability.

1. Introduction

1.1. What intervention paradigm should apply to youth offending?

Should the choice be to prioritise a reaction to the offense that is primarily behavioural/punitive, albeit reintegration-seeking (justice system) or an *educational* model based on the principle of responsibility (educational system under the Juvenile Justice Act, LTE[68])? Holistically taken, the latter is part of a *broad system for the promotion and protection of the rights of the child*; a broad system that necessitates an articulation between the various *subsystems* which, even though aiming at and assuming a shared fundamental objective to promote and protect, are tailored to the specific needs flowing from the many concerns, such as that of youth offending.

1.1.1. Rationale and meaning of the broad system for the promotion and protection of the rights of the child and subsystems mentioned in 1 above.

1.1.2. Arguing in favour of the second option (educational model – educational intervention), as adopted in the Portuguese legal system, under LTE.

[68] The LTE was recently amended by Law Nr 4/2015, of 15 January. While introducing practical improvements, it retains the values, principles, and fundamental provisions that are explained in this chapter.

a) A specific type of intervention that is placed outside this educational model but within the subsystem for the promotion and protection of children and youth in danger (protective intervention under the Protection Act for Children and Youth in Danger concerning facts that are criminal offenses under penal law and are committed by children below the age of 12.
b) Connecting the option for an educational model based on responsibility (educational intervention under LTE) with issues sorrounding age limits of criminal responsibility and criminal majority and the need for a specific penal treatment of an already criminally responsible youth.

1.2. Importance of an intervention that articulates and integrates the youth offending subsystem and the subsystems for social intervention, protection of children and youth in danger, and civil guardianship measures.

1.3. Fundamental importance of the Human Rights of the child as continuous and indisputable references in every intervention, building as the *good conscience* behind the broad promotion and protection system and the different subsystems, naturally including the youth offending subsystem.

1.3.1. Particular implications of the rights of the child namely the rights to full development, to well-being, to be heard and to participate, to a personal, family and community inclusion that is both responsible and, as far as possible, happy.

a) Meaning, needs and responsibilities of the child/young person and of all persons and institutions formally or informally acting as an affective, educational, or socialising reference for the child/young person, in materialising his/her right/duty to prepare for a "responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples" (article 29 of the UN Convention of the Rights of the Child).
b) Guiding principles of interventions, mainly those of the best interests of the child, necessity, legality, minimum intervention, and flexibility.

1.4. The central role of (primary) universal prevention and (secondary) selective or indicated prevention of youth offending, on the basis of careful and dynamic planning, that is subject to quality assessment and draws on science and experience, and a permanent and informed preventive aim, with a view to solidifying a still insufficient yet fundamental *prevention culture* and appropriate practice.

This refers to specific prevention as well as to a prevention that targets contexts, facts, and individual, family and community factors which science and experience identify as potential predictors of offending behaviour.

1.4.1. Importance of preventive concepts and actions, and respective evaluation, which emphasise the benefits of an integrated articulation between the subsystems in 1.2. above, namely in terms of preventing risk and danger situations.

1.5. Aiming at successful interventions, promoting ways to ensure a constant interplay between:

– the sciences and research that help understand youth offending, in all its diversity and complexity, and find the best possible solutions;
– the system of norms;
– the system of action policies and related interventions.

2. Intervention in the Context of Liberty Depriving Educational Measures in ECs, namely under the Closed Regime

I will first provide a summary of the main aspects of the topics outlined in the introduction and follow with a brief perusal of the issues which I was so kindly and wisely *challenged* to tackle in this paper: *education for justice*; legal purpose of educational measures; promotion and preservation of the well-being of the young person subject to a measure, namely that of deprivation of liberty in an Educational Centre (EC) under a closed regime.

The principal reference point will be the current Portuguese legal system. Under this system, intervention towards child/youth offending (where the child/young person[69] performs an action that is defined as crime under penal law) is to be modelled as follows, according to the age of the offender at the time of the facts.

2.1. If the child is below the age of 12, intervention takes place within the children and youth in danger protection subsystem, regulated by Law nr 147/99, of 1 September (with the same name). Intervention requires that the fact, in itself or in light of other personal and contextual circumstances, constitutes *danger* to the safety, health, training, education, or development of the child, and the parents, legal representative, or *de facto* custodian are themselves causing the situation of danger or are failing to adequately remove it when caused by an act or omission of a third party or the child.

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[69] Naturally, the definition in the UN Convention on the Rights of the Child ("every human being below the age of 18 years") is followed, in due recognition of its, also symbolic, importance to the issue of responsibility for offenses committed by that "human being" who is below the legal age of majority. Notwithstanding, I will mostly use *child/young person* or only *child* or *young person* which seems to be more in line with the general understanding underpinning the system's options according to age.

Before the normal puberty period and beginning of adolescence, the intervention should be of an essentially protective character; always timely and careful and adapted to age and context, it puts an emphasis on creating the conditions to enable an appropriate formal and informal education in the relevant values/rights/duties. In this context, focus should not be on a responsibilisation that is more typical of the justice system, even if under the educational model, and that builds on an adequate degree of understanding of the intervention itself which is normally difficult to attain at developmental stages in earlier ages. Moreover, an educational type of intervention would carry risks of social labelling and marginalisation which are higher in earlier ages and should as such be avoided.

This protective intervention, which removes the danger (and covers all persons below the age of 18 and, in certain cases at the person's request, up to the age of 21) is organised in a *pyramid* under the principle of subsidiarity, that is to say, privileging an intervention that is more informal and closer to the person.[70] At the bottom we find the Entities that have competence in matters of childhood and youth; in the middle, the Children and Youth Protection Committees; and at the top, the courts.

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[70] The intervention of public, cooperative, social, and private Entities with competence in childhood and youth matters is planned jointly with the parents or their substitutes, and does not entail the application of formal measures. If those Entities are not able to remove the danger, the intervention is transferred to the Children and Youth Protection Committees that work within each municipality. They are non-judiciary official bodies, with functional autonomy and composed of representatives of local, public, and private entities. Further to preventive tasks and parallel to the courts, they have competence to intervene at the level of and apply promotion and protection measures as defined in the law (save for custody measures preceding adoption), provided the parents give their consent and there is no opposition from the child or young person who is aged 12 or more, or younger but capable of understanding the meaning of the intervention. At the top of the pyramid we find the courts with jurisdiction in matters of family and minors, acting when no Committee has been set up, when the Committee does not have or ceased to have legitimacy to act due to lack or withdrawal of consent or the child or young person's opposition, or when unable to apply or execute the measure in a timely fashion namely due to lack of adequate resources, or when the Public Prosecutor (competent to follow-up on the Committees' work, to oversee their procedures, and assess the legality and suitability of their decisions) requests judicial intervention after deeming their decision to be illegal or unsuitable to protect the child or young person.

The Law exhaustively lists the promotion and protection measures which are divided between those that are executed in the natural environment (support to parents, support to another relative, custody given to a person of good repute, support for independent living, custody given to a person selected for adoption) and placement measures (foster family, institution, custody given to an institution with a view to adoption). These measures aim at removing the danger, overcoming its consequences, and securing the child/young person's safety and conditions for well-being and good development.

2.2. If the child/young person is aged between 12 and 16 at the time of the facts that are classified as crimes under penal law, intervention is no longer placed within the system of promotion and protection of children/youth in danger, but it is neither one of a punitive character, nor criminal or quasi-criminal in nature.

The choice is then for an educational model based on responsibility (educational system). Even though as a rule the young person is already capable of *assessing the illegality of his/her behaviour* and of *acting accordingly* (which justifies the principle of responsibility), the age specific-developmental stage requires an intervention that is educational and not already criminal for lack of criminal fault under law. Criminal fault presumes a sufficiently structured personality, absent at this age, which can be socially and ethically condemned in criminal terms and subject to a system of heavy social significance and carrying high risks of stigmatisation.

2.2.1. The main features of the educational system are:

– Intervention is the exclusive remit of courts with competence in family and minors' issues or, in their absence, of district courts set up as family and minors' courts for this purpose.
– Commission of a fact that is classified as crime under penal law by the young person aged between 12 and 16 is a condition precedent to any intervention.
– The law exhaustively identifies the applicable educational measures, from reprimand to detention at an EC (principle of legality, in the form of *numerus clausus*).
– Through these measures, interventions aim to "educate the young person for justice and to integrate him/her in community life, in a dignified and responsible way" (educational principle of responsibility).
– Further to the required proof on facts, measures shall only be executed if, at the time of deciding, it can be concluded that they are necessary to achieve the purpose of educating for justice (principle of necessity).
– The choice of which educational measures to apply is based on the young person's interests (principle of the best interests of the young person).
– Among those measures that are adequate and sufficient, preference shall be for that which interferes the least with the young person's autonomy to decide and make life choices and most likely to be accepted by the young person and his/her parents, legal representative, or de facto custodian (principles of minimum intervention and adherence).

Any educational measure executed over time shall be reviewed *ex officio* or upon application by the young person, his/her defense counsel, parents or substitutes, or by decision of the social rehabilitation services (principle of compulsory review). Depending on the particular measure and the young person's performance and in view of his/her rights and duties, the decision can be to maintain the measure and,

within certain legally defined limits and conditions, change the form of execution, to extend the measure, to replace it, or to terminate it even before the end of the adjudicated duration (principle of flexibility).

These educational measures can be executed until the young person reaches the age of 21, at which time they must cease.

The young person and his/her parents' right to speak and to participate shall be guaranteed in conformity with the adversarial principle, the principle of respect for their material and procedural rights, as well as in view of their duties.

Interventions shall also take into account the safety and social order needs of the community and the duty of the State to protect the rights of the victim, to protect legal interests that are essential to the community (security function) and to ensure that the development of criminal careers is tackled at the earliest possible stages. Priority is however given to the interests of the young person with a view to educating (responsibility through education) in the fundamental values of community life that were offended by conducts classified as crimes under penal law which, in turn, carries an *ultima ratio* nature in democratic societies that are guided by Human Rights. A successful education as such represents the best remedy against destructive recidivisms and relevantly factors into a dignified and responsible reintegration into community life.

2.3. At the age of 16, the young person becomes criminally responsible and the commission of facts classified as crimes under penal law will therefore elicit responsibility and a penal response that are already criminal in nature.

However, a special regime applies to criminally responsible young adults between the ages of 16 and 21,[71] in light of the following:

- The period of personal and social latency and vulnerability that is typical of the initial stages of maturity. Although meaning some degree of instability and difficulties in behavioural adjustment to democratically elected community values, it nevertheless holds more chances of positive modification in the face of developing personalities and is thus potentially more open to *change*.
- Data showing that criminality among legally responsible young persons is mostly transitional and often short-lived.
- Recognition of the potentially high criminogenic effect of prison sentences – that is to say, the finding that enforcing prison sentences, especially those that are most severe, does not help decrease recidivism.

This legal regime establishes a more specific liberty depriving measure at detention centres; however, failure to set up these centres meant that this measure was never actually tested. Therefore, the real potential of this special regime lies

[71] Decree-Law nr 401/82, of 23 September.

mainly with the duty[72] it imposes on judges to mitigate the sentence pursuant to general penal law regardless of any of the mitigating circumstances provided thereunder having in fact occurred. As such, the young adult's age suffices for this purpose, provided however that the judge has serious grounds to believe that mitigation contributes to a social reintegration of the convicted young adult.

This provision more generously allows application of non-custodial sentences which, justifiably so, the law prefers over custodial ones, whenever they adequately and sufficiently fulfil the purposes of punishment – general prevention, which aims to protect the legal interests that have been violated through the crime – and of special prevention with a view to reintegrating the offender into society. And if only a custodial sentence is deemed adequate and sufficient to fulfil those general and special prevention purposes, the provision further enables the judge to better adjust the concrete measure to the young adults's age and life circumstances and context. Still not fully matured and at a specific developmental stage, often this young adult no longer sufficiently relates to the fact. Therefore, whenever such a special mitigating factor occurs, it is unfair that the concrete measure should be the same as if applied to a mature adult, and it could jeopardise normal chances for a positive projection into a free future, to some extent even risking a civic *death* or estrangement, resulting in more or less exclusion with serious personal and community detriment.

2.4. The system that I have briefly described in 2.1, 2.2, and 2.3 above can always be adjusted and modified based on careful evaluations that offer new or renewed solutions for increased efficacy and efficiency in view of the goals of interventions and underlying fundamental values and principles.

Notwithstanding a natural subjectivity which I strive to annul so as to be as objective as possible, I would argue that this system is profoundly rooted and grounded on some of the major paradigms and achievements of our time.

Noteworthy is the Human Rights paradigm, particularly in relation to the child/young person, reaffirmed through the major civilisational step that brought recognition, also in legal terms, at the international and national levels, of the child/young person as a legal subject autonomously invested in human rights. The general human rights of the adult citizen and the more specific rights are tailored to particular characteristics and needs of the child/young citizen, as a human being who is in permanent and complex, yet extraordinary, development which is gradual and needs to be respected and carefully monitored.

Founded on the undeniable dignity of the child as person and anchored on ethical, cultural, scientific, and social markers of our history, these rights affirm Law's full-fledged recognition of the child, thus becoming a source of duties for

[72] This legal provision (article 4 of Decree-Law Nr 401/82, of 23 September) has been increasingly applied, whenever its conditions are met.

the State, society, and its citizens, and an expression of the fundamental values and principles that democratic societies elect for a fair, progressive, and happy life.

Among those markers, I would emphasise:

– A shared basic ethics. Where Human Rights build on the undisputable dignity of the person, this is a powerful driver for bringing together believers and non-believers and all those who claim democracy and humanism. Moreover, it potentiates development of other ethics, namely the discussion, in the sense proposed by Habermas, of responsibility, of service towards the common good, of trans-disciplinarity, of inter-institutionality, of cooperation and care.
– Supported by science, research/practice, and experience, the acknowledgment that quality childhood, followed in youth, is crucial to human quality, in turn crucial to the quality of development at all levels, be it ethical, social, or economic. This necessarily implies a public interest inherent in everything concerning the respect, promotion, and protection of the rights of the child and young person.

2.4.1. In view of the above considerations and regardless of any direct translation into legal rules and specific procedural structures, one naturally identifies a *wide system* of values and principles for the promotion and protection of the rights of the child. This wide system is framed within major international and national instruments around the Human Rights of the child (in the dynamic richness of their progressive densification) and range of legal provisions, structures, procedures, and doctrine aiming at promoting and protecting those rights.

In that line, the spirit, values, and principles on which this wide system is built become a cornerstone within which to integrate the different systems (conceptually constructed as subsystems thereof) that incarnate specific forms and stages of promotion and protection, namely systems of social intervention, protection of children and youth in danger, educational intervention, civil protection measures,[73] and civil sponsorship (*apadrinhamento civil*). Although justifiably tailored to the specific demands of each intervention, these systems must respect and take into account the unity/indivisibility of the child/young person and therefore work together towards the shared purpose of promotion and protection, in view of the child's best interests. This will benefit the most from a truly holistic and systemic approach.

It also strongly emphasises the imperative and functional role of the Human Rights of the child/young person in this context as permanent and undeniable

[73] For example, guardianship, adoption, regulation, disqualification for or limitation on parental responsibilities, child support.

references for any law and intervention, developing as the good conscience of each and every subsystem, naturally including the youth offending subsystem.

2.5. Whether universal (primary), selective or indicated (secondary), prevention is a central element of the wide system, necessarily impacting on each of the subsystems, including the youth offending subsystem.

Furthermore, the notion of prevention projects and emphasises the demand for conceptions and interventions that are articulated and integrated between the different subsystems, particularly between the subsystem responding to offending and the subsystem for the promotion and protection of the rights of children in danger.

Prevention becomes imperative through the civilisational principle of subsidiarity that traverses the wide system. The dignity and best interests of the child are best safeguarded by avoiding risk and danger and thus preventing their materialisation and consequences as well as potential violations and limitations to the child/young person's privacy, autonomy, and freedom to make his/her own decisions.

The approach to prevention is systemic, based on careful and dynamic planning, assessed for quality and systematically developed in view of scientific data, experience, and a continuous and informed preventive perspective, towards the consolidation of a still insufficient yet fundamental prevention culture and corresponding practice.

In this context, noteworthy is the "*Tecer a Prevenção*" (Weaving Prevention) project which, based on this approach, has been developed by the National Committee for the Protection of Children and Youth in Danger (CNPCJR) and gradually taken up and strengthened by the Children and Youth Protection Committees (CPCJ).[74] It comes to show the feasibility and relevance of a broad preventive intervention that is systemically developed, involving the multi-annual planning of actions, monitoring and assessment, based on a thorough diagnosis of local reality, to identify risk factors in the problems to be eliminated or reduced and protection factors to be implemented and pursued, and the mobilisation and articulation of relevant existent or prospective actions, resources, and partnerships.

2.5.1. In terms of youth offending, prevention is not only specific but it is also targeting contexts, facts, and individual, family and community factors that science and experience already identify as potential predictors of offending behaviours. The following can be given as examples:

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[74] 90 CPCJ have already joined the project, with the CNPCJR acting as *facilitator* upon the CPCJ's request; many others have showed an interest in becoming more familiar with and participating in the project (fFor further information on the project, see the CNPCJR's website – www.cnpcjr.pt).

– Research conducted namely in the USA demonstrates a need for early interventions. This requires that families and health, social, and educational services pay competent and careful attention to cases of crèche and kindergarten-age children (so far apparently not numerous) that show serious risks of adjustment and behaviourial difficulties and complications, including of the offending type, that need to be timely diagnosed and adequately addressed.
– In terms of structural prevention, the recognised need for selective or indicated prevention – planned, intensive, and suitable – with children, youth, families, and their contexts of vulnerability, through proper ethical, affective, scientific, technical, institutional – public, social, and private – and financial investment, and ensuring the involvement of the community, namely local. This approach is both fair and intelligent, also in terms of resource optimisation, as evidenced by credible assessments of projects that show that investing one dollar in prevention saves around 17 to 19 dollars in rehabilitation.

2.6. Preventive action and rehabilitative intervention towards youth offending should share a concern for the effective realisation of the rights of each child/young person, with respect for their underlying values and for the legally recognised principles of interventions. The approach should be dynamic and casuistic, in terms of content, rationale, and ethical, deontological, social, humanitarian, scientific, and technical requirements.

All rights are important; however, in the particular context of this article, the following should be highlighted:

2.6.1. The right to well-being, in the form of a right to full development at all levels, namely physical, psychological, spiritual, family, cultural, civic, and social, with a view to enabling autonomy and a fair, responsible, and happy inclusion, in its individual, family and, community dimensions:

a) Inherent to the child/young person's well-being and assuming the provision of respectful, affective, dialogical, critical and participated support, the right to internale the ethical, legal and social values that are fundamental to individual and community life based on human dignity and the rights/duties of the child/young person, ensuing rules and discipline, a sense of the other and the greater good, solidarity and justice; in short, his/her right/duty to prepare for a "responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of genders, and friendship among all peoples" (article 29 of the UN Convention of the Rights of the Child);
b) The right to the gradual development, harmonious with each concrete stage, of critical acumen, as the basis for the above mentioned internalisation of

values, including the right to receive support in attaining the necessary reflection and action tools.

2.6.2. The wide-ranging right to speak and participate.

2.6.3. The right to have his/her best interests prioritised when assessing the different interests at stake in the context of the specific situation.

2.6.4. The right to have all persons and institutions formally or informally acting as an affective, educational, or socialising reference for the child/young person (from the family to the community and the national, regional, and local State), perform their duties with respect for the child/young person's dignity and needs at all stages of development and contexts, and endeavour to secure that the rights mentioned in 2.6.1 (primarily belonging to the child/young person and not to those in charge of securing them) are realised in ways that are both affective and stable, creative and solidarity-based, so as to become strong drivers of genuinely embodied responsibility and hope.

2.6.5. The right to have the persons and institutions mentioned in 2.6.4 above perform those duties in full respect for the legally established principles underlying any intervention, of which the following are paradigmatic:

a) Within the subsystem for the protection of children in danger[75] and the civil protection measures subsystem,[76] the principles of the best interests of the child, privacy, early intervention, minimum intervention, proportionality, parental responsibility, prioritisation of the family, participation of the family and child, subsidiarity.
b) Within the educational subsystem, the principles mentioned in 2.2.1. above where its main features were described.

2.7. I conclude my introduction by stressing that the success of any intervention is dependent on ensuring a fundamental and permanent communicability between:

– science, research, and experience which contribute to a better understanding of the youth offending phenomenon, in all its diversity and complexity, and to the search for the best possible responses;
– system of normativities;
– system of action policies and respective practice.

I need not be long in describing what seem to be the self-evident reasons for such a permanent interplay and the advantages of a research and reflection that, combining theory and practice and baselining our concrete reality, are able to

[75] See nr 2.1.

[76] See nr 2.4 and footnote 82.

clarify the fundamentals of and ways to achieve an effective communication and contribute to the underlying culture.[77]

By doing so, we promote justice, efficacy, and efficiency of ideas, policies, norms and respective implementation (including at the level of training, supervision, monitoring, and assessment). This requires that those with responsibility to act at all intervention levels are guided by a genuine understanding and generous commitment to listening, to dialogue, and to interdisciplinary and interinstitutional cooperation, in line with the ethical duty to put all cultural, scientific and technical insights at the service of people, particularly children/youth, families, and communities.

And is this not exactly about fulfilling another of the child/young person's rights taken from a dynamic approach of continuous sophistication and formulation?

I dare to think that it is.

3. Specific Issues on the Legal Aims of *Education for Justice and Well-Being* of the Young Person

By way of conclusion and summary, I take an integrated approach to the education for justice issue (the legal aim attached to educational measures) and the related demands for the well-being of the young person to whom the measure applies.

3.1. Drawing on the topics covered in the introduction, I will briefly analyse the issues mentioned in the sub-heading to this third part. The reference will be the most restrictive of measures in terms of freedom of movement, of decision and choice in the life of the young person and family: confinement in an EC, namely in a closed regime.

The following fundamental aspects will be articulated:

– Meaning of education for justice as the aim of educational measures.
– Ethical and legal rationale underlying the legitimacy of said aim.
– Relation between the aims of educating for justice and a "dignified and responsible integration in community life."
– Meaning of a permanent commitment of promotion and enforcement of the young person's right to well-being.
– Apparent contradiction between the restriction of liberty which the measure imposes, the aim of preparing the young person to independent

[77] In a modest contribution to achieve just that, CNPCJR organised a work meeting around the theme "Science and research and the promotion and protection of the rights of the child," on 8 October 2013, in Montepio Geral's Auditorium, Lisbon.

and responsible living, and the duties of ensuring the young person's well-being.
– Achieving a successful application and enforcement of the measure, in light of its intended aims. This takes into consideration the rights, duties, interests, and views of the young person, family, surrounding community, those in charge of applying and enforcing the measure and assessing its results, and society at large, including the average citizen.

3.2. Education for justice means an education that instills in the young person the internalisation of those norms and underlying values and legal interests that are protected by penal law when it classifies certain facts as crimes, and which the young person violated by committing those same facts. Internalisation should be both authentic and deep-seated in:
– understanding those values, interests, and norms;
– building an authentic will to pursue a personal, family, and community life that does not offend those values;
– acquiring or strengthening competences, namely ethical, physical, psychological, affective, spiritual, civic, and educational, that enable a life that adequately and decidedly conforms with those norms, values, and legal interests.

3.3. On the ethical and legal legitimacy of educational measures aiming at educating for justice.

In my view, this is to be sought and is undoubtedly found in those exact reasons and features mentioned before[78] that underpin any educational intervention in the framework of a plural and democratic society, based on the dignity of all persons and respect for Human Rights; when held by children, these same rights attach stricter demands and responsabilities even if affecting another person's rights.

The legal criminalisation of acts that violate those core essential rights is the basis for a pluralism that permits a coexistence that is fair, safe, and based on solidarity and is a key driver of development at every level. Notwithstanding, it also requires particular care with regards interventions aimed at young persons who might be at developmental stages that are incompatible with imputation of criminal responsibility and related procedures but who must nevertheless be educated in the values that were violated through the criminalised acts.

Considering the above, it is now possible to fully articulate the following aspects which clearly embody that legitimacy:
– The necessity and importance of an intervention that expresses censure or rejection towards the act that violated ethical and legal values. These values

[78] See 1 (Introduction).

are fundamental in a free and fair democratic society and as such accepted by the community and, through its legal representatives, affirmed in the Law, particularly in penal law which in turn demands an ultima ratio type of intervention and is therefore limited to the protection of those essential values and legal interests.

– Concerning not yet criminally responsible young persons, the already stated[79] fairness and advantages of a responsibilisation through education in the violated legal values, by way of application and enforcement of an educational measure. Such measure is applied if, in light of the young person's life context, the violation is indicative of hostility towards the legal system (as described above), carrying a risk of offending behaviour, and if responsibilisation is still deemed necessary (in itself and in the chosen form) at the time of deciding on its application. This option is justified by the specificities of the particular developmental stages at stake, more prone to *change* and deserving of accentuated efforts towards a fair, cohesive, and thoughtful responsibilisation that is not yet penal in nature and contributes to the success of a positive (re)-integration.

The briefly characterised and reasoned education for justice aim is a wholy respectable (and, I would argue, suitable) choice in the fulfilment of the State's duty – directly vested on the State but deeply involving a responsible solidarity of society – to reconcile the *security function* and the *education function* in fair and reasonable ways. This particular reconciliation seems to me to be entirely legitimate where it engages in the practical weighing of the different Human Righs at stake also in light of the prevailing principle of the best interests of the child. In the context of the educational system, and although also envisaging to the protection of society, this principle clearly prioritises a responsibilisation through education towards a positive socialisation, also with a view to meeting the community's security expectations. Society should therefore be made aware and convinced, through serious and critical dialogue, that those expectations benefit more from a fair and serious responsibilisation through the education of the young person than from a penal intervention that is inconsistent with the particular developmental stage and therefore carries serious desocialisation risks.

3.4. I will now analyse the relation between the aim of educating for justice and that of a "dignified and responsible integration in community life."

It seems evident that the education for justice aim is further legitimised when put together, in the law, with the additional aim of a "dignified and responsible integration in community life." This latter aim of a "*dignified and responsible*[80]

[79] See 1 (Introduction).

[80] Author's emphasis.

integration in community life" necessarily implies an education in the values that have been violated; but naturally going beyond that, it envisages further efforts towards the acquisition or strengthening of the qualities and competences that, reinforcing that education, enable a positive personal, family, and community (re-)integration.

3.5. One of the main points in this context is the right of the young person subject to the educational measure to his/her well-being at all stages of application and enforcement, and the theoretical and practical implications of a continuous effort towards promoting and securing that right.

That well-being includes the entire range of Human Rights held by on the young person as a recognised autonomous subject of rights.

Restrictions to their full enjoyment and to an exercise consistent with the young person's natural and legal capacities, must be justified by circumstances inherent to the correct application of the educational measure that, according to a rigorous and strict judgment, are:

- compatible with legally established rights and duties of young persons, namely concerning execution of the measure;
- absolutely necessary and indispensable for pursuing the legal aims;
- adequate to those aims;
- proportionate and as such limited to what is required as *fair measure* and that is able to safeguard the essential meaning and content of those rights.

Naturally, respect for the dignity of the young person poses an absolute limit that can never be breached.

Further to those limits, there must also be a permanent commitment to the active promotion of the effective well-being of all youth submitted to custodial measures and of each one of them in particular, as their fundamental right. This is achieved through an individualised relational approach that is authentic, respectful, affective, strong, and that adequately stimulates the young person's self esteem, confidence, critical thinking, sense of the other, and personal and civic responsibility; and also his/her ability to dream, create, and develop a positive projection into the future, based on a rehabilitated present in which he/she has a word and plays a part as maker of his/her own destiny.

3.6. It is at times argued that there is a contradiction between the restriction of liberty caused by detention at an EC, namely if in a closed regime, the purpose of preparing the young person for autonomous and responsible living, and the duty to ensure his/her well-being.

Is this contradiction real or apparent and solvable?

At first sight, there seems to be a contradiction between restricting liberty and the aim of educating for justice, considering that the latter's sucess entails preparing for responsible free and autonomous living which can only be sufficiently attained through its actual practice.

However, while it is true that restricting or limiting liberty affects an actual experience of responsible autonomy, that contradiction exists only as a considerable risk, to be avoided or solved. If the measure is applied in full conformity with the above[81] mentioned principles of necessity, best interests of the child (in choosing which measure to apply), minimum intervention and adherence, compulsory review and flexibity, and with the legal, ethical, and deontological principles underlying its execution, the legitimacy of the measure will be reinforced and its success prospects increased in the framework of a rigorous balancing of the relevant rights.

The young person should be informed and supported by the adjudicators and enforcers of the measure, and feel encouragement by sensing an effective respect and promotion of his/her well-being. In this context, it is crucial that the young person is made to understand and accept the legitimacy, meaning, and purposes of the measure, as well as his/her ability, right, and duty to effectively contribute to its success which he/she can even anticipate by creating and manifesting serious and real signs of positive evolution in his/her education for justice and by taking advantage of legal avenues of review made available under the principle of flexibility.

Mobilising the young person's right to speak, participat, and autonomously decide (where possible) could and should be stimulated in meaningful ways, and in line with his/her personal educational project, in the day-to-day life of the EC and in interactions with the EC's staff, family, friends, and relevant people and institutions involved in the project. Likewise, the young person should naturally be made aware of the importance of making the most of opportunities to build supporting contacts in the outside world, whether at intermediate or final stages of supervised liberty, as a transition to full liberty.

3.7. Lastly, I will make a short and cursory reference to some aspects that I regard as essential or very relevant for successfully applying and executing the measure, in line with the stated aims.

My background and starting point are the rights, duties, interests, and views of the main *actors* involved in this continuous search to secure the highest and most complete success possible. This *enterprise* is imperative taken from whatever viewpoint, be it ethical, legal, or civic, within a humanist justice paradigm that does not *tolerate* the *loss* or adestructive (for the young persons, families, co-citizens and

[81] See 1 (Introduction).

communities) estrangement of any of those young persons in their path towards a dignified, full, and happy personal, family, and social life.

Other than the young person and those responsible for applying and executing the measure, and for assessing results and reviewing, this group of social actors includes the family of the young person and other elements in his/her affective circle and environment, formal and informal institutions that play a role the young person's educational personal project, and society at large, including the average citizen.

Directly or indirectly, I believe that the above[82] considerations have already provided a sufficient overview of the major reasons behind the institutional and personal responsibilities, knowledge, competences, position, attitudes, and interventions of those who, according to the law, play a part in the application, execution, and revision of the measure.

Likewise, there is clarity as to what is expected of the young person as the central agent of the internalisation and socialisation process.

As to the family, there is no doubt that it is fundamental for a successful (re-) integration through and for as full a realisation as possible of the young person's right to family integration or cooperation in conformity with his/her right to an affective, responsible, and supportive family. Hence the need to undertake thoughtful efforts in the continuous search for that positive support, by helping the family to assume, as far as possible, co-responsibility in the rehabilitating educational and socialising process and, if need be, overcome possible fragilities in becoming the support it should be. This is, of course, without prejudice to stimulating specific conditions for the young person to attain autonomy should the family support fail to be sufficent.

Also, the educational and socialising process cannot afford not to include, by way of a comprehensive personal educational project, cooperation of the relevant agents in the community of origin and/or where the young person wishes to integrate. Developed in intelligent and careful ways, this cooperation can become extremely important for a social (re-)integration that is responsible and geared towards the creation of conditions that promote sound autonomy and therefore prevent exclusion in favour of genuine inclusion.

It is essential for a successful measure that each and every actor, with their different degrees of involvement and responsibility, internalises the ethical, legal, political, and social legitimacy of the educational system and its individualised application, with respect for the already mentioned rights, principles, and rules which naturally include reconciling the pressing well-being of the young person with his/her effective responsabilisation.

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[82] From 2.2 to 2.6.

This assumes particular significance in the relationship, based on authenticity and quality, between those responsible for executing the measure (an admirable and difficult task) and the young person, for whom a deep understanding of the fairness of the intervention is vital for a positive projection towards a dignified, responsible, and realised future, grounded on a human relationship built on trust and sense of the other.

Finally, this should be further extended to society at large, including the ordinary citizen, through adequate information, dialogue, and discussion promoted by different agents, including an informed social media. This can contribute to a more serene opinion, devoid of prejudices, stereotypes, sentiments of intolerance and fear that so much hinder fairer, more intelligent and capable solutions to a problem that touches upon fundamental issues in a democratic society that claims full recognition of the dignity of all persons.

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D.3. Children and Young People, the Internet and Cybercrime – The Example of Copyright

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Abstract: The defence of copyright may find a formidable hurdle on the Internet. It is common knowledge the widespread use of peer-to-peer programmes in the unauthorised transmission of files whose content is protected, carried out by the general population, but also – and increasingly more – by children and young people. In this context, we wanted to assess the kind of punishment that should be triggered in this case, which, according to the Copyright and Connected Rights Code, consists in the crime of usurpation. Addressing this offense is of crucial interest in this overall subject matter, given that the punishment of children and young people (who are not subject to criminal responsibility) will depend, ultimately, according to the Juvenile Justice Act, on the punishment foreseen in Criminal Law for criminally liable agents. However, the critical analysis of the said crime led us to conclude that, whether for pragmatic reasons, or for substantive reasons, this is not the best way to pursue this type of copyright offenders *lato sensu*.

Keywords: children and young people, cybercrime, peer-to-peer, copyright and related rights, crime of usurpation, investigation, decriminalisation, Juvenile Justice Act, alternative measures.

1. Introduction

As a means of communication between all citizens, the Internet has undeniably led to a huge increase in access to information. Gonçalves speaks of a "web of interconnected networks whose endpoints are connected computers able to speak to each other" (2004, p. 217). This dialogue, established on a worldwide scale, has facilitated a very expressive form of access by the public to information and to cultural assets, contributing to an increase in general knowledge and wisdom, which is to be welcomed.

In the lines that follow we will, however, consider the other *face of Janus*: the Internet as a stage for criminal conduct. As a perfect example of the counter-attack by the legislator, we would point to the Cybercrime Law. However, for what is of most interest in the context of this study, we must also point out, under the aegis of criminal law, the significance of the Copyright and Connected Rights Code (CCRC, articles 195 et seq.).

The Internet copyright dialectic translates into a clear and concise form: the Internet makes it possible to transfer every type of data, which may or may not involve an intellectual creation. If what is at issue is the communication of literary or artistic works, we are looking at the first of the hypotheses, when such works are subject to copyright. In fact, at the heart of the current information society, which is both computerised and specialised, reports on criminal practices that infringe copyright and connected rights by means of the Internet are innumerable and, in face of this, the law cannot remain inert.

By way of example, we have the Ofcom report covering the period between March and May 2013, published in September 2013 (Kantar Media, 2013). According to this report, 30% of web users in the United Kingdom admit to having illegally downloaded content from the Internet – for example, music, films, television programmes, e-books, video games, or computer programmes. The report also states that approximately 17% of web users of at least 12 years old illegally reproduce or download entertainment content.

Children and young people, born in an era when widespread access to the Internet and to information technology is a given, appear as infringers – if not the greatest infringers – of copyright without, in the overwhelming majority of cases, being aware of this.

Having reached this point, we can understand the interest in analysing the connection between the various topics raised for discussion: (i) children and young people, (ii) the Internet and (iii) protection of copyright.

2. Children and Young People and Copyright Infringementt

Article 19 of the Penal Code (PC) establishes that, by reason of their age, persons under the age of 16[83] are not subject to criminal responsibility. The code also provides that it is imperative to have special rules – which are necessarily more benevolent – for young people subject to criminal responsibility aged between 16 and 21 (referred to as *young adults*) – article 9 PC.

Although they are deemed not subject to criminal responsibility, minors between the ages of 12 and 16 who commit offenses against legal interests that

[83] Note that there are authors who argue that the age of criminal responsibility should be raised to 18. (see Rodrigues & Duarte-Fonseca, 2000).

are classified by criminal law as a crime, are subject to the application of the Juvenile Justice Act, if they demonstrate the need for *rehabilitation* – article 1. The establishment of the minimum limit of the age of 12 for educational intervention under the Juvenile Justice Act is closely related both to the attempt to "match the beginning of puberty and thus a greater social expression of the activity of the minor," and to the intention of guaranteeing "a minimum limit on the majority required to understand the meaning of the intervention."[84]

Nevertheless, criminal conduct by children under the age of 12 may also reflect the need for intervention by the State, which, however, may only occur under the Law for Protection of Children and Young People in Danger – articles 1 to 3.

There are three important levels in the rules that dictate how to respond to delinquency on the part of children and young people: (i) the level of social protection, (ii) the level of educational protection, and finally, (iii) the lower level of criminal responsibility. These levels relate, respectively, to childhood, adolescence, and young adults. According to Jardim (2008, p. 499): these thresholds demonstrate "a determined cultural guideline for reaction to crime at the most symbolic stages of human growth, reflecting the knowledge we have today of this specific period of development and a concerted strategy for prevention and control of juvenile delinquency."

The result of the above is that if a child or young person commits an act classified as a crime – as is the case with the crime of usurpation of copyright and connected rights (article 195 CCRC) – the judicial system reprimands them, somewhat gently. This reprimand may be protective or criminal (although attenuated), depending on their age and, as a consequence, on the rules applicable to them.

However, and progressing a little further, we believe that another issue, which is preliminary, must be discussed as its response will directly imply state intervention in the legal sphere of children, adolescents, and young people. However, as it is easy to understand, that theme is not separable from the age groups identified above; it is *transversal* to the whole legal community and, for this reason, it is relevant to analyse it in generic terms.

Having said this, we would raise the following question; in this day and age, should the conduct to which we have referred *always* be seen as a crime?

3. The *Crime* of Usurpation of Copyright - Critical Analysis

3.1. Defining the problem.

The Internet is a form of free advertising and it brings economic advantages to authors. It is a fabulous means of communication that makes its content known to

[84] See Rodrigues and Duarte-Fonseca (2000, p. 428).

the whole world. However, it can, on the other hand, represent the infringement of the (exclusive) right of use of protected works or other subject matter.

In a newspaper article on *sharing* works on YouTube, Morrison (2013) reminds us, in this respect, that in the majority of cases, such works are posted there without the permission or knowledge of the authors and, as a consequence, without payment of any royalties.

What is at issue is the *crime of usurpation by infringement of the (exclusive) right to unauthorised public communication*, in the context of the Internet, of protected works or other subject matter, provided for and punished under articles 195 and 197 CCRC. Even if we have highlighted the *type* of crime under discussion, we have to bear in mind that this crime is able to cover an immense array of conducts. In all truth, in abstract, "copyright also covers means of use that are only discovered subsequently" (Ascensão, 2006, p. 147). This is because the CCRC does not include an exhaustive list of the ways the right of public communication of the work can be exercised, nor, as a consequence, of the ways it can be infringed.

Among the numerous forms of potential criminal conduct, in this study we will only consider the *transfer of contents done with merely playful intent and carried out, essentially, by means of file transfer on P2P (peer-to-peer) networks*.

As a product of the technological process, these networks escape the traditional scheme of establishing connections on the Internet which translates into the three-way relationship *user – service provider's central server – user*. Here, the communication intermediary disappears and the computers establish direct contact with each other, sharing their stored resources and files.

As such, we are not addressing *traditional piracy*, which is aimed at making a profit and carried out on a commercial scale. For obvious reasons, the forms of free use listed in article 75 and following of the CCRC – which include the *private copy* (article 75(2)(a) and article 81(b) CCRC) also fall outside the scope of our discussion. We have also excluded the case of people reading, listening to, or watching a certain work on the screen of the computer without having made the payment required by the service provider that made the work available on the Internet. This conduct does not fall under infringement of copyright because it does not involve the powers of use of the work that are generically reserved to the authors (Vicente, 2001; Vieira, 2009).

Coming back to and concerning the (un)lawfulness of the conduct addressed here, the Information by the Attorney-General of the Republic on criminal infringement of copyright and connected rights by means of the Internet (AGR, 2011) assumes special importance.

With a particular focus on the use of P2P networks to share files, the Attorney-General of the Republic is peremptory when he states that "the possible making... [of] *copies* for *private* use by the members of the 'P2P' network who... [make]

them under the 'private copy' rules [may be] deemed *lawful*"(Attorney-General of the Republic, 2011, p. 44) (article 76(1)(b) CCRC).

In a slightly more radical way, Vieira says that it "*is not an unlawful act* by virtue of infringing this right. Rather, it represents taking advantage of an area of freedom that the legal system gives to all individuals under the intrinsic limit of private use (article 75(2)(a) and article 189(1)(d) CCRC)"[85] (Vieira, 2009, p. 458, emphasis added).

On the other hand – and for what is of most interest to us here – the uploading of the work or other subject matter without the due authorisation of the holders of the rights would be considered *unlawful* – even if its download were considered lawful under the above terms – because it violates the power of communication of the work or other subject matter to the public (article 68(2)(j) and article 178(1)(d) CCRC) (see also AGR, 2011, p. 44). [86]

It is this latter question that we will now address.

3.2. The crime of usurpation - critical observations.

As mentioned above, studies demonstrate how the infringement of copyright committed through the crime of usurpation by way of unauthorised public communication, in the context of the Internet, of protected works or other subject matter is a *common practice* among citizens. However, we are also aware that it is rare that there is actual punishment of the infringer[87].

Where does the problem ultimately lie?

a) Obstacles in the investigation.

First of all, it is a well-known fact that there is an insurmountable problem in the context of the investigation.

The crime of usurpation under consideration is a public crime. This means that it is the responsibility of the Public Prosecutor to decide whether to begin the

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[85] In this context, Vieira points to the natural exception for computer programmes that are subject to specific and extraordinary legal rules as to the number of copies allowed (2009).

[86] See AGR (2011, p. 44). It is also of interest here to make reference to the opinion of Vieira (2009). In order to guarantee the freedom to copy a work or other subject matter for private use, this author presents a differentiation and considersg some of the practices to be lawful. For him, cases of upload not directly intended to communicate the work to the public, but only to allow a simultaneous download, as long as the person making the download ends the upload of the work as soon as the respective (lawful) download finishes, would be *lawful*. In this order of ideas, if the upload is, as a rule, unlawful (because it violates the right of communication of the work), taking into consideration the way in which P2P networks function together with the theory just explained, only the person supplying this work to the network would be punished.

[87] Which, indeed, seems to be recognised in the said AGR Information (2011).

inquiry when he/she becomes aware of the crime through the intermediary of the criminal police or through a complaint (articles 53, 241 and 262(2) of the Penal Procedure Code [PPC]) – and also, on whether or not to submit the case to trial (articles 283 or 277 PPC, respectively). In a word: the *principle of official action* (*princípio da oficialidade*) – one of the guiding principles of Portuguese criminal procedure – is in full force.

Furthermore, alongside this principle there is another rule: the *principle of legality* (reflected in articles 262(2) and 283(1) PPC). The Public Prosecutor is required to take criminal action, on the one hand, by opening the inquiry *whenever* he/she receives notice of the crime and, on the other, by bringing charges *whenever* he/she has sufficient indications that the crime has been committed and the person who committed it. In the words of Dias (1988/89, p. 93): "There is, therefore, no place for a judgement of whether or not it is 'appropriate' to go ahead with the criminal proceedings. Rather this is a *duty* to the Public Prosecutor, once certain conditions have been met." Figueiredo Dias then continues: "the activity of the Public Prosecutor is carried out… under the sign of being *strictly bound by the law*… and not according to considerations of *appropriateness* of any type, e.g. political (*raison d'Etat*), financial (costs), or even social."

It follows from the above that the Public Prosecutor may not avoid going ahead with the investigation into the commission of the crime of usurpation of copyright and connected rights when he/she becomes aware of the crime. However, as history tells us, inquiries into the (alleged) commission of this crime end up being dismissed. In fact, numerous problems are highlighted in the AGR Information in this respect. These problems are frequently connected to the actual determination of who the suspect is since, in most cases, inquiries relate to unknown persons. In an admittedly somewhat simplified summary, we will now look at some of these practical obstacles:

i) The lack of technical means on the part of the specialised departments of the judicial police to investigate crimes committed with access to new technology.
ii) Furthermore, after determining who the suspect is, it would be necessary to have the cooperation of the telecommunication companies that detected the IP address which, in turn, would give access to the identification of the terminal equipment used to make the (*criminal*) connection to the Internet.
iii) However, in this context, a problem may arise in obtaining electronic proof. If the Cybercrime Law, on the one hand, makes it possible to obtain and produce electronic proof in this type of crime (article 11(1)), on the other, it states that the procedural rules are "without prejudice to the rules under Law n.º 32/2008, of 17 July" (the law on retention of data created or processed in the context of supply of electronic communications) (article 11(2)). In this respect, the Attorney-General of the Republic states

that the latter piece of legislation is intended "to govern the retention and transfer to the competent judicial authorities, for the purposes of criminal proceedings, of 'traffic and location data' relating to *electronic communications*" (AGR, 2011, p. 36) *only* in relation to crimes that may be classified as serious. He therefore concludes that it is not clear that the Cybercrime Law guarantees the investigation of crimes like those under discussion here.

iv) In any event, even if the theory of the Attorney-General of the Republic is not accepted and the communication of such data is allowed, the truth is that it would *only* identify the person who made the contract with the telecommunications company and not the *actual* suspect.[88]

v) Even if allowing the above mentioned disclosure of IP addresses, there is another obstacle: in most cases (including those on which we are focusing in this study), users use *unfixed* and, therefore, temporary, IP addresses. It being so, it is not possible to identify the party to the telecommunications contract other than at the moment of *actual* use of the IP address.[89]

Finally, it should be remembered that lengthy computer examinations and home searches might be needed, which easily exceed the limits on the maximum duration of the inquiry established in article 276 PPC, in which case it will inevitably be dismissed.

Taking into consideration point (v) above, specifically its final part – that is: "it is not possible to identify the person who has the telecommunications contract other than at the moment of *actual* use of the IP address" – it is interesting to connect it with another question that arises here. Is the Public Prosecutor under a duty to carry out (preventive) activities with a view to detecting the activities in question *at the time they are committed*?

The AGR Information emphasises that the crime of usurpation provided for in the CCRC includes what is known as *petty crime*. For this reason, proactivity on the part of the Public Prosecutor is not required (AGR, 2011, p. 14) – and such proactivity is reserved to serious crimes. An example of this is the Law on

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[88] Emphasising how "directly holding the infringer responsible is very often impossible," see Ascensão (2001, p. 179).

[89] Probably symptomatic of this difficulty is the fact that the most important cases in this area are directed not at the users themselves (who commit the unlawful act), but at the entities that develop the P2P systems (Case law: A M Records, Inc. (and others) vs. Napster, Inc., MGM Studios, Inc. vs. Grokster, Inc., Buma/Stemra vs. Kazaa). However, this is difficult within the Portuguese legal framework, under which it cannot be confirmed whether there is a duty of vigilance on the provider of the software that gives access to the P2P networks – which is contrary to what we have seen happening in the United States. On this topic and in more detail, see J. Alberto Vieira (2009.).

Measures to Combat Corruption and Economic and Financial Crime[90] (article 1). In fact, the crime of usurpation in question, besides being of reduced importance in terms of crime, reflects the *imminently economic interests of the holder of the right*, which are not the same as the clearly public interests that characterise the crimes listed in said law.

On the other hand, as it is also mentioned in the AGR Information, even if such *preventive* action on the part of the Public Prosecutor applied, this would amount to an undercover action. Given the *non-profit purpose of the potential infringers*, it would be difficult to bring it under the protection of articles 2 and 3(1) of the Law on Undercover Actions (*Lei relativa às Acções Encobertas*).

From the above, one thing is very clear: it is extremely difficult to guarantee an actual conviction for the crime of usurpation committed through P2P networks, for reasons of evidence. Nevertheless, it should be noted how, in light of the principle of legality referred to above, the Public Prosecutor, despite recognising the difficulties to which he/she would be subject in the investigation, *must* proceed with the steps of the inquiry. The combination of these two situations, in summary, leads to a slowing down of the criminal judicial system and the lack of a guarantee of the interests that underlie criminalisation itself.

b) Crime – the best solution?

The practical aspects indicated above give strength to the question – already placed at the heart of the doctrine (Ascensão, 1993, p. 62)[91] – about the need to criminally pursue conduct that affects copyright and connected rights.

In its articles 195 and 197, the CCRC establishes the *universal protection* of copyright and of the rights connected to it. Under this code, all and *any* violation of the exclusive right and economic exploitation of the work or performance is subject to *criminal* punishment – without prejudice, naturally, to the uses allowed by law. In this context of unrestricted protection, the sharing of files on P2P networks clearly does not escape criminal prosecution.

Above all, we should mention that, even if one believes in the capacity of criminal law as a suitable tool for the purpose (despite the difficulty in investigation referred to above), one should take into account, when deciding which cases are *criminally relevant*, whether or not certain additional requirements have also been met, including (i) the intentional act of the agent with a view to profit and (ii) the existence of a relevant economic activity on the part of the latter – in the image of what we see happen in Spain (article 270 of the Spanish Code). Indeed, our legislator was not unaware of this type of requirements: the idea is considered to

[90] Law 36/94, 29 September.

[91] Miranda and Machado alert to some problems in respect of criminal protection of copyright in the Portuguese legal system (1995)

be present in article 210-L CCRC, which is only providing for the civil protection of copyright (in the broad sense).

In summary, in the face of such assumption, one could foresee a distinction between activities carried out on a commercial scale – which would be subject to criminal punishment – and those which do not have this character, because their purpose is merely *domestic use*. As a consequence, the latter would be considered free from punishment under criminal law. From this perspective, the cases we are looking at in this study would fall under the second category.[92]

In fact, it somewhat shocking that a determined criterion for civil law protection and the same consideration does not apply in the criminal domain. Criminal law, which is the most severe form of state intervention in the sphere of citizens, should prioritise parsimony.

The AGR Information to which we have already referred mentions that the unrestricted criminal protection under analysis here, which seeks to combat *all* violations of copyright and connected rights, is based, on the one hand, on the alleged constitutional relevance of these rights as *individual rights*, and, on the other hand, on the fact that what is at issue are absolute rights that apply to tangibles and thus merit criminal protection similar to that of *real* rights such as property rights (2011, p. 39).

In this respect, the Attorney-General of the Republic has responded by affirming, *prima facie*, that the Constitution of the Portuguese Republic (CPR), in article 42(2), only affirms as a fundamental right – and protects accordingly – copyright *in the strict sense* Secondly, he points out that one must observe the fact that the criminal protection conferred on private property – with which the establishment of an equivalency is sought – is considerably more restricted than the one conferred on copyright (in the broad sense) (AGR, 2011, p. 39).

Along with all this, we see an *increasing lack of political-criminal justification for the indiscriminate repression* of some of these conducts. The sharing of files containing protected works through P2P networks, which is so common and widespread today, calls for a rebalancing of the whole question of (de) criminalisation. In all truth, the law is not watertight and must be (re)thought, at any given time or in any given circumstance, according to the needs and demands of each specific legal community.

As we well know, it is the notions of *criminal dignity* (*Strafwürdigkeit*) and *necessity* or *lack of criminal protection* (*Strafbedürftigkeit* or *Strafbedürfnis*), as guidelines for general legal judgment, which, acting cumulatively, determine which conduct requires criminal intervention. For this reason, it is of interest to

[92] Although referring to the whole system of criminal law of the agent, this seems to be the position defended in Ascensão (1993, p. 62).

know whethert hese can still be affirmed in the context of the activities referred to in the preceding paragraph.

According to Andrade, criminal dignity can be defined as the "expression of a *qualified judgment of social intolerability*, based on the ethical-social valuation of a certain type of conduct," thus amounting to the negative legitimation of criminal intervention. If considered from an axiological-teleological angle, to legitimise a criminal intervention, considerations of penal dignity require, on the one hand, the *dignity of the protection of the legal asset* in question and, on the other, the potential and serious *socially damaging nature of the conduct*, as causing harm or danger to the legal assets subject to protection. In summary, "the judgment of criminal dignity implies a qualified threshold of social damage or disturbance and disruption" (1992, pp. 184-186).

However, to reach a definitive conclusion on the question of (de) criminalisation, we must introduce another principle, which, in turn, appears in the form of positive legitimation of criminal intervention. We are referring to the necessity or lack of criminal penalty.

Two aspects are considered here: on the one hand, there is the judgment of necessity itself, in order to know whether there is no other suitable and effective way to protect the interests that is not as serious as the criminal option; on the other hand, one questions the suitability of criminal law to ensure the protection of the legal assets in question, as this is the most severe form of state intervention.

In summary, and in the words of Dias: "the material concept of crime thus results from the function attributed to criminal law as a subsidiary (or *ultima ratio*) protection of legal assets that are worthy of criminal protection (of *legal-criminal assets*), or, put differently, *of legal assets whose injury is worthy of and requires criminal punishment"* (2007, p. 114). Side by side, these principles of criminal policy control the activity of the legislator, whether in the *creation* of criminal laws, or in their *critical revision*.

Therefore, we invite the legislator to reconsider the physiognomy of the crime of usurpation, particularly with a view to its decriminalisation, when it takes the form of sharing files containing protected works, through P2P networks, without any commercial purpose, but only for private use.

It is certain that what is at issue is the protection of copyright (in the strict sense, it should be noted), as constitutionally enshrined under article 42(2), *in fine* of the CPR. According to Canotilho and Moreira (2007, p. 622), this protection, on the one hand, translates into the idea that the product of the cultural creation of the author is deemed to be his/her "spiritual property" and, on the other, determines that the author is vested in intellectual property rights, including the right to charge for the use of the work – which, it should be noted, is not synonymous with saying that this immediately results in an economic value and in a right to the publication of the product of the cultural creation.

Thus, it seems that the requirement *dignity of the protection of the legal asset* is met– the first *stage* of *Strafwürdigkeit*. However, even if we reach this conclusion, we are not certain that the same holds in relation to the second requirement made in this respect. In all truth, we have serious doubts that the conduct pertaining to sharing files containing protected works through P2P networks, not to make a profit, has to be recognised as *aggravated* social damage.

Whether the criterion social damage is met, to determine the criminal dignity of a conduct, will always reflect the sentiment that the legal community, situated in a certain space and in a certain time, demonstrates in relation to the various types of behaviour. In this way, the fact that, today, this same community does not, in practice, see the said content sharing as a criminal conduct may be relevant. As a consequence, one could say that this same society, as the beneficiary of Law, does not feel that its essential values are harmed. Even though it is not exempt from criticisms, one may speak, in this respect, of the *normative strength of the acts*, which has the virtue of demonstrating the evolution of general value thoughts and judgments, *indicating* that it should escape criminal protection.

Even if the previous argument does not succeed and, consequently, one affirms that the conduct is worthy of criminal protection, such conduct does not pass through the filter of necessity or lack of criminal penalty. In all truth, protection of the copyright in question may find an answer in other ways, with less serious repercussions for those who commit the offenses.

With all this, we seek to give voice to the *principle of moderate non-intervention* (Dias, 2007, p.131), which should characterise criminal law. This principle draws attention to the decriminalisation movements when (i) the behaviour typified as a crime does not give rise to injury or danger of injury in relation to the clearly defined legal assets, or, (ii) even if it does, the same may be contained or controlled by non-criminal means.

In this respect, it is worth remembering that the Convention on Cybercrime itself gives credence to the theory put forward here, pointing clearly to the ultima ratio of criminal intervention (article 10(3)).

3.3. Other forms of response? – notes for later discussion

In line with the theory put forward in the previous point, we believe that our views and connected interests would be perfectly guaranteed through *civil oversight*, in respect of the conduct we are addressing in this study. However, having reached this point, the previously debated question reappears: even if the severity of the sanction should be altered – for the reasons referred to above – the difficulties of proof remain.

In terms of prevention – as the *technological measures for protection* (use of *codification mechanisms* or *encryption*) have failed[93] –, we are left with having to think of a *macro* solution. In this context, it would be possible to design a type of *administrative control system* in which a "supervision entity," pursuant to article 35 and following of the Electronic Commerce Law, develops mechanisms to deal with the serious and notorious violations of copyright in the broad sense through the Internet. However, where this might at first seem an effective system, a closer look easily to concludes that the system would face a variety of problems, in addition to the difficulties of interpretation that the Electronic Commerce Law could raise (Gonçalves 2008).

Above all, as Gonçalves (2008, p. 122) emphasises, article 13(c) of the Electronic Commerce Law requires that such activity may only be triggered against public unlawful acts. As we have excluded the legitimacy of criminal intervention – first of all because, in our view, the criminal dignity of the conduct does not exist –, we would be left with the possibility of calling for public sanctions of an administrative nature. However, even if this were the case, the intervention of the authorities in this public-administrative system of content control (Gonçalves 2008, p. 116), with the ultimate aim of removing or blocking access, would always be considered useless, as in the type of cases that this study addresses the placing of content on the Internet is of a transitory nature, which escapes the logic of an effective preventive-policing control. This logic requires a minimum level of durability in placing the content on the Internet which a transfer via P2P networks does not guarantee.[94]

A possible alternative solution, focused on these intermediary providers (directly) responsible for the content illegally made available by their subscribers (the true *criminals*), is tempting, as it, *apparently*, resolves the problem. Since they can be identified – they are known by the public authorities and, in most cases, have fixed IP addresses – there is someone to hold liable. Nevertheless, this conception translates into a "'heavy responsibility' [as] it requires the intermediary providers… [to bear] the duty of supervising the contents made available by their subscribers" (Gonçalves, 2008, p. 109).

The preceding observations, do not presume to put an end to all the problems implicated, but only to call for future discussions. One point is, however, clear: the dialogue between the form of protection of copyright in the broad sense and the ways in which it can be violated is not consensual. If we want to continue to pursue the conduct this study addresses, the law will have to adapt to new

[93] Vicente (2001, p. 500) explains that these technological measures, arising in defence of the author, may be neutralised and, consequently, avoided. On this topic, see also Rocha and Carreiro (2005).

[94] Drawing attention to this fact, see AGR Information (2011, p. 35).

technology or, otherwise, find a way to put a brake on the technological advance – a battle which, at the outset, would be difficult to win. One conclusion is, however, certain: if the law does adapt to technology, this will not serve the criminal law of copyright, at least as to the *crime* under consideration on these pages for the reasons identified above.

3.4. Minors not subject to criminal responsibility in the context of the previous conclusions.

Reaching the end of the path we have followed through this brief study, we recall the words of Torres: "the socio-cultural context determines what will be deemed as juvenile delinquency on the basis of the organisation of the community itself" (2010, p. 37).

This being the case, the above applies to minors without criminal responsibility. This would not be the case only if the Juvenile Justice Act authorised a more aggressive intervention by the State in the sphere of the child and the young person than the one that is considered legitimate in relation to persons who have criminal responsibility. As we well know, that is not the case, as the Juvenile Justice Act, under the aegis of protecting the minor, in fact takes into consideration the greater fragility of its addressees and, for this reason, adapts its solutions accordingly.

Furthermore, even if protective intervention in respect of minors were governed by the very same principles that guide criminal law, the line of argument set out in 3.2 above would apply here and lead to a similar conclusion – that of not pursuing the offenders by way of criminal law and, thus, neither by way of the Juvenile Justice Act.

Indeed, the Explanatory Memorandum of Bill nr 266/VII of 1999 (from which the Juvenile Justice Act originated) – although emphasising the non-strict similarity between the two legal branches – states that the protective intervention takes the criminal law as a source of inspiration (point 6). On this point, we recall the principles of minimum intervention and of the existence of an offense against fundamental legal assets, which, also in the framework of the protective law, should prevent repressive intervention by the State, as we have seen happen in the context of criminal law.

It is also of interest to remember that "it is the objective of the legislation [the Juvenile Justice Act] that, as far as possible, the situation-problem should be devolved to the family or educational setting" (Explanatory Memorandum, 1999, point 20) , a logic also reflected in the protective process itself, in which it is accepted that the Public Prosecutor is the one who decides whether to dismiss the proceedings, principally when the crime in question is punishable with a penalty that does not exceed three years in prison, as in the case of the crime of usurpation, in the form under consideration (article 87(1)(c), Juvenile Justice Act).

Considering the specific case that forms the background to this work, everything points to even less legitimacy of intervention by the State in the infant-juvenile sphere. They are children and young people and the censure that society directs at them is *necessarily* less than that directed at persons with criminal responsibility. When we tend to isolate the latter from State intervention, we would certainly not expect such intervention in the case of children and young people.

In light of all this, the following question may arise: what remains for copyright (in the broad sense)? Oour opinion is that the question will have to be answered by other solutions, whether more directed towards *civil* responsibility on the part of the parents or legal representatives of the minors or towards educational-preventive action by the schools, which are commonly considered to be typical socialising institutions.[95]

In relation to the first suggestion, some of the problems of proof, as highlighted above, could arise.[96] In turn, the second hypothesis could be achieved, for example, by inserting topics related to intellectual property rights into the syllabuses of school subjects (for example, *Civic Education*) which would assume a permanent place in the period of compulsory education for young people.

Perhaps by doing this it would be possible to *re-educate* society to have the desired respect for copyright and to reverse the current situation. Maybe so and maybe not. What is certain is that nothing can (or should) be done by the law on protection of minors, in the forms presented in the Juvenile Justice Act.

4. Conclusion

As the topic under analysis in this study has been the conduct of children and young people, it was necessary to make a more generic incursion which culminated in conclusions that go far beyond that horizon – although they naturally have repercussions in that context.

We have questioned the criminalisation of the transfer of protected works with merely playful intent, considering, besides pragmatic issues, the very insignificant damage caused to society. The lesser degree of censure in relation to persons with criminal responsibility that we have indicated would lead to even lesser controls

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[95] Drawing attention to the important role recognised for the school, alongside the recognised role of the family, Santos (2004) considers the role of such bodies in the fight against juvenile delinquency – "delinquency" which, *in limine*, we have excluded from this study, as we are striving for the decriminalisation of the crime of usurpation committed in the forms initially set out. However, we draw attention to this reference where it emphasises the role that is always attributed to the school as well as to the family, which, *grosso modo*, translates into a role of educating for citizenship and, thus *educating for justice*.

[96] See point 3.2.

when we are dealing with young people and, even lesser, if we are looking at children, making our discussion opportune.

From everything we have said, it should be noted that the CCRC, the fruit of another era, was not able to adapt to the new realities and collided head-on with the amazing evolution of the cyber world which, in turn, feeds the insatiable information society.

This information society, equipped with effective technological means, undoubtedly jeopardises the interests of authors (and the whole business machinery that surrounds them), in favour of interests that some consider to be of public interest, of the promotion of education, culture, and knowledge, as well as in favour of the right to information, founded on the correlative principle of freedom of information (Ascensão, 2002, p. 17).

One final consideration remains: if the theory of legal regulation of the Internet has once won over the theory that was fighting for the Internet to be a *space free of the law*, today, the facts seem to begin to show some weaknesses of the former (Ascensão, 2006).

Only the future will reveal the ultimate solution to this issue. However, one thing is beyond doubt: it will not be the criminal law acting *a posteriori* that will provide a conclusive answer. Indeed, we would risk saying that, if we properly understand the law – whether in terms of investigation after the unlawful act, or in preventive terms – the question lies well beyond the precise dominion of the law if technology does not resolve the problems.

In summary: before any other question, it seems to us that what is truly at issue is a *technical* rather than legal question. And, this being the case, we must choose one of two options: if the dispute is considered in light of traditional dogma, *either* copyright surrenders *or* we have to find violent and definitive means to control the Internet, which, can ultimately culminate in its excessive restriction.

In all truth, in the dialectic between the law and the Internet, the rare advances detected lie more in the mobilisation of civil law and in the practical and case-by-case activity of the courts, as well as in the activity of the educational establishments that take care of minors. Criminal law and, as we see it, the minors' protection law under the Juvenile Justice Act, at least in respect of our topic, seem to be far from the appropriate answer.

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D.

Institutional Dimension – The Portuguese Benchmark

b) Systemic

D.4. Maria do Rosário Carneiro and Maria do Carmo Peralta
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D.8. João Pedro Tavares
– *Dreaming, Constructing Autonomy, and Achieving Personal Well-Being*

D.4. The Supervision *Model* of ECs in Portugal: Strengths and Weaknesses

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Abstract: This paper analyses the Portuguese model for the evaluation and supervision of Educational Centres (ECs), which encompasses components of formative and summative assessment, external and self-evaluation, and monitoring and appraisal exercises.

To this end, the historical development of the Committee for the Supervision of ECs is described. This explores the reasons underlying the Committee's existence and format, as an independent cross-sectional organisation and committed to human rights. One of its highlights has to do with a paradigm shift, from mere observer to intervener, a shift that has been consolidating for the past three years.

The analysis demonstrates the relevance of an *external view* on public organisations, namely those dealing with youth guardianship, treatment, reintegration, and education. It fosters systemic improvements and promotes effectiveness in decision-making processes and their execution, which is further enhanced by applying quality and benchmark measurements.

On the other hand, the Committee should be able to respond adequately to its attributed competences, achieving full acknowledgement and acceptance by the public authorities. This sfosters effectiveness and good practices, by way of promoting synergies between the two parties engaged: Government and Committee.

Finally, it is important to underline the empirical evidence showing that a considerable number of Government sectors have benefitted from the existence of similar bodies, as a way of deepening and extending democracy from a participative point of view, therefore fostering decision-sharing between centres of power.

Keywords: democracy/public participation, supervision, independence, human rights, Convention on the Rights of the Child, supervision of ECs, *external view*, Juvenile Justice Act.

1. Foundational Principles of a *Model*

In the context of a movement that intensified in the 80s, designated *democracy of vigilance* by Rosanvallon (2006), several institutional structures, among others, were put in place to serve that purpose. Simultaneously, media coverage on public opinion and the consequent *denouncement* or *public revelation* of malpractices (*whistleblowing*), were further developed as ways to fuel the social identification of citizens who became progressively isolated from any decision-making process, other than the casting of a vote every 4 years.

Still according to Rosanvallon (2006), this *power of vigilance* unfolds in three coexisting actions: the actual vigilance, the denouncement, and the evaluation. Key players are all the citizens who are not part of a participative structure or those who want and can play an inspecting authority role, irrespective of its nature.

Undoubtedly, this trend was intensified and rapidly absorbed and promoted by several political regimes of the Western world. After all, it turned out to be an alternative way for legitimising and *cleansing* democracies in crisis, burdened by corruption and struck with disbelief in politics and in its traditional representation, monopolised by political parties and State institutions. This increased trust in government.

However, the implementation of these types of organisations, under governmental patronage, was not accompanied by an increase in the role of independent citizens' associations that could have a strong role in controlling public strategy and credibility.

Alongside traditional organisations, the historical process determined that States would create *Inspectorates*, *Committees*, *Higher Authorities* and *Observatories*. With the impartiality inherent to their independent nature, they would be endowed with one core mission: to unravel public institutions' deviances, by regulating the public space and controlling the exercise of political power.

2. Creation of the Committee for the Supervision of ECs

It was in this context, and due to Portugal's consequent ratification, on 21 September 1990, of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, that policy makers decided to set up a Committee for the Supervision of ECs in the Portuguese Juvenile Justice Act. This Committee was designed to integrate seven individuals, appointed by relevant stakeholders, whose remit was to monitor and supervise ECs' operations and verify whether these were in compliance with the abovementioned Law.

The Committee for the Supervision of ECs was introduced by article 209 of the mentioned Law Nr 166/99 which entered into force on 1 January 2001,

together with Decree-Law Nr 323-D/2000, of 20 December, which approved the General and Disciplinary Regulation of ECs.

Thereafter, Ministerial Order (MO) Nr 1200-A/2000, issued on 20 December, established that technical and administrative support would be provided by the General Secretariat of the Ministry of Justice. The above MO was later replaced by MO Nr 1/2013, of 2 January, that added affordances on a minimal financial support to the Committee.

The Committee is formed by two representatives elected by Parliament upon designation by each of the two main political parties, two members appointed by Child and Youth Support Associations, one member appointed by the Government, and two representatives of the Higher Councils for the Judiciary and the Public Prosecution respectively, thereby ensuring interdisciplinarity, independence, and accountability in the Committee's activity.

As reflected in the Committee's name, the aim is to monitor ECs, supervising their operations, within the context of strict compliance with the Juvenile Justice Act and with the general principles of the Convention on Human Rights, in particular in what pertains to the Convention on the Rights of the Child.

3. Methodology of Action

The consolidation of this Committee allowed for a group of engaged people to develop an objective opinion, in a quiet and reflective context, on what ECs should be and how they should achieve their aims. Everyone was well aware that the conditions associated with building a community outside the *common life* logic would require specific lines of action.

The historical process and life dynamics led the way, characterised by a conceptual path of vigilance, control and programmed activity, which generated a powerful body of reflection, modification, and improvement of these confinement spaces. This body of knowledge expressed the will of citizens who, working on a par with public administration, shared common sense views provided by an interdisciplinary and lay experience, appropriate for reinstating a good deal of pragmatism once lost to a world of specialists.

Everything happened contrarily to what is the common case process: we picked up tradition, in the Arendtian sense of the term – tradition connects us to the past, bringing the possibility of the new over a mere conservation of the old – and as needs were being identified, experts were invited to give shape to our idea of justice.

From a pragmatic perspective, we reverted the roles or, even better, we picked up tradition: we said what we wanted and thought, we communicated our endeavour. The experts made it happen. Without prejudice, difficulties or subordination.

We have all experienced wanting the bridge, the garden, the church, the neighbourhood, the town. However, one does not know how to construct them. Therefore, one must ask those who know about the task at hand, respecting the key sources of ideas springing from community culture, from common sense, from peoples' plans. So, let us summon the experts in order to get their approval and execution of the plan.

However, the experts' culture, dear to a media-led discourse, has been turned into an indisputable truth, with deaf dialogues occurring between the television and the viewer, isolated in a cocoon, preventing the collective will of accruing effective happiness and well-being to those who are the neediest.

We are living times of anomie.

In reality, directives that help but do not substitute culture and education are not enough to construct a building. However plentiful, the produced building will not suit each one of us; it will be for the expert alone, who has a view corrupted by the utilitarian rationality, intertwined with his/her own views, beliefs and prejudices.

Our views, those of average people with different personal and professional backgrounds, were that ECs required several modifications. These can be summarised in three fundamental ideas: external openness, differentiated treatment, and work with families.

External openness: in the realisation that Education for Justice can only be fully achieved in the community. We know the consequences of confinement. It creates an artificial environment, with its own rules and ways of social living, which do nothing to help young people integrate.

Differentiated treatment: the standardisation of an Education for Justice imposed by an economy of means, is completely inappropriate for young people who have their own individual problems, come from different backgrounds, have different developments, and require adaptation programmes.

Working with the families: the young person's process of adaptation requires the parallel transformation of his/her environment. Only a synergic process between young people's education and the correction of the original environment's dysfunctionalities will allow for a peaceful return home.

4. Impacts

We made the Administration aware of these issues. We encountered no difficulties. Everyone was in agreement.

There was prompt agreement on the importance of clothing and correctness, on the importance of rules of good conduct for the development of social relationships, on the importance of language and its proper utilisation.

We succeeded in the implementation of a daily life competences programme, which would teach the value of food and how to take advantage of it, would teach how to wash, iron and sew clothes, allowing for some autonomy in daily life routines. We were aware that very few young people, if any, had had a proper prior education.

We insisted on the need to create volunteering programmes and community work. And we were able to get the support of a large company to hire young people under custody to undertake professional internships.

We insisted on the use of colour and adapting the interior design of ECs.

Still, this was not enough. We therefore proposed several modifications to the Juvenile Justice Act, to correct gaps in the system and to respond to what we considered to be indispensible and urgent improvements in the legislation.

In this context, we emphasised the need for: (i) a duty to notify the *Comissões de Protecção de Crianças e Jovens* (Committees for the Protection of Children and Youth), as soon as a procedure moves on to the jurisdictional phase (ii) including a period of probation in an autonomy home (*casa de autonomia*) during the final stage of confinement, and (iii) a duty to involve the family or other reference person in the educational process of youth serving a custodial sentence.

Moreover, the right to well-being should be made an essential part of the educational process. Namely, a fair life, education, leisure, and good treatment should be guaranteed to a youth who, as evidence shows, has in most cases been largely deprived of such rights up until the moment of confinement.

It was clear to us that only the granting of the general standard of well-being would get them to learn how to live with others.

Several things remain undone. Is it too much ambition? The austerity that currently runs through the country risks that nothing is done. Therefore, times ahead compel us to a pragmatism of effectiveness and demand firm responses to the inevitable increase in violence that will certainly include youth below 16.

5. Constraints to Progress

Imbued with this dynamic perspective, we were surprised by the first halting signs. The lack of means, subdued by the country's bailout and compliance with the stringent measures imposed by the *troika* and executed by the current government, was starting to be felt. As a consequence, the quality enhancement process under way, to which so much effort had been devoted, was slowing down. Overcrowding of the ECs, lack of hygiene and cleaning products, lack of working capital, lack of staff and, after a first moment of hope, an absolute silence on any move to improve the Juvenile Justice Act, were clear signs of the difficulties ahead.

We also felt a progressive cooling down in the collaboration of the *Direcção Geral de Reinserção e Serviços Prisionais* (Directorate-General for Reintegration and

Prisons), especially relevant as closed institutions took a step back in complying with Human Rights, under pressure to respond quicly to the difficult environment. This made us rethink our approach and recentre our attention towards supervising and reinforcing a strict compliance with Human Rights requirements. This would be done by publicising all visits to or even the smallest form of intervention in ECs.

6. Committee's Logistics

Without questioning the *pro bono* nature of the work of its members, we cannot refrain from mentioning the absolute need for a small budget for organising the Committee's activities: visits to ECs, contacts with different institutions, attending meetings and discussions, communication and transportation expenses.

The current system is based on a tight regulation of prior authorisations for even the smallest travel. Often, this ends up forcing the Committee's members to cover for the expenses themselves, due to unsurmoutable difficulties in reaching even the simplest decision of making available the little sums of money that are necessary for the daily running of the Committee.

Also on that account, the Committee becomes unable to compare and dialogue with other countries, which substantially impairs the evaluation capacity required for a process in constant change and for its timely supervision. And it is not that our juvenile justice system so unique or radical that it can be described as a model without reservations.

We speak of getting to know other juvenile justice regimes, their possibilities, virtues, and drawbacks. It is without hesitation that we emphasise how important it would be for an evaluating Committee to be able to find inspiration and to reflect on good practices from other countries, allowing for a process of incremental meta-appraisal via an open access to relevant benchmarks.

On the other hand, sharing the Committee's work with other countries could bring added value to other systems, by demonstrating the importance of an external view on closed institutions.

7. Respecting Human Rights

In this context, the Committee assumes a particularly crucial role and options must be made in denouncing any breach to the dignity or the rights of youth in custody and to identify what must be upheld as essential to their integration.

It is, therefore, the preservation of human rights "in its limited assertion as a basic programme that brings different people together in the fight against the dictatorships, despotisms, tyrannies and totalitarianisms that flourish in the planet," according to Gauchet (2002, p. 2, own translation), that we consider imperative for the success of a re(integration) process.

What is more, we must opt between a model that is limited to ensuring that there are no breaches to the human rights as strictly formulated in their Declaration, or one that goes further in that path, by densifying concepts and fighting for the necessary changes.

We are well aware that this is not a neutral process and that the general consensus built around the necessity of honouring human rights varies between people, also at the level of implementation.

To use an overly simplistic example: even though we believe that no young person should ever be deprived of a balanced and quality diet - and considering that it falls on the State to provide it - we can be certain that, in the face of mounting financial difficulties, there will be voices claiming what used to go unsaid: "anything you give them is a lot, comparing to what they used to have!" This notion underlines the paternalistic and segregationist view that still dominates many sectors of society, voices that claim that these young people's destinies matter the least as we are dealing with criminals. These very same voices will show outrage at confinement costs while demanding the lowering of the age of criminal responsibility.

Going back to Gauchet (2002, p. 3, own translation): "It is necessary to define aims that are both a priority and widely accepted." Not all will be a priority and not everybody will accept them. Thus, all action will focus necessarily on human dignity, social justice, and equity.

8. Conclusion

What, then, will be the primal role of the Committee?

To fight against prejudice, exposing regressions, insisting on reforms, by addressing the original goals of what inspires its main remit: proactive in service, inflexible in supervision.

How? By maintaining its independence and interdisciplinarity, by being competent and independent in its observations, by aiming at excellence and by observing justice in all quadrants; moreover, by acting in permanent dialogue with those endowed with responsibilities as guardians and centres of political and media decision, by publicising their activity and by being persistent.

Finally, almost three years gone by, we cannot cease to underscore how this experience has enriched us.

Based on our professional experiences, in one way or another, and to a larger or smaller degree, all of us had an idea of what Juvenile Justice was.

However, it was the getting to know the ECs, being drawn by the urge to intervene with time and thoughts, seeing the results of improvement and dialogue, and looking young people in the eye, that gave and gives us constant proof that it

is only by taking fate into one's own hands that improvement and transformation can be attained.

Because democracy is not only achieved trough elections: it is also a fruit of participation and full intervention of citizens, who are unafraid of *invading* State structures, fighting inaction, crossing the opaqueness of bureaucracy, not allowing *them* to take charge of how our lives should be lived.

It became clear. It is necessary that civil society sets up its own authorities of supervision. Other Supervisory Committees must be put in place in hospitals, jails, public and private institutions for children and young people, and institutions for the ill or the elderly, to densify the counter-power that is necessary for a life in democracy.

This, in order to fulfil what Dworkin (2011, p. 19): named as Kant's principle: "A person can achieve the dignity and self- respect that are indispensable to a successful life only if he shows respect for humanity itself in all its forms."

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D.5. The Intervention Model in the Juvenile Justice Context – From Risk Assessment to Case Management

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Abstract: This article provides a review of the R-N-R (Risk–Needs–Responsivity) model (Andrews & Bonta, 1994) in the context of juvenile justice, based on the Youth Level of Service – Case Management Inventory (YLS-CMY, Hodge and Andrews, 2002) which is used by the Portuguese probation services. The study explains the importance of focusing the intervention on the rehabilitation of young offenders, based on risk assessment.

For this purpose, the article includes an overview of the principles of an effective case management: preparing the case management plan, creating the plan, supervising the plan, and managing the case plan according to the young offender's needs and particular circumstances. The case management plan defines the level of supervision and areas of intervention in light of perceived needs and responsivity, namely during custody. Case management within the Juvenile Justice Act is based on a Personal Educational Project (PEP) that is approved by court and defines the main objectives of the intervention as well as the timeline of the measure.

This follows an integrative and relational approach to intervention, based on an ecological and systemic framework, aimed at what works to reducing youth offending; emphasis is also put on the importance of an intensive supervision in the community after the custody measure.

Keywords: case management, risk – needs – responsivity model, juvenile justice.

1. The Risk-Needs-Responsivity Model for Assessing and Rehabilitating Young Offenders

The Portuguese Probation services (Directorate-General for Reintegration and Prison Services) have introduced in Portugal the use of a risk assessment scale: the Youth Level of Service-Case Management Inventory (YLS-CMI, by R. D. Hoge & D. A. Andrews).[1]

[1] Copyright © 2002, Multi-Health Systems Inc.

The R-N-R (Risk–Needs–Responsivity) model presented by Andrews and Bonta (1994) in the first edition of their book "The Psychology of Criminal Conduct," identifies the most important factors related to criminal behaviour as well as the best predictors of criminal reoffending.

Designated as the Big Four (the 4 main risk factors), the most important reoffending risk factors are the following:

1) history of antisocial behaviour;
2) antisocial personality patterns (including psychopathy, impulsiveness, aggressiveness, egocentrism, low intelligence, a taste for risk-taking, low problem-solving skills, and little self-control);
3) antisocial cognition (attitudes, values, beliefs, emotions);
4) relationship with antisocial peers.

The other four important factors, part of eight major reoffending risk factors (the Big Eight), are also important, however less decisive:

5) family relationship deficits and inadequate parental practices (lack of affection and family cohesion, poor parental supervision, negligence and abuse);
6) school and/or work integration problems (low level of schooling, poor performance at school, history of job instability);
7) dysfunctional use of leisure time/recreational activities;
8) substance abuse (drugs and alcohol).

The likelihood of reoffending increases with the number of risk factors that are assessed on the basis of information generated from different and credible sources.

"What works" principles for effective offender rehabilitation	
The risk principle	Published research identifies variables associated with the likelihood of an individual reoffending. These risk principles include those not amenable to intervention (*static* risk factors), and those that might change over time (*dynamic* risk factors). Static risk factors include age of onset of crime, offense history and family structure. Research suggests that higher risk offenders will benefit the most from rehabilitation interventions and that the intensiveness of services delivered should be proportional to the level of risk.
The needs principle	The term 'criminogenic needs' refers to risk factors that are dynamic or amenable to change through intervention. The needs principle suggests interventions should target needs of this sort, as they are most directly related to recidivism. Examples of criminogenic needs that form important targets for intervention with young offenders are drug and alcohol use, anger and violence problems, and beliefs or attitudes that support offending.

The responsivity principle	The responsivity principle focuses on client and programme characteristics that influence the offender's ability to learn in a therapeutic situation. Treatment is a learning experience and individual factors that interfere with, or facilitate, learning are termed responsivity factors. These factors can also be understood as contextual variables, which may influence treatment outcome. These variables make a difference to the skills, strategies or identities that individuals develop and to the support available when transitions are made. Factors such as age, ethnicity, gender, disability and socioeconomic status can be considered key responsivity factors.
The integrity principle	In contrast to the demands made by the responsivity principle to individualise interventions, an important component of quality assurance is to emphasise the need for programme integrity. Programme integrity refers to the extent to which an intervention programme is delivered in practice as intended in theory and design.
The professional discretion principle	The principle of professional discretion allows for professionals to make decisions on characteristics and situations not covered by the preceding principles. It makes sense to build scope for professional judgment into any rehabilitation system, rather than rely upon rigid administration of static principles.

Day, Howells & Rickwood (2004).

The R-N-R model attempts to answer the following questions concerning intervention delivery: Who, What and How.

The risk principle, that is, the probability of a young offender committing more crimes – risk level – should define the level of service of intervention and help decide to whom it should be addressed.

The principle of criminogenic needs, that is, factors that research directly links to reoffending and which can be changed – dynamic factors – should define what is the main objective of the intervention. In other words, what needs should be changed.

The principle of responsivity, that is, the offender's personality and learning style, is relevant to define how the intervention should be achieved, through appropriate programme settings and approaches.

According to Andrews and Bonta:

> Low risk offenders have more personal strengths and few treatment needs compared to high risk offenders. Often, the treatment needs of low risk offenders are only weakly associated with their criminal behaviour. These needs are noncriminogenic needs (anxiety, depression and general feelings of distress). Referral to noncriminal justice agencies for services to address their noncriminogenic needs would provide the human services sufficient for these low risk offenders and at the same time separate them from high risk offenders.

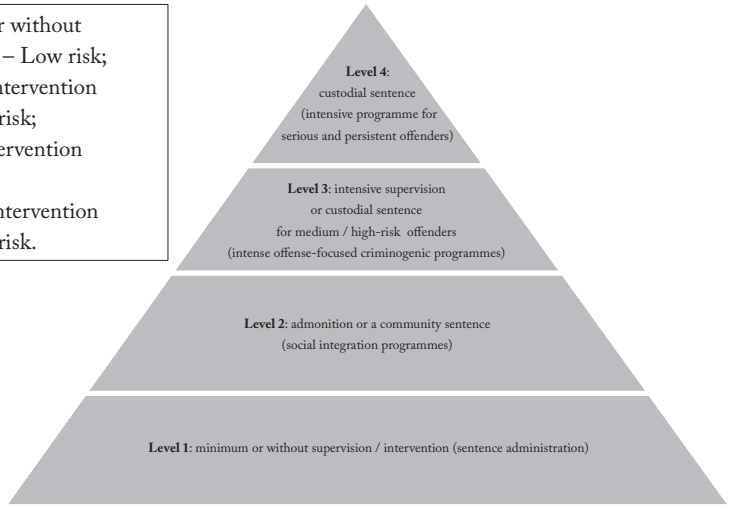
In his work on "Advances in the Assessment and Treatment of Juvenile Offenders," Hodge states:

The risk principle of case classification states that intensive intervention services should be reserved for high risk cases, while lower risk cases should receive less intensive services, or, in the case of youth with very few risk factors, no intervention at all.

Serving as guidelines, intervention levels give us an indication of the measure of supervision as well as the need for more or fewer activities, programmes, and number of contacts with probation services, in order to reduce the risk of reoffending.

The framework of reference for rehabilitation in juvenile justice, that is, supervision in the community, custody, and any intervention programme, should follow this schema:[2]

- Level 1: Minimum or without intervention – Low risk;
- Level 2: Minimum intervention – Moderate risk;
- Level 3: Medium intervention – High risk;
- Level 4: Maximum intervention – Very high risk.



2. The Youth Level of Service/Case Management Inventory (YLS/CMI)

The YLS/CMI scale "is a quantitative screening survey of attributes of juvenile offenders and their situations relevant to decisions regarding level of service, supervision and programming" (Hoge, Andrews & Leschied, 2002, p. 1)[3], and is divided into seven parts.

The first four parts are focused on risk and needs assessment:

Part I: Assessment of Risks and Needs
Part II: Summary of Risks and Needs
Part III: Assessment of Other Needs and Special Considerations
Part IV: Assessment by the Professional about the Level of Risk/Needs

[2] Adjusted from Day, Howells, and Rickwood (2004).
[3] In the original YLS-CMI Canadian Scale (2002), Multi-Health Systems Inc.

Part five indicates the level of supervision related to assessed risks and needs:

Part V: Contact Level

The final two parts are related to case management:

Part VI: Case Management Plan **Part VII**: Reassessment of the Case Management

In Part I: Assessment of Risks and Needs of the YLS/CMI, the following items are assessed (Hoge, Andrews, & Leschied, 2002, p. 1-2):[4]

1. Prior and Current Offenses/Dispositions: a. Three or more prior convictions b. Two or more failures to comply c. Prior probation d. Prior custody e. Three or more current convictions	**2. Family Circumstances/Parenting:** a. Inadequate supervision b. Difficulty in controlling behaviour c. Inappropriate discipline d. Inconsistent parenting e. Poor relations (father – offender) f. Poor relations (mother – offender)
3. Education/Employment: a. Disruptive classroom behaviour b. Disruptive behaviour on school property c. Low achievement d. Problems with peers e. Problems with teachers f. Truancy g. Unemployed/not seeking employment	**4. Peer Relations:** a. Some delinquent acquaintances b. Some delinquent friends c. No/few positive acquaintances d. No/few positive friends
5. Substance Abuse: a. Occasional drug use b. Chronic drug use c. Chronic alcohol use d. Substance abuse interferes with life e. Substance use linked to offense(s)	**6. Leisure/Recreation:** a. Limited organised activities b. Could make better use of time c. No personal interests
7. Personality/Behaviour: a. Inflated self-esteem b. Physically aggressive c. Tantrums d. Short attention span e. Poor frustration tolerance f. Inadequate guilt feelings g. Verbally aggressive, impudent	**8. Attitudes/Orientation:** a. Antisocial/pro-criminal attitudes b. Not seeking help c. Actively rejecting help d. Defies authority e. Callous, little concern for others

The first item – committed crimes – is a static factor, meaning that it cannot be changed. The other factors are dynamic and, as such, can be changed. The

[4] The items presented here are a transcription of the original Canadian Scale.

assessment is also directed at protective factors. Assessors should evaluate if a dynamic factor presents a strength for the offender.

In Part II: Summary of Risks and Needs, the assessor establishes the level of risk: Low (0-8), Moderate (9-22), High (23-34), and Very High (35-42).

In Part III: Assessment of Other Needs and Special Considerations, the assessor assesses these risks with respect to:

1. Family/Parents – chronic history of offenses, emotional/psychiatric distress, drug/alcohol abuse, marital conflict, financial/accommodation problems, uncooperative parents, cultural/ethnic issues, abusive mother, abusive father, significant family trauma, and others.
2. Youth life – health problems, physical disability, low intelligence/developmental delay, learning disability, underachievement, poor problem-solving skills, victim of physical/sexual abuse, victim of neglect, shy/withdrawn, peers outside age range, depressed, low self-esteem, inappropriate sexual activity, racist/sexist skills, engages in denial, suicide attempts, diagnosis of psychosis, third party threat, history of sexual/physical assault, history of assault on authority figures, history of weapons use, history of fire setting, history of escapes, protection issues, adverse living conditions, others.

In Part IV: Assessment by the Assessor of the Level of Risk/Need, considering all available information, the assessor may provide his/her own estimate of the risk level of the case. If this risk estimation differs from the risk level as assessed by the Scale, the assessor must provide reasons for the difference.

In Part V: Contact Level, the assessor defines the level of supervision needed: Administrative/Paper, Minimum Supervision, Medium Supervision, Maximum Supervision.

The final two parts are related with case management:

In Part VI: Case Management Plan, based on the risk assessment, the assessor defines the main objectives of the intervention and the activities that the young person is to carry out during the process. This plan should be developed by the assessor and the young offender and, if possible, by the parents and other persons that are important to the process.

Finally, in Part VII: Reassessment of the Case Management, based on monitoring of the young person's progress, the assessor evaluates the objectives that have been achieved and the needs that are still to be met as well as any other issues that are relevant for adjusting the management plan.

3. Case Management Rules for Custodial Sentences

Case management within custodial measures should respect the principle of legality as well as technical intervention principles:

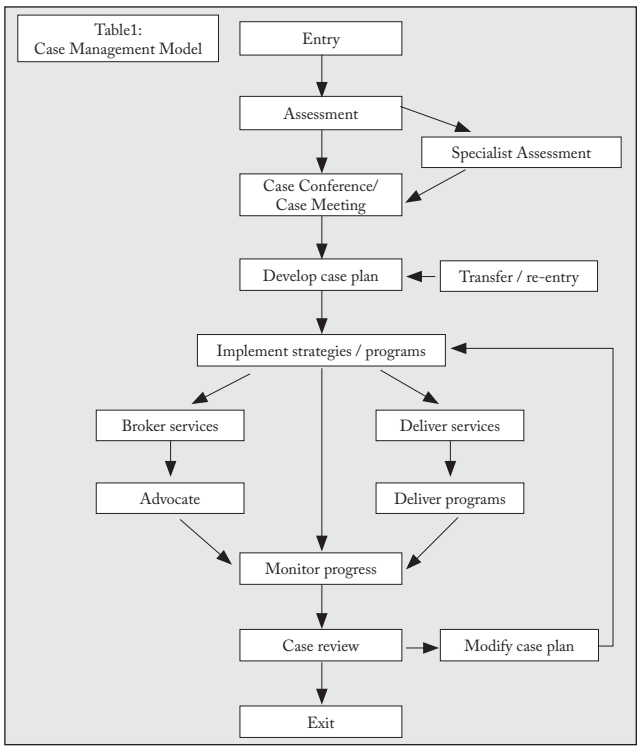
1. Principle of legality as laid down in the Portuguese Juvenile Justice Act (1999).
2. Technical intervention principles:
   - A safe and human environment appropriate to the young person's needs. The intervention should focus on the treatment of criminal behaviour and the development of skills that allow the young person to choose positive alternatives to criminal behaviour.
   - Monitoring of the young offender by an experienced professional (tutor) who supervises throughout the measure, assuming responsibility for case management.
   - Involvement of the young person's family or any other relevant person in the planning of the case.
   - Coordination between the various services involved (e.g.,Health Services, the Protection Committee, school, etc.) in order to maximise the benefits for the young person and increase effectiveness and efficiency of the intervention.
   - Preparing the return to the community since the first day of sentence (with Community Based Teams, community agencies, and other relevant entities).

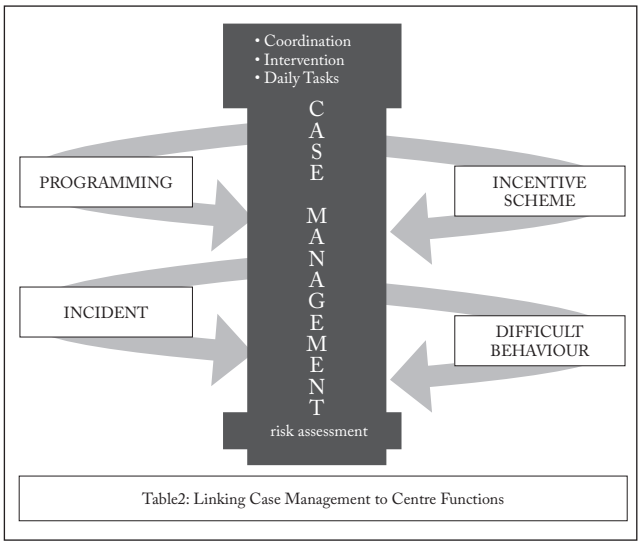
Case management should further take into account the following aspects:

- Assessment and intervention planning – planning and intervention should be based directly on the risk assessment related to the criminal behaviour.
- Participation of youth – the young person is the most important element in this process; therefore, he/she should be stimulated to participate in the planning and management of the case, as well as in the periodic evaluations and redefinition of goals and objectives.
- Building strengths – whereas personality development is critical in the lives of young people and in particular of young offenders, contextual conditions should be fostered that facilitate the development and consolidation of strengths and the development of protection factors.
- Evidence-based practice – the intervention must be focused on the criminogenic needs of the young person, i.e., the reduction of dynamic risk factors directly associated with criminal behaviour.
- Supervised intervention – interventions at Educational Centre[5] should be supervised internally by the Team and externally by experienced, yet independent, technicians.

[5] *Centro Educativo* – The Portuguese name for a Centre intended for custodial sentences under the Juvenile Justice Act.

The following tables illustrate a concrete application of the case management model.[6]





[6] *Case Management Policy*. April 2003, Department of Juvenile Justice, Australia.

4. Case Management under the Portuguese Law and in the Juvenile Probation Services – Custodial Measure at an Educational Centre

The Portuguese case management system includes assessment, planning, coordination, monitoring, and evaluation of the services provided to each young person. Case management is a planning and service delivery process administered by DGRSP.[7]

Case management has six components:

1. Assessment: An ongoing assessment of the situation of the young person and family, which is coordinated by the probation worker. The assessment involves the identification of relevant variables that have a combined influence on behaviour, such as:
   - personal, biological, psychological, and cognitive characteristics of the young person;
   - interpersonal dynamics, modelling and interaction reinforcement exchanged between individuals;
   - community, physical, environment, and cultural group level elements;
   - risk of harm and risk of reoffending.
2. Case Planning: Case planning results in a written plan developed with the young person and others to identify appropriate services to meet the identified outcomes. This Case Plan (so-called *Projecto Educativo Pessoal* – PEP – in the Portuguese Law) must be approved by the court.
3. Service Provision: Services are provided to meet the outcomes identified in the case plan. The services focus on reducing the risk of reoffending by the young person.
4. Monitoring of Services and Progress: The probation worker contacts providers, the young person and the family to determine progress on the outcomes identified for the young person.
5. Evaluation: The worker will continuously evaluate progress on the outcomes in the case plan and adjust the plan and behaviour contract when necessary.
6. Case Closure: The worker will submit a report to the court, the case will be closed and the young person discharged from custody.

The case plan should build on the young person's strengths and target for intervention those risks and needs factors that are most clearly related to the likelihood of the young person reoffending. The case plan will include the behaviour contract, which clearly states the outcomes and permanency goal, steps

[7] DGRSP – Directorate-General for Reintegration and Prison Services: this is the Portuguese Probation Service.

to meet the outcomes and permanency goal, and target dates for completion. The focus of the case plan is on what the young person will be doing.

The case plan (PEP) is elaborated in the first 30 days after the beginning of the custodial measure, to be approved by the court, and has the following purposes:

- Provide overall structure and direction to the case management process.
- Provide information about criminogenic needs and type of services that will be mobilised to help the offender behave in a functional way and learn about the rules and laws to live in society.
- Provide an instrument to evaluate case progress and accountability of participants.
- Provide information about programmes and activities that the young person must accomplish.

The treatment of criminal behaviour should be based on specifics programmes in accordance with the principles set out above, based on group and individual interventions.

The programmes should be directed to address:

- antisocial attitudes and behaviour;
- behaviour related to the crime;
- poor problem-solving skills;
- violence, substance abuse, sexual abuse, among others;
- low control of impulses;
- limited cognitive skills;
- poor skills for professional work;
- poor skills to engage in adjusted leisure activities.

Offenders' cooperation and likelihood of successful completion of their case plans will increase to the extent that they are involved in developing their own plans – as opposed to being *told* what their plans will contain. To this end, an effective case management approach implies not only that a process for case management is in place but also that members of the case management team understand the important influence they can have on offenders' motivation and have the skills to effectively engage offenders in the change process. Effective case management must also include methods to keep offenders focused on their goals, and encouraged to continue moving forward.

Therefore, evidence-based intervention techniques as the following, must be used in order to reduce criminal behaviour:

- use of cognitive-behavioural techniques;
- developing new skills;
- active involvement of the young person, through group dynamics and role-playing activities, in real-life situations;
- develop activities where the offender can train the skills learned;

– use of various learning techniques (modelling, role-playing, role reversal, records, etc.);
– use programmes directed at more than one problem, for example, learn how to deal with anger and substance abuse (or aggression and interpersonal communication, etc.).

It is important that young persons in custody maintain a connection with their family and community, since they will return home and it is necessary that the skills learned in the Educational Centre are experienced in contexts of real interactions in the community. For this purpose, supervised visits or contacts with family and community organisations should be facilitated throughout the custody period, in preparation for full release. This so-called educational reintegration provides young offenders the opportunity to access services and programmes identified as potentially beneficial in enhancing the social circumstances from which they came and to which they will return and offer young offenders access to numerous services in the community such as educational or treatment programmes and employment opportunities.

The young offender leaves the Educational Centre for a period that is granted by the director, if it is necessary or desirable for/to:

(1) medical care;
(2) the purpose of rehabilitating the young offender or reintegrating the young person into the community;
(3) attend school or any other educational or training institution;
(4) obtain or continue employment;
(5) participate in a programme that will enable the young offender to better carry out employment or improve his/her education or vocational training;
(6) visits his/her home so that contact with the family is maintained, and new communicational skills are experimented.

To prepare the young person to leave the Educational Centre, the following issues should be taken into account:

- Developing of a plan for resettlement after leaving, with the involvement of public and private agencies with competence in this area.
- Ensuring that the young offender goes to an appropriate local, family, or other institution with basic housing conditions.
- Creating opportunities for academic and or vocational training and employment.
- Establishing links with other institutions or agencies.
- Ensuring proper health care and well-being.
- Promoting independence through transitional housing, if needed.
- Maintaing and developing interpersonal relationships.
- Development of survival skills.

5. Conclusion: Perspectives for the Future

The Portuguese Probation Service has an important risk assessment tool based on the R-N-R model. The pre-sentence evaluation is now based on the YLS-CMI scale. The next step should be improving intervention planning, by using CMI (case management inventory), namely Part VI: Case Management Plan and Part VII: Reassessment of the Case Management.

The Personal Educational Project (PEP) and subsequent reports, prepared by the Probation Services, must be adjusted to the YLS-CMI.

Such a development in the state of the art may help professionals improve significantly the adequacy of programmes in addressing a specific young offender. Particularly in the custodial setting, it is very important to foster the young person's involvement and motivation and to build strengths, according to his/her needs and responsivity.

> Trust between a child and adult is essential, the foundation on which all other principles rest, the glue that holds teaching and learning together, the beginning point for Re-Education.
>
> In growing up, a child should know some joy in each day and look forward to some joyous event for the morrow.[8] (Hobbs, 1982, pp. 22-23)

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D.6. Risks and Opportunities in the Implementation of a New Model of EC

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Abstract: The Educational Centres (ECs) of Santa Clara and of Madeira, co-managed by União Meridianos and the Directorate General for Social Reintegration and Prisons (DGRSP),[9] in agreement with article 208 of the Portuguese Juvenile Justice Act, and article 8(3) of the General and Disciplinary Regulation of ECs, guarantee and ensure, by developing adequate methods and programmes, the enforcement of judicial decisions regarding youth aged 12 to 16. These norms apply the following educational measures: institutionalisation in an open or semi-open regime, precautionary institutionalisation, admission for expert examination of personality, compliance with detention rulings and weekend institutionalisation.

Article 144 of the Juvenile Justice Act states in paragraph 2: *"intervention in an educational centre obeys the general rules and pedagogical guidelines established for all educational centres, in order to standardise the achievement of the principles provided by law, in terms of juvenile justice,"* and follows in paragraph 3: "within the referred limits, …, intervention is, in general, guided by the Centre's educational intervention project and, in particular, by the minor's personal education project."

The principles of intervention in educational centres, defined by the Juvenile Justice Act, of socialisation, education, vocational guidance, and professional training, define the Educational Intervention Project of both ECs of Santa Clara and of Madeira (CESC and CEMA), with a strong focus on the involvement of the surrounding community. Specifically, União Meridianos contemplates in its educational intervention project the implementation of a volunteering programme and training in workplace setting programme, as a way to meet the premise of the Juvenile Justice Act "measures aim for the pro-law education of the minor and their dignified and responsible insertion in community life." (article 2)

[9] Note from the Editor: in the meantime, both ECs formerly run under the União Meridianos responsibility were discontinued, the Madeira EC in 2013, and the Santa Clara EC in 2014.

Keywords: youth, União Meridianos, Juvenile Justice Act, General and Disciplinary Regulation of ECs, model of intervention, (re)integration, community, innovation, volunteering, training in workplace settings.

1. Educational Intervention Model

The intervention by União Meridianos is based on elements derived from Learning Psychology, namely, the Social Cognitive Theory (Bandura/Walter, 1986, quoted in the Educational project by the EC of Santa Clara), which confers a central role to the cognitive processes in human adaptation and change. In the context of this theory the individual is capable of learning through the observation of the behaviour of others and through the consequences observed in such acts. According to this theory, the cognitive system plays a major role, the individual constructs his/her own reality, self-regulates, codifies information, and performs behaviours. People's thoughts and behaviours are considered to be the product of a dynamic inter-relation between personal, behavioural, and environmental influences (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

It is through the modelling process (learning through the observation of models) that young people internalise adequate behaviours. Having in mind the contributions of the Experimental Analysis of Behaviour (Ribes, 1983), these identify that there are certain factors that facilitate the copying of a model, among others: the affect in the relationships with the reference model and the strengthening through observation. In this sense we should emphasise that those responsible for working with young people will present themselves as strong adequate role models, but also offering close and accessible communication (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

The Theory of Meaningful Learning by Paul Ausubel (as cited in Direcção Geral Reinserção Social & União Meridianos Portugal, 2010) fulfils a no less important role in the Project of Educational Intervention. This theory explains that in the learning process it is necessary to find a connection between what is learnt with what one has already learned and the cognitive contents more relevant for the cognitive structure of the person.

In the pedagogical context, the educational intervention model is based on the structuring of objectives, namely the organisation of the means and stages of the educational process, the rational planning of the educational intervention having in mind the goals, the steps that should be followed for its execution and the ways for evaluating such intervention (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010). This serves to justify the planning of objectives to orient the work with young people, the stages that the intervention

programme should follow with each one of them, and the necessary evaluation of such intervention.

Another pillar in which the Project of Educational Intervention is supported concerns the educational theories by Dewey, which emphasise the social function that predisposes individuals to participate in the relationship with the social environment, placing in the *environmental whole* the different situations in which the individual integrates freely (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

Also to be stressed are the psychological and social theories which have been developed around labour integration, regarding orientation and *employability*. The model presented by Montané (1990-93) explains the interaction of three factors in the success of labour integration (work market, individual characteristics, and application of techniques and strategies of integration), pointing out that the possibilities of finding work will increase as these conditions become better adjusted (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010). Work allows the fulfilment of psychosocial needs, such as self-determination, prestige, social contact, and personal development. During the confinement measure, through activities developed in internship and professional integration, young people will be able to develop personal, social, and working competences which will later allow for a positive labour integration (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

We cannot forget the systemic theories (as cited in Direcção Geral Reinserção Social & União Meridianos Portugal, 2010), which consider that individuals are in permanent interaction with their environment and that any change in the latter will affect them. As such it is important to highlight intervention in the areas where the young person interacts the most, such as in the family environment.

1.1. Principles of educational intervention.

a) Principle of participation.

The young person should feel that he/she is responsible for his/her own change. He/she is the protagonist and should make the decision to change.

b) Principle of orientation.

The educational process with youth should have a clear orientation.

c) Principle of globalisation.

The intervention needs to be global, and should not be centred on the conflict alone and isolated changes. In each step undertaken throughout the young

person's process, he/she participates in a global change at a personal, family, social, formative, or working level.

d) Principle of individualisation.

Because each of us is different, the intervention should be adjusted to each young person, making it individual. The risks and needs of each young person need to be taken into consideration.

e) Principle of normalisation.

According to the Integrative Theory by Farrington (1996), it is considered that delinquency goes through three phases: beginning, persistence, and giving up (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010). The highest goal is to put an end to criminal acts.

f) Principle of flexibility.

The objectives should be adjusted to the changing needs of young people (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

g) Principle of evaluation.

The result of the intervention process is intimately linked to the programming of objectives, the planning, and to the expected results, which must undergo constant appraisal in order to provide useful feedback.

1.2. Working methodology and objectives at the EC of Santa Clara.

The intervention targets the cognitive, affective-relational and behavioural areas.

The behavioural change should, therefore, be accompanied by a cognitive change so that it may be actual. Peoples' behaviour result from the interaction of several factors: previous experiences, attitudes, capacities, pre-existing system of ideas, values, reference models, interpretation of situations… The cognitive and behavioural areas are two faces of one same coin.

The young person will adapt, in a progressive manner, throughout his/her confinement, through a phasing system allowing the objectives attained at a behavioural level to be opened to a cognitive intervention.

The behavioural intervention is based on the principles of learning psychology, the process of modelling and the system of positive and negative reinforcement.

The cognitive intervention takes into account that the integral development of the young person is the aim of the whole process.

According to our model of labour integration, the objectives developed alongside families and the possibility of maintaining the affective bond with them, facilitate a real social integration of our youth, simultaneously enabling the development of cognitive factors of major importance to this process (empathy, *locus* of internal control, capacity for decentring, resistance to frustration, and capacity to resolve problems). Associated with all these is the continual intervention that takes place with the youth inside and outside the EC.

The model of intervention is then completed with an affective-relational vision, which understands that those on the staff team are reference models to the youth. They will have to be close and of accessible communication, capable of maintaining an affective relation, without forgetting to be firm and fair in their actions (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

1.2.1. Educational intervention.

According to the educational principles, the methodology, and objectives already discussed in the previous points, CESC develops a working system, where results are evaluated quantitatively and qualitatively.

a) Phasing system.

This system aims to sequence the permanence of young people at the EC, by working through phases, and in a gradual mode, autonomy and responsibility. The young person should progress through different stages so that he/she is able to internalise different cognitive processes and consolidate behavioural repertoires that are more socially adjusted (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

b) Programme and activities.

The following list indicates various programmes at the ECSC, and different activities included therein, which intervene at cognitive, affective, and behavioural levels of change of the young person.

- Programme of competences of daily life.
- Programme of sexual education.
- Guide for young mothers.
- Specific programme for weekends confinement.
- Guide for progressive adaptation.
- Family questionnaire.
- Cognitive activities.
- Mentoring.
- GPS 25.
- Anti-suicide procedures.

- Evenings with autonomy.
- Labour integration.
- Volunteering.
- Sports practices.

c) Psychological support and intervention with the families.

During confinement there will be a direct and central intervention with the young person as well as an intervention on the family system. This work is developed by the Technical Staff.

On the one hand, the Technical Staff offers psychological support aiming to help young people overcome emotional problems experienced in their process of development, particularly in cases of foster care and socially unadjusted behaviours, as well as in cases of personality disorders or addictive behaviours. When necessary, young people undergo external Pedopsychiatric and/or Psychiatric assessments (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

On the other hand, Technical Staff analyses the family models, their deficits, and guides the intervention towards the changing of socio-familial problematic situations. Initially, there is an assessment of family relationships, of rules of coexistence, of educational practices, on which basis there is an intervention on the family system, to inculcate more effective and responsible parental practices (Direcção Geral Reinserção Social & União Meridianos Portugal, 2010).

Through visits, family outings, weekend and holiday outings, undertaken on a progressive way, the aim is to bring the families closer, having in mind the evolution of the young person in the phasing system and the family characteristics of each young person.

This progressive approach seeks to put into practice outside the centre the personal and social competences that have been acquired in the centre. This will be a conversion into an evaluative strategy, in real context, of the educational intervention.

In the initial visits, the aim is to collect information to later establish an intervening plan. In articulation with the teams of DGRSP, the strategies to be implemented will be directed and redefined. During the visits, a family questionnaire will be undertaken, as well as satisfaction questionnaires to the families and young people, during different stages of the measure of confinement.

All the outings will be evaluated, according to the pre-established objectives for subsequent interventions, future objectives and attainment of other outings.

d)Evaluation of the intervention.

According to Echeburúa (1993), quoted in the Project of Educational Intervention by CESC (2012), the evaluation of the intervention should take place at three different moments: during the intervention for potential changes in

the process, at the end of the intervention to verify if the proposed objectives have been fulfilled, and during the follow- up in the community to verify the general behavioural-cognitive shifts.

União Meridianos runs a permanent register of indicators regarding the intervention, which records different data which enables the evaluation and improvement of all processes developed inside the centres.

e) Reintegrating a shared responsibility.

With the promulgation of the Portuguese Juvenile Justice Act, the approach to youth offending suffered some changes, namely at the level of techniques and tools of pedagogical intervention.

The model of intervention envisages that the multidisciplinary team works at various areas of intervention (school training, technological training, training at the level of personal and social competences, volunteering programmes, and professional internships) in a positive way, on the basis of a set of innovative pedagogical techniques suited to new profiles of offense, namely at the level of labour integration and the practice of volunteering.

f) Volunteering.

The Volunteering activities serve an important function in the educational project of youth and their effective social reintegration. The aims is that the young person is able to learn different social realities and operate a number of competences at the level of attitudes, pro-social values, and social responsibility. To be meaningful, young people need to previously internalise, or at least have some contact with, the values, responsibility, and essence underlying such volunteering practices. It seems of great importance that we analyse and select a series of entities with whom we may establish partnerships and collaborate. Our partners are entities that deal with socially disfavoured fringes, social problems and/or the public in general.

In line with the already mentioned educational aims, the goals in this context are:

- An integral development of the young person.
- An education for values and an education for health.
- The development of a social conscious.

The objectives/goals of volunteering consubstantiates in real changes in the young person/volunteer, such as:

- Transformation of young people into responsible citizens.
- Active participation in society.
- Exchange of experiences with socially disfavoured fringes.

The practice of volunteering is not circumscribed to institutions that serve socially disfavoured communities; on the contrary, there is a concern with showing to young people the various domains of volunteering, recognising and validating the work developed in several areas (Project of Educational Intervention).

From this perspective, the project by União Meridianos collaborates in volunteer actions with the Red Cross, Associação Pata (an association that takes care of abandoned animals), Friends of the ecological park of Funchal (for the maintenance and treatment of the flora of Madeira) Portuguese Foundation in the Fight against AIDS, Banco Alimentar, among others.

g) Labour integration.

Labour integration presents itself as a primary vector for the reintegration of youth in the sense that through pre-professional experience it will be possible for young people to develop personal and social competences contributing to the structuring of a pro-social life project.

In the selection of the labour integration programmes several aspects are considered, such as, market characteristics and areas of interest for the young person, in order to create a balance between opportunities and practicability of pre-professional experiences, motivation, and expectation of the young person.

From this perspective, labour integration developed at the Centres provides young people with better qualifications, through direct knowledge of real working environment, thus improving their professional qualification, supported by re-socialising principles, social integration, in short, the integral training of the young person according to the protective measure of confinement.

Assuming labour integration as a predominant factor in the social reintegration of the young person and in the reorganisation of his/her daily life after confinement, we emphasise some of the objectives that we understand to be fundamental in this whole process:

- To potentiate the professional training of young people.
- To instigate and develop professional competences, according to the chosen career and personal expectations for the future.
- To foster the development of the capacities that are particular to the chosen career in order to enhance young people's integration in labour life or needed to pursue higher degree studies.
- To grant young people the necessary information in terms of preventing labour risks.
- To develop personal maturity, habits and capacities allowing young people to participate in labour activities.
- To define and programme activities for the integral education of young people.

For this purpose, a *comprehensive work* around the identification of aptitudes and transmission of personal and social competences is developed:

1. Generation of personalised itineraries for labour integration: which contemplates the evaluation, observation, and guiding of the working possibilities of the young person.
2. Training and transmission of competences: definition of a training path and transmission of specific competences with the aim of preparing his/her integration in the labour market.
3. Professional and social experience: in which the young person puts into practice the acquired knowledge/competences in the context of labour market.

Aiming to materialise the mentioned stages, a set of actions tis put in place that allows for an adjusted and concerted labour integration. Namely:

- Fostering cycle:
  - Gathering of information to analyse the working profile of the young person.
  - Analysis of the working profile of the young person.
  - Providing the instruments for an active search of jobs.
- Diagnostic cycle:
  - Assessing the starting situation in view of the stipulated goals, the stipulated goals which are in general consubstantiated in professional experience. In short, the objective of the programme for labour integration is professional development.
- Itinerary for integration cycle:
  - Development of activities for the transmission of basic competences for professional integration, including competences in technological training.
- Follow-up cycle:
  - Aiming at evaluating the goals and achieved results at a short and medium term, to increase motivation and expectations, and simultaneously establish a permanent system of communication so that the Staff at the EC and the person responsible for the young person at the company/entity are able to develop a close follow-up.
- End of itinerary cycle:
  - The itinerary can be concluded: following proper integration and consolidation of employment, volunteer waiver of employment or accomplishment of different objectives other than initially planned.

This whole process is developed in partnership with the surrounding community through protocols with União Meridianos, thus sharing responsibility in the reintegration of the young person. In this manner it becomes possible to generate new opportunities, to open new horizons in the life projects of young people, and endow the social and entrepreneurial fabric with more equality at the level of labour market opportunities.

União Meridianos' project counts with various successful partnerships, namely with Grupo Pestana, Campo de Golfe – Santo da Serra, Grupo Extermínios, among others, creating synergies in the promotion of young people's independent living in a dignified and responsible fashion (Project of Educational Intervention).

União Meridianos' investment in volunteering activities and in pre-professional experiences has been evidencing great successes, providing an increased range of opportunities to young people who are in conflict with the Law.

To (re)integrate is a shared responsibility.

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D.7. Young Women in ECs: Challenges to Resarch and to Organisational Design

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Abstract: Given the evolution of societal awareness concerning the relevance of gender and of its impact on juvenile delinquency, it becomes essential to assess to what extent interventions in juvenile detention facilities should also be gender differentiated.

Our paper will appraise possible differences between institutionalised male and female young offenders, that is, sentenced to custody at a juvenile Educational Centre (EC), which might entail the need for specific interventions. We shall offer a critical review of theories and studies on the theme, with a view to steer evidence-based policies and to inspire training strategies targeting professionals that work in this area. As a result the paper will conclude by offering alternative roadmaps to promote quality educational intervention with female young offenders.

Keywords: young offenders, juvenile justice, gender, specific female strategies for young offenders.

1. Introduction

In Portugal, the number of young people serving the educational measure in ECs increased in the last few years. Likewise, an increase in the number of young females serving this measure has occurred: in January 2011 there was a subtotal of 214 young males and 23 young females, whereas in May 2012 there was a subtotal of 253 young males and 33 young females serving this measure (DGRS, 2011a, 2012).

As Lombroso and Ferrero discuss, the first positivist approaches present a criminal woman whose biological nature justifies in itself the crimes committed (as cited in Matos & Machado, 2012, p. 39). These theories exclude the possibility of a rational choice of the deviation by the woman, which results in a paradox,

since, on the one hand, the deviance in women is justified based on intrinsic organic or psychological characteristics, but on the other hand, the woman who commits crimes is considered less feminine. But according to Fausto (2001) the reduction in inequalities at the social, political and economic levels suggested new forms of participation for women in society, among which criminality (Novaes, 2010).

The feminist theories denounced the universalising notion of subjects constructed from the perspective of the male subject, which, in this manner, disregarded feminine experiences and, as Butler (2003) refers, was centred in an androcentric perspective (Narvaz & Nardi, 2007) and created, according to Oliveira (2008), stereotypes, prejudices and very specific social representations in what concerns female criminality (Novaes, 2010).

According to Duarte (2012) there are two perspectives regarding the rise in numbers of young females in the system of justice administration and the belief that violence practiced by female youth is increasing: one is based on official statistics from Canada (Shaw & Dubois, 1995; Leaschied et al., 2000), USA (Campbell, 1984; Chesney-Lind, 1997; Hoyt & Scherer, 1998; Miller, 2001; Steffensmeier & Schwarz, 2003a, 2003b; Steffensmeier et al. 2005; Zahn et al., 2008, 2010), Scotland (Burman, Batchelor, & Brown, 2001), England (Gelsthorpe & Worral, 2009) which relate the fact that society is increasingly more violent to the fact that women emancipation is an incentive to the participation of women and young females in the world of crime and violence. The other perspective is based on self-reports on violence, victimisation surveys and empirical studies which highlight that this increase in female offense rates seems to emerge as a consequence of political shifts in detention and social reaction towards violent behaviour practiced by female youth. Still, a doubt persists on whether this tendency is due to a real increase in delinquency practiced by young females or if there has been a shift in society's responses to female youth behaviour.

For sure, the number of young female offenders is lower than those concerning their male counterparts, but this factor should not disadvantage educational intervention and research in this area; on the contrary, female youth are considered under the objective established by the Portuguese Juvenile Justice Act which defends "the education of the underage for the right and inclusion in life in community, in a dignified and responsible way" (Title II, Chapter I, article 2). In this sense, Fausto (2001) warns that we should take into consideration the social reality of women, to better understand the reasons for their low level in statistics (Basílio de Simões, 2009).

Given the above quoted conclusions, in particular the shifts on female roles in society, should young females be fitted in a masculinised system of intervention?

According to the above data, the number of young females in ECs has increased for the last couple of years, so it would be crucial to discuss if the

educational intervention applied so far is adequate to this new reality and what would be the key points for intervention in ECs to accompany social shifts.

Portuguese reality regarding female youth delinquency has been scarcely researched, whether at the level of statistical data, which is still not very gender-sensitive, or in the context of the production and development of studies (Duarte, 2012), which makes it essential to study this reality enabling forms of differentiated intervention.

In this sense, the objectives of this work consist in analysing, through the debate and different experiences, the behavioural, cognitive, emotional, and social characteristics of young females serving custodial measures, in order to delineate the possible differences in relation to male youth. Moreover, we will explore the hypothetical need for a differentiated intervention, in order to contribute to a more successful fulfilment of the objectives inherent to the compliance of the educational measure.

Lastly, it is our wish that this work is able to spark the desire for further research in this area, to promote debate and training of educational agents, in order to establish key points for a successful and high quality educational intervention for young females serving institutional measures.

2. Theoretical Framework

In order to speak about educational intervention for young females and to look for the specificities in such intervention, we should first identify what characterises such diversity.

Biologically, there is no doubt that there are genetic differences between the male and female sexes, this being a determinant factor for their development. Maccoby (as cited in Nogueira & Saavedra, 2007, p.11) argued that: "if it is certain that sex is, without doubt, a biologic factor, it is also a social and cultural factor, being that the reactions of people diverge in face of a male or female child."

That being so, could it be that these distinctions are real or the result of pre-established social stereotypes?

We cannot forget the evolutionary moment which marks adolescence, consequently influencing the educational intervention with female youth.

Adolescence is a critical step in human development, involving changes at a biological, physiological, psychological, and social level. It is a phase in life that allows "exercises of autonomy, the development of critical spirit, learning to deal with difficult situations and situations of failure, promoting success and maturation" (Guimarães & Pasin, 2006, p. 90).

The physical differences between the two genders are obvious, whereas when we speak about behavioural, cognitive, and emotional differences we are speaking beyond genetic characteristics. What we need to question is if such differences

have repercussions in our society and if, in turn, these differences exist because society has different expectations for each gender.

The existing shifts at a social, political, and economic level have consequences in the integral development of people; it is important to define what is the impact of these shifts on gender issues, to be able to problematise the possible faults in interventions with young females in ECs.

There are studies that acknowledge some differences between male youth and female youth, leading us to the possibility of having to respond to these unique features in a specific way.

Maccoby and Jacklin (1974) concluded that girls develop verbal competences earlier than boys and that the latter develop faster, although not significantly, visual and spatial capacities. The authors also showed that boys have a small advantage in what concerns numeric reasoning as well as more verbal and physical aggressiveness than girls (Nogueira & Saavedra, 2007).

Shaffer (1994) states other differences such as the fact that boys are physically more active whereas girls are more cautious, feeling more available to express feelings from the age of 11/12, while amore easily accepting instructions from figures of authority. Simultaneously, they differ from boys in their response to ways to persuade or induce obedience, preferring delicate suggestions, cooperation, or verbal negotiation (Nogueira & Saavedra, 2007).

Cristina Vieira (2006) mentions the existence of differences regarding the ways of playing, where girls tend to use "domestic or romantic scripts, which integrate characters committed to foster social relations and to maintain, or restore, the order and safety of people" (Nogueira & Saavedra, 2007).

Regarding interpersonal relationships, a study elaborated by Ruiz, López, Pérez y Ochoa (2009) confirms that young females have larger probabilities of using *relational violence*[10] – behaviours which imply social aggressions, such as exclusion, group isolation, or manipulation of the social relations of others – as means of acquiring social status among peer groups.

Regarding aggressive behaviours, according to Penã and Graña (2006), hostile aggression (more common in males) and verbal aggression (more common in young females), increases with age. According to Hartup (1974), the explanation for this is found in the maturation process of young people. The fact that they are capable of understanding and detecting the aggressive intentionality of others, may facilitate the production of aggressive responses by them (Peña & Graña, 2006).

There are different explanations relating to female criminality: (i) those that are based on biological and psychological perspectives, associating female delinquency to sexual deviation; (ii) theories that establish a relation between

[10] Definition taken from the subscale of *relational violence* in the Scale of Aggressive Behaviour by Little, Jones, Henriche and Hawley (cited in Ruiz, López, Pérez & Ochoa, 2009)

female delinquency and gender roles, differential socialisation, and social control; (iii) the thesis concerning the emancipation/liberation of women, which argues that as women progress to acquire freedom to attain their objectives, they become more exposed to situations that create *stress* and frustration which could induce them to crime (Duarte, 2012).

The earlier studies on delinquency date back to the 19th century with Lombroso and Ferrero (as cited in Duarte, 2012, p. 46) who believed that biological differences between men and women influenced the degree and type of involvement in offending practices, reflecting a lower predisposition for crime by the female figure, associated to maternity or to promiscuity and prostitution.

Regarding the theories associated to female delinquency and gender roles, it is important to, firstly, understand the concept of gender. The word gender was introduced less than forty years ago to refer to the social and historical construct of sexes (Carvalho, 2010). The concept of gender is based on the attitudes/behaviours that society expects from men and women and which influences the development of social roles. Nevertheless, we should not allow ourselves to be caught into pre-established ideas, as we will risk forgetting the personal needs of each individual.

Before the concept of gender emerged, society was strongly marked by theories where the male sex was dominant, theories that diminished the feminine role such as those by Lombroso and Ferrero (Novaes, 2010) and H. T. Wooley in 1910 (cited in Nogueira & Saavedra, 2007), and Foucault's theory which ignores the concept of gender, approaching only the male subject, until his later works where he introduces the theme of women (Piedra, 2004). However, new ideas began to surface which contributed to the notion of gender:

- The feminist movement and its evolution in history through the feminisms of equality and the feminisms of difference (De las Heras, 2009).
- The classical theory of ascription of roles by Parsons and Bales (1995) in which there are *expressive* roles (feminine) and *instrumental* roles (masculine) (Nogueira & Saavedra, 2007).
- The approach by Maccoby (1980, 2000) referring to the different reactions of a person when faced with a female or male child, as well as differences in terms of verbal competences or in visual and spatial capacity. Studies by Shaffer (1994) add differences between boys and girls regarding interests and wills (Nogueira & Saavedra, 2007).
- The notion of androgyny[11] and the influences of Morawsky (1990) and Amâncio (1994) regarding the disconnection between the biological sex and the psychological gender (Nogueira & Saavedra, 2007).

[11] Androgyny argues for the combination of feminine and masculine attributes, eliminating the supposition of gender dualism (Nogueira & Saavedra, 2007)

- The contributions by Fiske and Stevens (1993) on the prescriptive definition[12] of gender stereotypes (Nogueira & Saavedra, 2007).
- The explanation by Simone de Beauvoir (1990) concerning the socially constructed meanings that assume that women have an inferior condition (Vivas, 2005) and the new post-constructivist theory by J. Butler (2010), which criticises the concept of gender and questions the essences of man and woman, highlighting the social and political dimension of the body and sexuality (Carvalho, 2010).

In the theories of masculinity it is expected that men are more aggressive and women undertake more passive roles. The theory of control seeks to demonstrate that the relation between gender roles and criminal involvement is not direct, referring to girls as more controlled, with lesser opportunities for rule breaking and with more positive beliefs regarding the legitimacy of rules. On the other hand, boys learn, through social models, the benefits of an aggressive behaviour, whereas girls, according to Schilt (as cited in Duarte, 2012), are educated to believe that *good girls* are quiet, passive and sacrifice their needs for others. In this sense, according to Smart (as cited in Duarte, 2012), women offenders come to be seen as doubly deviants, since they not only transgress law, but also, conventional gender roles.

The contribution of feminist theories is indispensable for the reconstruction of discourses around the feminine figure, since gender differences exist in patriarchal societies, and have a structural impact in the experience of becoming a woman or a man in society. As a consequence, there are different motivations for crime, for criminal types and contexts, and for differences in crime opportunities, between boys and girls, leading to the idea that theorisation should be based on the reality of lives of young females rather than stereotyped thoughts (Holsinger, 2000).

Bartollas and Schmalleger point that "more recently the focus has been associated with biopsychological vulnerability such as stress and anxiety, attention deficits and problems of hyperactivity, intellectual deficits, precocious sexual maturation and problems of mental health." Adler (1975) explains, with a thesis about women's emancipation/liberation, that as women conquer freedom to attain their objectives, they become more subjected to situations that create *stress* and frustration compelling them to crime (Duarte, 2012).

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[12] According to Fiske and Stevens (1993) stereotypes have a simultaneous descriptive and prescriptive component. The first is consists of attributes or personality traits and the second is composed of behaviours considered adequate for a group, that is, gender roles. Gender stereotypes are characterised, according to Fiske and Stevens (1993), by their highly prescriptive character in comparison with other stereotypes (Nogueira & Saavedra, 2007).

These theories demonstrate the large discrepancies between the expected or the expectable of the female gender, which demands that we question ourselves again about educational intervention with female youth in ECs.

Research by Bottcher (as cited in Belknap, 2000), argues that boys and girls differ in five aspects: (i) boys are more self-centred and competitive; (ii) boys are more sensitive to peer pressure as they tend to spend their leisure time with peers from the same sex; (iii) boys are more easily labeled by the police than girls and certain crimes are more acceptable when committed by one of the sexes; (iv) physical differences place boys as being better in crime, and furthermore, parents are more rigorous with girls as they fear precocious pregnancy; (v) girls commit less crimes as they are cleverer and, in the practice of crime, boys are more audacious and pretentious (Duarte, 2012).

Although there is a lower percentage of girls in delinquency, differences between boys and girls in terms of the expression of transgression reflect particular social questions and risk factors which are potentially the cause and consequence of each other: physical and sexual assault which often lead to escapes, to which other practices such as theft and prostitution are associated; drug and alcohol consumption that, even if they are not significant in relation to boys, exacerbate other problems that could place girls at risk of offending; precocious initiation of sexual life and pregnancy; choice of partners, where in boys this could lead to the reduction of offending acts, whereas in girls this could have the exact opposite effect; problems of mental health (anxiety, depression, eating disorders, and suicidal tendencies); while boys engage in open aggression, girls develop, mainly, relational aggression (Peters, 2001). We have conducted a careful inventory of studies such as: "The female offender," by Chesney-Lind (1997); "Guiding principles for promising female programming" in "Inventory of best practices," coordinated by Peters (1998); "Violence Research Programme: A view from girls", by Burman, Brown, Tisdall and Batchelor (2000); "Girls and offending – Patterns, perceptions and interventions" coordinated by Arnull and Eagle (2009); "Caracterización de personalidade de mujeres adolescentes infratoras de ley: Un studio comparativo", by Vinet and Bañares (2009); and "Causes and correlates of girl's delinquency," by Zahn et al.

As previously mentioned, there are various studies that detect differences in the ways boys and girls solve conflicts: while boys are faster at solving conflicts, by using strategies of direct confrontation and physical aggression, girls use more subtle and indirect strategies, such as the isolation of a peer, the spreading of rumours, social exclusion, as referred by Holsinger (as cited in Duarte, 2012). According to Miller and White (as cited in Duarte, 2012), violence between girls is frequently originated by jealousy and relational problems which could incite delinquent practices.

Zahn et al. (2010) discuss some other studies regarding risk/protection factors concerning gender, which attend to the following causes:

- Biological: Klein and Corwin (2002) argue that differences in some biological functions as well as in personality traits can contribute to distinct responses to certain environmental conditions. Other theories refer that girls and boys are exposed to distinctive risks, that is, there is evidence that girls undergo a larger number of negative experiences during adolescence, being more susceptible to their effects (Ge et al., 1994).
- Exposition to stressors, trauma, and mental health: there is evidence that girls are more exposed to certain types of trauma (sexual assault and rape) than boys (Hennessey et al., 2004; Snyder, 2000); girls can be more sensitive to trauma inside their homes (Dornfield & Kruttschinitt, 1992; Robertson, Bankier, & Schwartz, 1987; Widom, 1991); diagnosis of mental disorders such as depression, anxiety, and post-traumatic stress are more frequent in girls than boys (Teplin et al., 2002).
- Early puberty: some studies argue that early puberty in girls can lead to risk behaviours like substance abuse, escapes, and vagrancy (Caspi & Moffit, 1991; Flennery, Rowe, & Gulley, 1993; Graber et al., 1997; Kaltiala-Heino et al., 2003, Lanza & Collins, 2002; Paikoff & Brooks-Gunn, 1991; Stattin & Magnussson, 1989; Stice, Presnell, & Bearman, 2001).
- Family influence: researchers (Gecas & Seff, 1990; Gilligan, 1982; Leonard, 1982) argue that girls have a closer connection to family and that this can be a safety factor or, in the case of a fragile bond, it can facilitate transgressive practices that lead to delinquency.
- Peer impact: precocious maturation in girls is associated with the development of intimate relations with older boys (Castillo Mezzich et al., 1997) and according to Giordano, Cernkovich and Rossol (2002), girls may use drugs or alcohol to deal with their partner or to gain his approval.
- Community context: the impact of the neighbourhood's characteristics is still poorly studied; however, there are studies that suggest that girls are more monitored, being closer to home and therefore less exposed than boys to street violence (Farrell & Bruce, 1997; Bottcher, 2001).
- School: the relationship between academic competences and transgression is stronger in boys than in girls (Junger-Tas, Ribeaud, & Cruyff, 2004; Maguin & Loeber, 1996) and the relationship between school and delinquency has more influence in girls than in boys (Crosnoe, Erickson, & Dronbusch, 2002).

These studies acknowledge some distinctions between female and male elements, which could be seen as starting points for a discussion on the existence or non-existence of certain specificities concerning the concept of gender and forms of intervention adjusted to it.

It doesn't seem to make sense that intervention with female youth continues to compress girls into a system designed for boys nor to separate offenders in relation to gender (Peters, 1998), but it appears sensible that specific gender programmes for girls are developed, that are better able to respond to issues of female delinquency (Duarte, 2012).

According to Zahn et al. (2008), the increase in the number of girls in the world of delinquency urges us to understand the reasons behind this fact and to examine the responses of girls to programmes specially designed for boys.

In this sense, the Girls Study Group was created (a project developed by OJJDP – Office of Juvenile Justice and Delinquency Prevention) which describes essential points adapted to the needs of young females that began to appear in the justice system, in order to evaluate, take care of, and prevent female youth delinquency, highlighting two areas:

- The prevention and need for adequate responses through: (i) the development and deepening of prevention programmes enabling the identification of risk factors and protection failures present in the lives of these young girls, (ii) the work of empowerment and training of professionals attending to the developmental and sociological specificities of female youth, (iii) the development of relational spaces (schools and neighbourhoods) where the voices of girls are heard and valued.
- Statistics, offenders surveys, self-reports, and *follow-up* studies, sensitive to issues of gender.

Other than the aspects, common to both genders, that lead to delinquency, it is important to consider specific areas in the prevention and intervention with young female offenders (Zahn et al., 2010), such as:

- Programmes directed at physical abuse, including sexual abuse.
- Responses to mental health problems such as depression, anxiety, and post-traumatic stress.
- The fact that girls connect better to school than boys.
- Responses to early puberty and ways of dealing with peers and parents.

3. Evidence and Questions

The needs of young people with deviant routes are distinct from those of adults with criminal paths, since the former are at a stage of personality formation and as such the Juvenile Justice Act confers specific objectives to the custodial measures in ECs, whose final tasks is to reintegrate young people in the community in a responsible and sustainable way.

It is timely to highlight that what brought us to this subject matter was our professional experience in this area and the dialogue with other professionals, which helped us become aware of the need to discuss and investigate further.

As Baines and Alder, as well as Assis and Constantino (as cited in Duarte, 2012, p. 31) discuss: even if girls are found in lesser number in the adoption of delinquent pathways, operational staff share the opinion that it is more difficult to work with girls than boys, as girls are considered less controllable than boys, less obedient, and more problematic. Batchelor, Miller, and Cooney (as cited in Duarte, 2012, p. 31) refer that the awareness of such differences "should take us to question, on the one hand, the institutional responses and (re) educational programmes which continue to base themselves in procedures supported by knowledge obtained from studies developed with boys, and on the other hand, the training of professionals, who should be specialised in gender differentiations."

From our experience in educational intervention with young people of both sexes, the reports from professionals demonstrate some differences between boys and girls and some statements are repeated, such as: "girls are more appealing, manipulative, deceitful and gossipy; more conflictive, evil between themselves, and more possessive; more affective, needing more attention"; and, on the other hand, "they are more obedient in rules of basic functioning, even if more subtle in trying to work-around norms; they are cognitively more elaborate, more creative" and "in school they are more hard-working."

These reports lead us to think that interventions with young people, male or female, should attend to certain particularities giving credence to characteristics that differentiate between them.

Given their biological differences, there are certain singularities in young females which make their paths throughout custody distinct from those of young males, such as the possibility of getting pregnant or of being able to keep their children with them up to the age of three.

But other than the genetic factor, should we attend to other characteristics without falling into the mistake of promoting inequality?

These issues aim to encourage professionals to question themselves about various aspects, like:

- Are there specificities regarding the essence of female gender?
- Could these differences be based on a social and cultural component making young females behave in a specific way?
- And if this is the case, and once the concept of gender is a social construct, should we or should we not intervene in order to promote a reintegration in society more adjusted and less unequal?
- Should educational intervention be equal for both sexes?
- And, if not, what should the differences be?

- And should these differences be the goal of a more in-depth intervention?
- Why is it that professionals working in ECs acknowledge differences in working with female youth?
- Since girls appear to be more obedient concerning norms of basic functioning, although more "conflictive," should we not attempt to respond to this issue and implement activities promoting the development of assertive strategies for the resolution of interpersonal problems?

4. Conclusions and Intervention Proposal

We recognise that the existence of bio-physiological differences between both sexes is already acknowledged in ECs through specific activities, such as those that serve to support the understanding of physic-psychological changes and ways of dealing with maternity, in the case of pregnant young girls and young mothers.

Regarding young mothers, it is necessary to establish routines adapted to the condition of motherhood and to the needs of babies/children living with their mothers.

At the same time, and in what concerns the needs in the field of sexuality, it is important to provide a Programme of Sexual Education in ECs that takes gender specificities into account and encourages knowledge, responsibility and prevention at the level of health.

Drawing on reports from professionals as well as studies, some specificities concerning gender stand out (such as the use of different strategies for problem resolution, in response to the fact that boys engage with direct aggression and girls with relational aggression, as well as specificities in terms of acquisition of cognitive/school-based competences) which need to be attended for an effective intervention, and to avoid a relapse into offending behaviours.

Similarly to what has been referred by researchers from the Girls Study Group, there are studies that enunciate some risk/protection factors which should be taken into consideration when we speak about female youth and deviancy (such as questions related to physical abuse, mental health problems and, early entry of girls into puberty); it is essential to work not only on preventive measures, but also on the development of adequate responses which in turn presuppose more gender-sensitive and detailed research insights.

Concurrently, it is also important to foster the appropriate training of teams, raising their awareness of gender differences, disseminating distinct modes of intervention to deal with female youth serving educational measures. Only in this way will it be possible to guarantee a successful intervention with female youth and the promotion of their integral development, allowing for cognitive-behavioural changes.

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D.8. Dreaming, Constructing Autonomy, and Achieving Personal Well-Being

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Abstract: This article presents a personal perspective on how dreaming, building autonomy, and achieving personal well-being are central for youth and adults. Drawing on the author's personal and professional experience, the article will analyse, among others, some pillars and foundational blocks that are relevant in this context.

Data presented show how entrepreneurship education positively impacted youth in general, but also at-risk youth specifically.

Keywords: dreaming, autonomy, well-being, community.

1. Introduction

"I have a Dream" - Martin Luther King (Eirene, 2000).

When adults share their dreams it is a sign of hope. In this context, quoting Martin Luther King is a necessity: "*I have a dream*" (Eirene, 2000). Dreaming is a sign of vitality for society; a sign of hope for adults; and a sign of future growth for children. Sharing and believing in our dreams is a window into the future and a sign of wisdom on how to make real the dream of tomorrow. It is creating new reality through dreaming and we should never give up on consistent dreaming as part of our personal growth – this requires focusing on making reality about one's future and not just relying on virtual and past life. Not dreaming is a doorway to death, a break of confidence in future regeneration, a lack of faith and positive energy, a potential sign of *rickets*.

Educating for consistent dreaming is education for autonomy and aimed at each other's well-being (not only personal but also general and shared well-being). And this is how we connect to others as a part of a whole.

2. Pillars and Foundations for Developing Well-Being

Promoting positive conditions for children's healthy development is essential and needs to consider all major components involved such as: Health (including

physical and mental), Safety, Learning and Achieving, Emotional Development, Culture and Spirituality.

All of these dimensions are relevant and important parts of building autonomy and achieving well-being; however, I will limit my analysis to just a few, based on my own personal experience (considering so-called *normal* development conditions and, as such, not focusing on more specific – although probably the most relevant and urgent – situations of exclusion or of lack of basic life conditions for children).

2.1. Education and learning.

Krishnamurti explained:

> Education is not only learning from books, memorising some facts, but also learning how to look, how to listen to what the books are saying, … is not just to pass examinations, take a degree and a job, … get married and settle down, but also to be able to listen to the birds, to see the sky, to see the extraordinary beauty of a tree, and the shape of the hills, and to feel with them, to be really, directly in touch with them. (Krishnamurti, n.d., part one, para 2)
>
> The function of your teachers is to educate not only the partial mind but the totality of the mind; to educate you so that you do not get caught in the little whirlpool of existence but live in the whole river of life. This is the whole function of education. The right kind of education cultivates your whole being, the totality of your mind. It gives your mind and heart a depth, an understanding of beauty. (Krishnamurti, n.d., part one, para 59)

Education is about learning from others and from our personal experiences. This is a way of reading life and learning to better understand our capabilities and limits; Learning is a lifelong journey that starts with our educators and ends with ourselves. To educate and support children for this inner growth, it is essential to allow them to discover others, through nature and culture. Beliefs as a basis for future decisions is also a profound key developmental foundation (lack of beliefs means lack of direction and decision-making criteria). Additionally, this helps one to map his/her own relationships and create a sense of community with family, friends, relatives, and all those around. These will be key developers of a sense of belonging as a basis for a natural and personal identity that will help each person put his/her lives into perspective. By reflecting about others one can learn and grow in self-knowledge (Ubuntu philosophy): Learning to be; Learning to do; Learning to know; Learning to live together.

> There is a great deal to learn about yourself. It is an endless thing, it is a fascinating thing, and when you learn about yourself from yourself, out of that learning wisdom comes. Then you can live a most extraordinary, happy, beautiful life. Right? (Krishnamurti, n.d., part one, para 9)

2.2. Discipline and self-motivation.

"There is an appointed time for everything, and a time for every affair under the heavens …" (Bible, Coelet, 3, 1); each moment prepares for the next.

Education is also about this: there are priorities that guide our life choices and we have to consistently and proactively teach them. Children should learn by their educator's example on how to use such criteria. To develop self-discipline is a major educational pillar and gratification should never come first but only as a result of an achievement or effort. In fact, we often compensate our children upfront with some gratification; however, this prevents them from understanding priorities in life or to build criteria that allow for good choices.

It seems that zero pain and maximum pleasure has driven the evolution of the modern capitalistic economy. It is wrong to think that happiness equals pleasure, as it is so proactively proclaimed in today's society. It is also wrong to think that satisfying one's material needs is a highway to happiness. Taking on Lipovetsky's perspective, it is no more about achieving a well-being society but about pursuing a "have and well-look" society.

To Hupert's notion that "sustainable happiness results from what we do, not from what we have," I would add that what we do is a result "of what we are" in the pure exercise of our free and consistent wills (Huppert, 2010, pp. 1275-1276).

2.3. Sense of belonging.

We all have dreams when we are young. Some people want to become movie stars, some wish to be Olympic champions, while others dream about becoming Prime Minister. But for those who fail to plan their future, for those whose personal growth lacks support, dreams remain just that, dreams.

As a businessman, I'm not just working with professionals but with people. I have to know those with whom I work in their feelings, expectations, and motivations. Also in their life circumstances, future plans, and projects in order to be able to promote their full development as individuals and as citizens in view of their personal constrains, and community contexts.

At all times, we should be aware that we are not just ourselves but a part of a broader community. It is dangerous to separate the well-being of the masses from the well-being of the individual, is it not? To do it is to break the solidarity chain of a society where information and knowledge cross instantly.

2.4. Learn for entrepreneurship.

Since 1919, Junior Achievement (JA) has made an impact on more than 30 million young people by educating and inspiring them to value free enterprise,

business and economics to improve the quality of their lives. JA's ultimate mission is to ensure that every child has a fundamental understanding of the free enterprise system so that they are prepared to meet the challenges of the global economy (https://www.juniorachievement.org/web/ja-usa/home).

As the President of Junior Achievement Portugal, I emphasise the role of the organisation in helping children to make their dreams come true. In a context of valuable programmes that combine enterprise business volunteers, entrepreneurship teachers and millions of children that set their dreams higher, it is possible to create future business organisations, from group creativity to business creation, through…dreams.

By bringing volunteers with business experience into the classroom to facilitate the programmes, we are teaching the next generation of entrepreneurs, managers, policy makers and voters about the value of self-initiative for free enterprise creation: the value of turning their dreams into reality. As a business representative, I try to show them the value of education and of staying in school. I ask them to visualise their life courses and think about their dreams. They see the disparity between what they can do now and what education can offer them as a driver of personal growth and value creation (not just for themselves but for society; value sharing with others). It is a convincing argument that getting a better education enables them to realise their dreams. In a survey of teenagers, less than half – 43% – were "very confident" that they would someday have their dream job, and a significant majority – 71 % – said that they would either give up on their dream job for one that paid a higher salary or might consider doing so (Voya Financial, 2012).

It is concerning the number of teenagers who consider changing their goals based on the state of the economy and their perceived ability to make money in their dream career. Other key findings of the survey revealed that more than a third (35%) of teenagers did not know anyone who had their dream job and had learned about their desired career through school. This finding underscores the importance of providing students with access to real-world work experiences and career mentoring, provided by referenced coaching leaders.

However, it is encouraging to see that many students plan to carry on with their education and that so many are interested in high-growth careers. I believe that this will be the next generation of innovative leaders with a significant positive impact in future world transformation. Emphasis should also be put on ethics and solidarity, and value sharing, which are key for a new world DNA.

In 2011, the Danish Foundation for Entrepreneurship-Young Enterprise carried out a longitudinal impact survey on entrepreneurship education. In this report, that followed 2,000 randomly selected students in lower secondary education, differences were identified between ordinary students and students who were advantaged by having received entrepreneurship education, as to their

views on their future and their ambition level, as well as their sense of perceived connectedness to school and society (Vestergaard, Moberg, & Jørgensen, 2012).

Likewise, a report by Young Enterprise – United Kingdom showed that Young Enterprise Company Programme alumni had a greater appreciation for their skills, were more passionate and happier about their jobs, felt the programme enabled them to develop life skills such as teamwork, self-motivation, and decision-making, which then bestowed on them lasting confidence in their abilities (Young Enterprise, 2008).

In particular, Junior Achievement has been developing programmes with at-risk youth, delivering relevant results that co-relate financial literacy to lower rates of dropping out of high school.

The Youth Employability & Entrepreneurship Training programme for at-risk youth between the ages of 15 and 24, in Kingston Jamaica, was implemented by RISE Life Management Services, working with Junior Achievement Jamaica and the Sandals Foundation (http://www.obrayouthalliance.org/rise-youth-entrepreneurship-and-employability-programme). Through this programme:

- 20 young people were placed in internships or received better employment as a result of training.
- 5 community-based companies were established to supply local hotel chains with products.
- 150 participants gained a better understanding of good work ethics and were given professional business networking opportunities.

Also, Boston's at-risk students whose economic status is at poverty level benefited from the financial literacy programme of Northern New England's Junior Achievement. The impacts of this programme showed "that conditions of poverty can severely reduce access to the educational experiences that children need to be successful in school." Junior Achievement programmes have contributed positively for students to experiment "career exploration and teach skills necessary to economic self-sufficiency." Considering the potential long term impact of these programmes: "It's been proven that students who receive Junior Achievement (JA) six times during their school career are 90% more likely to graduate from high school. The long-term goal of our project will be for youth to develop attitudes aligned with high school graduation and 21st century skills that prepare them for success" (GlobalGiving, n.d.).

Finally, JA Finance Park is a programme focused on financial literacy and work readiness for students at grade levels 8-9, in Bexar County public schools, where over 64% of students are considered to be economically disadvantaged. This programme is targeted at the academic career of these students by increasing their skills and knowledge and consequently augmenting their potential of graduating from high school (GlobalGiving, n.d.).

These data illustrate how JA has positively impacted youth in general, but also at-risk youth, showing how entrepreneurship education leads not only to an increase of their levels of motivation to learn, creativity, and initiative for entrepreneurship, as well as their soft skills capacities, leading to a reduction in school drop-out rates.

2.5. Love (as a foundation).

As already stated, discipline, self-motivation, entrepreneurship, among others, are important bases for self-development and personal growth. A sense of belonging and other elements of well-being are also important for personal and spiritual development. However, *love* is the major foundation challenging our life's journey. There are so many definitions; still, it is so difficult to live having love as our life's greatest and central strength. Love could be defined as the completeness and the experience of freedom that come from individual readiness towards the common well-being (without regard for specificities of *philios, eros* or *agape*). To be complete and free as an individual means taking the right actions based on the appropriate affections, emotions, and criteria; it means to be focused on the well-being of others, on shared values, aiming at the common good and not being ruled by selfish intentions. One should be oriented to the greater wellness of others. The simple exercise of our will implies intentions, choices, and actions.

Every child should (have a chance to) be educated in a context of love – to love and to be loved – in order to develop some of the previously identified components. Although love is not self-centric, it is still relevant for the person and will never be purely altruistic. In fact, we cannot reach love without self-knowledge of who we are, our identity, strengths, weaknesses, and faults. We should also respect ourselves: to know how to *embrace who we are*, respect our life realities, accept our limitations, trust ourselves, forgive ourselves knowing how we can improve and grow. In this way, we can truly love and give.

And the same applies in relation to others. We have to know each other, to respect each other and to accept; then, we are able to love and give.

So, we are able to love and offer what we know; what we respect and what we accept. There is no other way. And this exercise of love is the fullness of humanity and we have to fulfil it in a truthful and mindful way. Recognising our own mistakes and faults before pointing to the mistakes and faults of others. We must also exercise love with forgiveness and compassion.

Ultimately, love is the foundation for dreaming, in a simple exercise of autonomy driven by consistent wellness. It should be practised consistently as a successful learning of the educator's love. And there is no other way.

3. Should We Measure It?

There are a number of benefits from measuring well-being which are directly applicable to policy-makers, officials and practitioners seeking to shape the transition into a more preventive system of services for children and to improve the outcomes for children in the future, in three key domains:

- Early identification of problems and the ability to induce changes in well-being;
- knowing what works;
- bringing longer-term outcomes to the fore with the inclusion of well-being indicators.

The use of subjective indicators (based on an individual's self-report of feeling happy, satisfied, content, and fulfilled in day-to-day life) can play an important role when carefully applied and interpreted, and is now increasingly accepted. Capturing how children and young people experience their lives from their own perspectives will be a key element in this process evaluation (Thompson & Aked, 2009).

4. Still a Long Journey?

This is not just a long journey but a transformative process as well for all participants: for our society, for our organisations – in general but more specifically for those that work with education and youth. It is also the journey of each of us as educators and citizens.

But at the same time, how can we be effective in the face of current resource constraints? It is extremely important that we know how to measure results in order to better decide on how to apply our scarce resources. How can we do it continuously and with consistency?

5. In Conclusion

We all know that there are different realities at stake here. In this article, I am not approaching or dealing specifically with extreme situations of exclusion, violence, lack of life expectations , or abnormal situations, neither am I considering all those specific programmes for recovery and transformation or anticipation of said situations.

In conclusion, we all have to fulfil our personal mission within our lifetimes. There is a sense of urgency in it.

Recently, I had the privilege of participating in a congress panel with 3 young people[13] who learned how to realise their dreams and make them happen in their lives. In fact, they are already 3 adults with extreme high self-esteem, a sense of personal mission and accomplishment in changing the world, which is anchored in their dreams as young people. They are the example of how education, good personal references (family, community, educators) and perseverance can overcome haphazards and how one can support and encourage people to be able to achieve and believe. For them, discipline and love were also key elements for their success.

If we do not fear our dreams, it means that they are not big enough. We have to embrace our dreams to reach a well-being that is consistent with profound autonomy. It is challenging to deal with and pursue with perseverance in a more inclusive and solidarity-based world. Even what is difficult is possible. It depends on one's understanding of one's personal mission. It is up to you and me…to dream for a better world.

> "You may say I'm a dreamer, But I'm not the only one. I hope someday, You'll join us. And the world will be as one" (John Lennon).

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[13] Joana Carneiro (a Portuguese condutor), Catarina Furtado (a Portuguese UNFPA Goodwill Ambassador) and Emanuel Silva (a Portuguese sportsman).

Biographies

Roberto Carneiro is the President of the Study Centre on Peoples and Cultures and Dean of the Institute for Distance Learning of the Portuguese Catholic University (UCP). Carneiro is a tenured professor of UCP where he teaches Knowledge Management and Learning Organisations, Leadership and Change Management, Globalisation and Social Change, Multicultural Education, New Technologies and Organisational Culture, Economics of Human Resources, and Innovation Policy. He is also a Professor of the National Institution of Administration where he coordinates the Executive Training of Public Managers in the area of Leadership and People Management. Furthermore, he is a visiting professor in the Macau Institute of European Studies. In the research field Carneiro has conducted over 200 European and National projects dealing with his main fields of expertise: Education, Human Resources, Learning Theories, Economics of Education and Employment, Future and Foresight Studies, ICT impacts on Society and Culture, Migrations, Policy Studies and Evaluation, Socio-Cultural Change. Carneiro has extensive international experience with the World Bank, UNESCO, OECD, European Union, Council of Europe, Calouste Gulbenkian Foundation and other development agencies, and served as a member of the UNESCO International Commission on Education in the 21st Century. A former Portuguese Minister of Education (1987-91), and Secretary of State for Education and for Regional and Local Government (1980-1983) he currently runs the Observatory of Immigration (2003-2014) and was responsible for the Information Society Observatory in Portugal (2003-2006). A graduate of the Lisbon Technical University he conducted his post-graduate studies in the UK (New University of Coleraine and London School of Economics) and is a Doctor in Education/Presentation Fellow of the King's College (University of London). He was also awarded Honorary Doctor Degrees by the Portuguese Catholic University and by the Open University (Portugal). Carneiro was Chief Editor and is a member of several National and International Journals, was the first President of the Editorial Board of eLearning Papers, and Chairs the Editorial Board of the European Journal of Education. He has over 450 papers published in 5 languages and has authored or co-authored over 30 books covering his main fields of study and research.

Joe Cullen, is founder and Director of Arcola Research LLP, London; a Principal Associate with The Tavistock Institute, London, and a member of the Board of the MENON Learning Network in Brussels. He has co-ordinated over 100 research and consulting assignments in social inclusion, pedagogy, learning, ICTs, health, offending and substance misuse and more than 50 evaluation studies for the European Commission, other European Institutions, government bodies, foundations and NGOs. He holds a Diploma in Psychology, and a PhD and MA in Social Sciences. He has worked as an academic, teaching and researching in social sciences at the University of Cambridge, Loughborough University, the UK Open University, London Metropolitan University and the University of Leeds. He has co-ordinated four major research and action research projects on crime, crime prevention and offender rehabilitation, and co-ordinates a professional development programme for practitioners working in the field of drugs and drug-related offending. He has also served as an advisor on several research committees for the European Commission, WHO and the UK ESRC. He is a Trustee of "Docklands Outreach", an organisation supporting at risk and excluded young people.

Dominic Richardson, has recently been appointed to the UNICEF Office of Research as a Senior Education Specialist where he will be working on issues of equity in education and

measurement of school outcomes. Between May 2007 and January 2015, Dominic worked in the OECD Social Policy Division on issues of child and family well-being. His work at OECD focused on analysing social welfare policies and expenditure across the child's lifecycle, and designing a framework through which policy amenable indicators of child well-being outcomes can be compared. Prior to joining the OECD, Dominic worked as a research fellow at the Social Policy Research Unit at the University of York (UK). Dominic has been a contributor to UNICEF Innocenti Report Cards 7 and 9 on child well-being in rich countries, and authored a joint EC OECD project evaluating large international surveys of school children in developed countries. Dominic's recently completed projects at the OECD include: an evaluative report of the efficiency and effectiveness of cash versus social service benefits for family and child outcomes, and a comparative report on integrating social service policies for vulnerable populations (including services for school children with mental health needs).

Michael Richardson, has been working in local government in the United Kingdom since 2003 managing case information, performance management and research on young offenders, vulnerable families and adults accessing social care. He has been designing data collection tools and systems with specific regard to capturing improving outcomes for vulnerable people, children and families. During this time he has worked at both local and national level in Criminal Justice, Children's and Adults Health and Social Care supporting business improvement through improved data collection and analysis.

Robert D. Hoge is Professor Emeritus of Psychology and Distinguished Research Professor at Carleton University in Ottawa where he is involved in teaching and research in child and adolescent psychology, forensic psychology, and psychological assessment. He has served as a consultant to numerous government and private agencies, including the National Parole Board of Canada, Justice Canada, Ontario Ministry of Community and Social Services, Ontario Ministry of Children and Youth, Alaska Division of Juvenile Justice, Florida Department of Juvenile Justice, the United Nations Institute of Crime and Crime Prevention, the Caribbean Development Bank, and the Governments of Singapore and Bermuda. Dr. Hoge has published extensively in Canadian and international journals. His books include *Assessing the Youthful Offender:Issues and Techniques* (with D. A. Andrews, 1996), *Assessing Adolescents in Educational, Counseling, and Other Settings* (1999), *The Juvenile Offender: Theory, Research, and Applications* (2001), *Assessment of Children: Behavioural, Social, and Clinical Foundations-Fifth Edition* (with J. Sattler, 2005), *Treatment of the Juvenile Offender (with N. Guerra & P. Boxer, 2008*), and *Assessing Risk for Violence in Juveniles* (with D. A. Andrews, 2009). He is also co-author with Dr. Andrews of the *Youth Level of Service/Case Management Inventory* (Multi-Health Systems), a widely used risk/need assessment tool. Dr. Hoge is a Fellow of the Canadian Psychological Association and a registered psychologist in the Province of Ontario, with a specialty in forensic psychology.

Maureen O'Hara is Professor of Psychology, National University, La Jolla, California and President, International Futures Forum-US. She holds the title of President Emerita of Saybrook University, San Francisco. Though starting academic life as a bench biologist in her native Britain, in 1970 she moved into humanistic psychology to work with American psychologist Dr. Carl R. Rogers developing person-centered approaches to group and community process. She worked in Brazil from 1977 to 1986 training emancipatory psychotherapists and counselors

and was much influenced by encounters with Paulo Freire. Her more recent work examines the interplay of culture and psychological well-being. Her work transdisciplinary as she collaborates with colleagues from multiple disciplines that address the cascade of challenges faced by humanity in the 21st century. Combining her background as psychotherapist, development psychologist, organisational change practitioner and psychological futurist, she consults on the process of psychological adaptation to a radically changing world. Maureen served as President of American Psychological Association's Division 32. Honors include the Donald N. Michael Award, and the Carl Rogers Heritage Award from the American Psychological Association, Distinguished Clinical Member Award of the California Association for Marriage and Family Therapy. She is Fellow of the World Academy of Art and Science, Fellow of the American Psychological Association, Fellow of the Meridian Institute on Governance, Leadership Learning and the Future. She is founding member of the International Futures Forum in Scotland. A prolific writer, books include, *Em Busca Da Vida*, (1983) Summus, Brasil; *Dancing at the Edge,* with Graham Leicester (2012); *Handbook of Person-Centered Psychotherapy*, co-edited with M. Cooper, P.F. Schmid and A. C. Bohart, Palgrave -Macmillan(2013).

Graham Leicester is Director of the International Futures Forum. IFF is a non-profit organisation that responds to critical issues facing business, government and communities. IFF is headquartered in Scotland, with an office also in San Francisco. It seeks to generate practical hope and to provoke wise initiative. Graham previously ran Scotland's leading think tank, the Scottish Council Foundation, founded in 1997. From 1984-1995 he served as a diplomat in HM Diplomatic Service, specialising in China (he speaks Mandarin Chinese) and the EU. Between 1995 and 1997 he was senior research fellow with the Constitution Unit at University College London. He has also worked as a freelance professional cellist, including with the BBC Concert Orchestra. He has a strong interest in governance, innovation and education, is a senior adviser to the British Council on those issues, and has previously worked with OECD, the World Bank Institute and other agencies on the themes of governance in a knowledge society and the governance of the long term. His most recent publications include Transformative Innovation in Education: a playbook for pragmatic visionaries and Dancing at the Edge: competence, culture and organisation in the 21st century (with Maureen O'Hara).

Michel Born, PhD in clinical psychology, worked as psychologist with young people, in particular with young delinquents many years before becoming professor of psychology and criminology at the University of Liège. He is the author of numerous books ("Psychology of delinquency", "To help them to get out of delinquency") and articles on delinquency, adolescence, social development. He received the Beaumont-Tocqueville Award in 2012.. He accepted repeatedly the functions of President of the School of Criminology and Dean of the faculty of psychology at the University of Liège. He was president of the AICLF (International Association of Criminologists of French language) and the European Association for Research on Adolescence. It was also brought to be member of diverse international committees of evaluation and to teach in other universities among which Rennes in France, Curitiba in Brazil and Aosta in Italy. He is the current director of the Research Center VITRA (Violence and Trauma) at the University of Liège.

Elena Cattelino is professor of developmental psychology at the University of Valle d'Aosta in Italy. She is author of chapter and articles and coauthor with S. Bonino and S. Ciairano of the book "Adolescents and risk: Behaviours, Functions and Protective Factors", Springer, 2005.

Her research topics are risk behaviours, tobacco smoking, alcohol use, marijuana and other drugs use, precocious and unprotected sexual behaviour, eating disorders, deviant and antisocial behaviour.

Claire Gavray, PHD in sociology is senior researcher and professor in 3 faculties of the University of Liege, Belgium: Institute of Social and Human Sciences; Department of Psychology and Clinics of Human systems; Department of Criminology. She is author of many books and articles in high level scientific reviews mainly on gender and youth: school, work and family life and insertion, socialisation, values, problematic behaviour and consumption, future prospects, life conditions and psycho-social well-being, inequalities and discriminations, public policies.

Fabienne Glowacz, PhD in Psychology, is professor of psychology of delinquency in the department of psychology and the School of Criminology of the University of Liège. She is specialised in psychology of crime and quite particularly, the sexual crime. She is clinician psychologist and expert for the courts. She is author of chapters and articles among which quite recently "Finding the Roots of Adolescent Aggressive Behaviour" in the International Journal of Behavioural Development (2013).

Raquel Matos is Associate Professor of the Faculty of Education and Psychology and member of the Centre for Studies in Human Development, at the Catholic University of Portugal. She was awarded her PhD in Psychology at the University of Minho in 2008. In the last years Raquel Matos has developed research projects on gender, crime and punishment and has published articles and book chapters about life trajectories of women in prison as well as a book about "life pathways, meanings of crime and identity construction in young female offenders". She was a visiting researcher at the Social Policy Department of the University of Bath, in 2004, at the Centre for Criminology and Sociolegal Studies of the University of Toronto, in 2012, and at the Centre for Criminology of the University of Oxford, in 2013. She has developed in Portugal a Boston University project on Sate Violence, and published several articles and book chapters on that topic. In the last few years she has been coordinating in Portugal several European projects on juvenile delinquency. Being part of the research group "Border Criminologies" of the University of Oxford, Raquel Matos is currently developing research on gender and migrations control. On this topic, she coordinated in 2014 a book on "gender, citizenship and imprisonment."

André Xavier de Carvalho, born in Lisbon in 1982, graduated in Sociology at the Portuguese Catholic University. He has developed his activity as a Researcher in Social and Human Sciences area at CEPCEP – Portuguese Catholic University, as well as in Luso-Illyrian Institute for Human Development. He has participated in the last 8 years in several studies at national level, particularly in the areas of education, training and employment, having been a member of the New Opportunities Initiative external evaluation team and member of the Observatory of the Technological Plan for Education. He also participated in several European R&D projects mainly related to the concept of lifelong learning and the development of social, personal and civic skills. He is also Research Executive Coordinator of the European Social Literacy Programme – LED on Values – being responsible for the processes of impact assessment in its various areas and conducting the research studies of the programme. He still holds the certificate of pedagogical skills, and he is also trainer in the leadership and behavioural areas.

Maria João Leote de Carvalho, Ph.D. in Sociology (FCSH-UNL). Researcher at CESNOVA – Centre for Sociological Studies of the Universidade Nova de Lisboa, Portugal. Her research interests include children's and juvenile delinquency, urban violence, juvenile justice, Children's Rights, and the role of the media concerning news on children and justice. Besides research, she is a special education teacher in state elementary and middle schools located in public housing neighbourhoods in the Lisbon metropolitan area. For 16 years, she taught and coordinated school and training programmes in a Portuguese juvenile institution where she worked with young offenders aged 12-21 years old. She is a member of the European Council for Juvenile Justice (Academic Section) of the European Juvenile Justice Observatory, and has been a consultant to national research and social projects related to children and youth, including the "Children and Youth at Risk Programme" of the Calouste Gulbenkian Foundation.

Ferran Casas is Senior Professor of Social Psychology in the Faculty of Education and Psychology at the University of Girona (Spain). He leads ERIDIQV research team (Research Team of Children's Rights and their Quality of Life) (http://www.udg.edu/eridiqv), at the Research Institute on Quality of Life (http://www.udg.edu/irqv), University of Girona. His main topics of research are children's and adolescents' well-being and quality of life, children's rights and child protection systems, and adolescents-parents relationships. The last 10 years he has been involved in 10 international research projects, 3 of them supported by the European Commission – the most recent one being the YIPPEE project (Young People from a Public care background pathways to Education in Europe: http://tcru.ioe.ac.uk/yippee). He has been visiting fellow at the Universidad Federal de Rio Grande do Sul, in Porto Alegre (Brasil). At present, he participates in new international projects developing systems of subjective indicators of children's and adolescents' well-being, mainly the International Survey of Children's Well-Being (ISCWeB). He is a member of the Boards of the International Society for Child Indicators (ISCI) and of the International Society for Quality of Life Studies (ISQOLS). From 1990 to 1993, he was the director of the Centro de Estudios del Menor, depending of the Spanish Ministry of Social Affairs, in Madrid (Spain). From 1992 to 1996, he was the Chair of the Experts Committee on Childhood Policies of the Council of Europe (Strasburg, France). He was the first President of the Advisory Board of Childwatch International (Oslo, Norway), until 1996, and continued as a member of that Board until 2005. He was the first director of the Research Institute on Quality of Life of the University of Girona (Spain) and for 18 years he has been the director of the journal Intervención Psicosocial. He has authored and co-authored 15 books, more than 40 book-chapters and over 100 papers in scientific journals, in 9 different languages.

Carme Montserrat has been teaching at the Faculty of Education and Psychology, University of Girona (Spain) since 2006. Currently she is the Studies Coordinator of the Social Education Degree. After many years working in education, social services and in child protection as a practitioner, in 2003 she joined the Research Institute on Quality of Life (IRQV) at the University of Girona, where she is a researcher in the Childhood, Adolescence, Children's rights and their Quality of Life (ERIDIQV) Research Team. Her main areas of research are related to children and young people at social risk as well as adolescents' subjective well-being and children's rights. She has several publications in Journals with impact factor and some books. She has also participated in the EU 7FP focused on Young people leaving care and their pathways to education from 2008 to 2010. She also collaborated with the Council of Europe as an international consultant within the programme Building a Europe for and with children

(2007-2009). Recently she did a research visit for 6 months in 2011 in the Social Policy Research Unit (SPRU) at the University of York and for 2 months in 2012 in the Instituto de Psicologia de la Universidade Federal de Rio Grande do Sul, in Porto Alegre (Brasil).

Ricardo Martínez was born in Setúbal. He graduated in Sociology at ISCTE – IUL (Technical University of Lisbon), he holds a Masters in Special Education at FMH (Human Kinetics College) and PhD in Sociology at University of Seville.

He is a retired professor of the Polytechnic Institute of Setubal since November 2010 and coordinator of European Projects in "Questão de Equilíbrio – Associação de Educação e Inserção de Jovens", a Private Social Institution, since 1996.

Martínez participated in several publications, from professional journals to books and manuals, on the theme of risk behaviours in youth and its responses. He participated in magazines such as Forum Iustitiae – Law & Society (Jurists) from 17 December 2000 with the article "On the rock, as in life, the progression ... is a question of balance" and Anduli- Social Sciences Magazine – (Nr. 9, 2010) of the University of Seville, with the "Theoretical foundations of Sports Intervention with Antisocial Youngsters".

In 1999 he participated in the manual "Training Dimensions in Education": Contributions to a Manual of General Methodology" supported by the European Commission and the Calouste Gulbenkian Foundation; in 2001, in the manual "Controlled Risk Activities: Technical Pedagogical Resource "under the European Programme. EQUAL. He also participated in the following books: "Casa Pia de Lisboa – A project of Hope: Strategies for care of children at risk", from the CPL Technical and Scientific Council. Ed Principia College and Scientific Publications. Cascais in 2005 and 'Pedagogues de l'Extreme: L'éducabilité à l'épreuve du réel'. FHS éditeur. Issy-les-Moulineaux cedex. France in 2011.

Since 1984 Martínez is Coordinator of European Projects and is currently the European coordinator of "ARPI – Risk Activities and Institutional Pedagogy: A Social and Pedagogic Intervention Model with children and youngsters at social risk" within Leonardo da Vinci Programme (2012/2014)

Ana Maria da Costa Oliveira is a Social Worker with a degree in Social Work and Post Graduate in Social Intervention with children and young people at risk by the Institute of Social Work of Lisbon. In 2009 she earned a Master's degree in Social Work from the Catholic University and is currently a PhD student in Social Work at the Catholic University, with a scholarship from FCT (Fundação para a Ciência e Tecnologia). Coordinator of the area of Social Educational Intervention of the Parish of Campo Grande's Social Centre, Ana Oliveira is also Professor of the Social Work Graduate Studies in FCH-UCP and Researcher at the Centre for Studies in Social Work and Sociology at the line of research on "Social Policy, Social Professions, Individuation and Citizenship (Polis)" and in the Research Centre on Peoples and Cultures (CEPCEP) with the evaluation of the project "Ubuntu Academy" and research on juvenile delinquency: "From action to prevention in educational centers". Ana Oliveira has several publications in the areas of intercultural mediation and social intervention.

Maria da Conceição Fonseca Ferreira da Cunha graduated in 1988 from the Porto Law School of the Portuguese Catholic University (UCP – for its abbreviation in Portuguese). She earned a Master's degree in Criminal Law Sciences in 1992, from the Law Faculty of the Coimbra University and earned a PhD in 2009, from UCP's Law Faculty. Maria da Conceição Cunha has been a lecturer at UCP Porto Law School since 1988, in several Master's courses in the

field of Criminal Law; since 2008, she has also taught the Master's course Direito Penal de Menores (Penal Law of Minors) and, since 2012, the course Crimes contra as Pessoas (Crimes against Persons). She has further been a lecturer in the Doctoral programme since 2011 (topic: temporal scope of application of penal law). Maria da Conceição Cunha has collaborated in several courses, inter alia: Interdisciplinary Specialisation Course in Children's Law, with the theme 'Crimes sexuais contra crianças e jovens' (Sexual crimes against children and young people) (UCP – Oporto, 2004 and 2005); course for Mediators in the field of Penal Law, with the theme Bens jurídico-penais: crimes contra as pessoas e crimes contra o património' (Legal interests protected by criminal law: crimes against persons and crimes against property) (UCP – Porto and APAV, 2007); the course 'Vulnerabilidade no início da vida' (Vulnerability at the initial stages of life) (UCP's Bioethics Institute – Porto, 2004); Master's course in Forensic Psychology at UCP's Education and Psychology Faculty, with the themes 'Crimes sexuais contra menores' (Sexual crimes against minors) and 'Delinquência juvenil – reflexão sobre a Lei Tutelar Educativa ' (Juvenile Delinquency – a reflection on the Educational Guardianship Act) (2010). Maria da Conceição Cunha was scientific advisor to the Working Group on the amendments to the Educational Guardianship Act (which led to the publication of the Final Report on the LTE Amendment Bill). Maria da Conceição Cunha has supervised Master and Doctoral theses and served on Master and Doctoral defences; she has presented at several conferences and published widely: theses as well as journal articles and colective works. She contributes to the 'Comentário Conimbricense do Código Penal' (Coimbra's comments to the Penal Code) and 'Enciclopédia Verbo' (Verbo Encyclopedia).

Armando Acácio Gomes Leandro, Judge Emeritus at the Portuguese Supreme Court of Justice, was born in Tabuaço, Portugal and graduated in law from the Law Faculty of the Coimbra University. Leandro currently holds the following positions: President of the National Committee for the Protection of Children and Young People at Risk, President of the Committee for the Protection of Witnesses in Criminal Proceedings, President of the Board of the Portuguese Association for Minors' and Family Law – CrescerSer, President of the General Assembly of Santa Casa da Misericórdia of Cascais, President of the Board of Trustees of the Portuguese Foundation against AIDS, President of the General Assembly of the Association Recomeçar (rehabilitation of drug addicts), member of the Board of Trustees of the Pro Dignitate Foundation, member of the Advisory Board of the Criminology School of the Law Faculty of Porto University, member of the Advisory Board of the Education Institute of Minho University, member of the General Board of the Psychology and Education Sciences Faculty of Porto University. Leandro previously held the following positions: public prosecutor, judge, Director of the Centre for Judicial Studies (training of public prosecutors and judges), coordinator of the CID Group (Children, Elderly and Disabled; Citizenship, Institutions and Rights) for the prevention of abuse at institutions, President of the General Assembly of the Portuguese Association for Victim Support and National Coordinator of the Project Vida (drug abuse prevention). Leandro published articles on the promotion and protection of the rights of the child, young person and family, on the training of public prosecutors and judges, and on primary, secondary and tertiary prevention of drug and drug abuse.

Manuel Lopes Rocha is a lawyer and partner of the Portuguese law firm PLMJ. He is the author and co-author of several publications on Computer, Internet and Cybercrime Law.

Inês Almeida Costa holds a general degree in Legal Studies from the Law Faculty of the Coimbra University, Portugal. Costa was also an exchange student at the Law Faculty of the Barcelona Autonomous University, Spain. In 2010, Costa enrolled in the Scientific Master's programme in Criminal Law Sciences of the Law Faculty of the Coimbra University. After presenting and defending her thesis «A chamada tentativa inidónea por inaptidão do sujeito no contexto global do problema da tentativa em direito penal», Costa was awarded the title of Master in Criminal Law Sciences in 2013. Costa has been working with the law firm PLMJ – Sociedade de Advogados, RL, in Lisbon, since September 2012.

Maria do Rosário Carneiro received her degree in Social and Political Sciences from the Instituto Superior de Ciências Sociais e Políticas (ISCSP) (Institute for Higher Education in Social and Political Sciences), Technical University of Lisbon, in 1972. Since 2009, member of the Committee for the Supervision of ECs, elected by the Portuguese Parliament and appointed by the Socialist Party. Professor, under a regime of external collaboration, at the Instituto de Ciências da Família (Institute of Family Sciences) from the Catholic University of Portugal. Retired lecturer of ISCSP (Professor from 1972 to 2012 in the areas of Public Family Policies, Education and Social Welfare and responsible for research in the areas of poverty, family, childhood, minorities and behaviours outside the law). Independent Member of Parliament from 1995 to 2011, elected by the Socialist Party.

Maria do Carmo Peralta was born in Setúbal and lived in Lisbon, where she completed her studies, until she married and moved to São João do Estoril. Public Prosecutor since 1979, she has previously taught Political Science at the Lisbon Law Faculty and worked as a trainee lawyer for 6 months. As Public Prosecutor, she was attached to the 1st instance courts of Benavente, Cascais, Barreiro and the Court of Appeal of Évora. She currently works at the Court of Appeal of Lisbon. Peralta holds a Masters' in Criminal Sciences from the Catholic University of Lisbon.

With experience mostly within procedural law at the general 1st instance courts, it was in 2007, Évora, that Peralta contacted closely with childhood and youth themes. For four years, she coordinated the Judicial District's area of minors and family, and she succeeded in implementing Children and Youth Protection Committees in almost all the municipalities within that jurisdiction. Since 2010, she integrates the National Committee for the Supervision of ECs, appointed by the High Council for the Public Prosecution. She has public addresses and articles published in journals and in the Public Prosecution's bulletin. In 2002, she wrote the novel "O Privado Não Se Reparte" ("The Private is not Divided"), published by Gradiva. Among others, Peralta is interested in human rights, inclusion and non-discrimination, and public participation in the administration.

João D'Oliveira Cóias is Executive Officer – Senior Adviser – at the General Directorate for Reintegration and Prison Services, the Portuguese probation service, and has worked in the area of social reintegration since 1985. As a former Director of the Educational Guardianship Services between 2006 and 2013, he served as EC Director and implemented in Portugal the *Therapeutic Camping* programmes for youth in custody at the then EC of Vila Fernando of which he was the Director for nine years. Cóias was the Social Reintegration North Regional Director between 2001 and 2002. Cóias holds a degree in Psychology in the field of psychotherapy and counselling. In 1997, he undertook a professional internship in the USA in the area of youth re-education, promoted by the Pressley Ridge School and the University

of Pittsburgh. Cóias followed the Public Management Training Programme (FORGEP, for its abbreviation in Portuguese), at the National Institute for Public Administration (INA, for its abbreviation in Portuguese). He further participated in several training programmes on juvenile justice and visited many intervention programmes in the area of probation and custody of youth serving judicial measures, both in Europe and the EUA. Cóias was professor in psychology and developmental psychology at the Francisco Gentil Nursing School.

Ana Isabel da Silva Nóbrega, born in Região Autónoma da Madeira, holds a degree in Social Services from the Escola Superior de Ciências Sociais, Instituto Politécnico de Leiria. She worked as Technical Director at the Residential Sénior Flor da Selva, where she developed and implemented various inter-generational projects; worked at the Commission for Children and Youth Protection in Santa Cruz, namely at the level of attending and managing file processes. She was responsible for the management of the educational intervention at the EC of Madeira, as well as for the training and integration of new professionals. She also developed projects of volunteering and of labour integration at the EC of Madeira. Ana Nóbrega was responsible for the implementation and development of the pilot project "Growing while Making" which consists in the creation of a network of partners aiming to promote social, educational and professional integration of young people from frail familial and/or social environments, enhancing in this manner the autonomy of these young people. She is currently responsible for the department of institutional relations at União Meridianos. Nóbrega holds a certificate in pedagogical competences. She also attended the course "Stress Management" delivered by the Instituto Politécnico de Leiria. Ana Nóbrega volunteers for the association Make a Wish where she collaborates in the logistics for the fulfilling of wishes of children and young people, as well as at the Food Bank, namely in campaigns for the collection of food.

Manuel Luís Esteves Carrainho do Couto, born in the city of Guarda, Portugal. He holds a Pre-Bologna degree in Anthropology, with a Minor in Biological Anthropology, by the Faculdade de Ciências e Tecnologias from Coimbra University. Between 2008 and 2009 Couto was a Staff Member in the international team at ADIS Meridianos Foundation (International collaborations, namely with the Arizona Department of Juvenile Corrections – ADJC, UNASEA – France, ADSEA – France); as well as an educator at the Internship Centre for Young Offenders at Sierra Morena, Córdoba (Spain). In 2010 he was Coordinator of União Meridianos (implementation of the educational project of União Meridianos in Portugal; primary training and selection of professionals; development of the ECs at Madeira and at Santa Clara/Vila do Conde). Between 2010/2014 Manuel Couto has been Technical Educational Director at União Meridianos Portugal, in the EC of Santa Clara, responsible for its Coordination and Management. Other Participations include (i) Speaker at the III International Congress for Juvenile Justice, União Meridianos/Universidade Católica de Lisboa, (ii) Speaker at "New ways of dealing and approaching Juvenile Justice – Tendencies and Experiences", Almedina Library, Sindicato dos Magistrados do Ministério Público, Coimbra, (iii) Organiser of the Educational Guardianship Act Forum: "New Tendencies", Porto (União Meridianos), (iv) Monitor and Teacher of professionals in internship training for interventions with young people in the context of ECs, (v) Member of the Organising Team of the European Congress on Juvenile Delinquency in 2008, Lyon, (vi) Participation and organisation of volunteering and labour integration seminars for young people in Spain and Portugal.

Maria Pia Sanchez-Ostiz de Ramalho Fontes graduated in Clinical Psychology at ISPA (Lisbon, Portugal). She is Senior Staff at the EC of Santa Clara (Vila do Conde, Portugal) since 2010, where she works as a Psychologist in areas such as psychological forensic evaluation, elaboration and monitoring of educational projects for young people serving internship measures, and the coordination of a programme directed to the development of personal and social competences. She conducts appointments in Clinical Psychology, namely in the area of eating disorders at the College of Psychology in Porto (EPCE). She is trained in Psychodrama by the Portuguese Society of Psychodrama and Family Therapy. Maria Fontes did her internship at the Prison Facilities of Linhó between 2004 and 2005. She integrated the Project "Feminine Trajectory" (Rumo Feminino), in the contexts of the equality of rights between men and women and of the conciliation between family and working life, from 2005 to 2006. She worked at the Institute of Eating Disorders (Institut de transtorns Alimentaris ITA), in Barcelona, Spain, between 2007 and 2009. She did an internship in the field of 'the young person and the family' at S. João Hospital, Portugal, from 2009 to 2010.

Mónica Garcia is graduated in Psychology, with a pre-specialty in Clinical Psychology by UNED (Madrid). She holds a Master Degree in Clinical, Legal and Forensic Psychology by the Complutense University of Madrid, where she had the opportunity to expand her practical knowledge in psychological evaluation and intervention, as well as in forensic expertise. Throughout the years her specialised training focused on psychological evaluation and in intervention in the field of forensic psychology. She began her path in the field of Justice as a volunteer, at the Prison Centre of Alcalá Meco I (Madrid), where she participated in a programme of educational and cognitive intervention directed to a female group, and supervised by the ONG C.U.P.I.F. Mónica Garcia began to work as Professional Staff in 2003 at ADIS Meridianos (Spain), at the EC "El Molino" (Almería, Spain), where she also worked in the Technical Team as a Psychologist, and participated in the development of several tools for educational and cognitive intervention with young people serving internship measures. In 2009 she did a professional internship in neuro-psychological evaluation and intervention at the Neurological Clinic Neurodem (Almería, Spain). In 2010 she participated at the start-up project of the EC of Madeira as well as in the training of Professional and Senior Staff. Currently, she works as Senior Staff at União Meridianos (Portugal), in the EC of Santa Clara (Vila do Conde, Portugal).

João Pedro Tavares, Managing Director of Accenture, is the head of the financial services division of Accenture in Portugal, Angola and Mozambique. Tavares has more than two decades of professional experience with the consulting firm Accenture, in a range of industries, in particular the banking, insurance and capital market sectors. He worked closely with the heads of key organisations in the financial services sector, mainly in Portugal, Spain and Angola. Tavares has a wide experience in managing complex transformation projects that help relevant sectors and institutions with the challenge of defining growth and expansion strategies. Throughout his career, Tavares led numerous management consulting, information technology and outsourcing projects in different sectors, namely the financial, automotive, energy and natural resources and distribution sectors. Tavares holds an undergraduate degree in Civil Engineering from the Higher Technical Institute (IST – for its abbreviation in Portuguese), Lisbon, and a graduate degree in Financial Management from the Portuguese Catholic University (UCP – for its abbreviation in Portuguese). He is 51 years old, is married and has four children.

Maria Ana Carneiro is a doctoral student in the Culture Studies Program of the Portuguese Catholic University and recipient of a scholarship from the Portuguese Science Foundation. She holds a Master's degree in Urban Design: Art and Society from the University of Barcelona and a Master's degree in Public Art Studies from the University of Southern California. She received her BA in Communication from the Portuguese Catholic University. Maria Ana has actively participated in several CEPCEP research projects namely in the areas of juvenile delinquency, ICT in education, adult education and new learning.