

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.

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

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

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.	
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.	From six months to two years
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 reoffending 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)

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 legitimize 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 regulation 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, emotional, 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

References

- Agra, C., & Castro, J. (2007). La justice des mineurs au Portugal: Risque, responsabilité et réseau. In F. Bailleau, & Y. Cartuyvels (Eds.), *La justice pénale des mineurs en Europe. Entre modèle welfare et inflexions néolibérales* (pp. 229-246). Paris: L'Harmattan.
- Agra, C., & Castro, J. (2002). La justice des mineurs: L'expérience Portugaise. *Deviance et Société*, 26(3), 355-365.

¹⁹ Translated from Portuguese.

- Almeida, A. N. (2009). *Para uma sociologia da infância. Jogos de olhares, pistas para a investigação*. Lisboa: Instituto de Ciências Sociais.
- Almeida, A. N., & Vieira, M. M. (2009). At the entrance gate: Students and biographical trajectories in the University of Lisbon. *Portuguese Journal of Social Science*, 8 (2), 165-176. doi: 10.1386/pjss.8.2.165/1
- Andrews, D. A., & Bonta, J. (2006). *The psychology of criminal conduct* (4th ed.). Toronto: Lexis/Nexis.
- Augimeri, L., Farrington, D., Koegl, C., & Day, D. (2006). *The Under 12 Outreach Project: Effects of a community-based programme for children with conduct problems*. Toronto, Ontario: Centre for Children Committing Offenses, Child Development Institute.
- Bailleau, F., & De Fraene, D. (2009). The criminalization of minors and its evolution: The interplay of sanctions (Spain – Turkey – Portugal – England/Wales) (Crimpev Info nr 26). Retrieved from CRIMPEV website: <http://lodel.irevues.inist.fr/crimprev/index.php?id=232>
- Barth, R., Greeson, J., Zlotnik, S., & Chintapalli, L. (2009). Evidence-based practice for youth in supervised out-of-home care: A framework for development, definition, and evaluation. *The Journal of Evidence-based Practice in Social Work*, 6 (2), 147-175. doi: 10.1080/15433710802683796
- Bradshaw, J., Hoelscher, P., & Richardson, D. (2007). An index of child well-being in the European union, *Social Indicators Research*, 80(1), 133-77.
- Ben-Arieh, A. (2006). *Measuring and monitoring the wellbeing of young children around the world*. Retrieved from: <http://unesdoc.unesco.org/images/0014/001474/147444e.pdf>
- Besemer, S. (2012). *Intergenerational transmission of criminal and violent behaviour*. Leiden: Sidestone Press.
- Bolieiro, H. (2010). *European comparative analysis and transfer of knowledge on mental health resources for young offenders (MHYO) – Report of Portugal*. Mimeo, unpublished document, Lisboa: Centro de Estudos Judiciários.
- Bourdieu, P. (1980). *Questions de sociologie*. Paris: Les Éditions de Minuit.
- Carvalho, M. J. L. (2013). Infância «em perigo», infância «perigosa»: as crianças como sujeitos e objetos de delinquência e crime nas notícias. *Comunicação & Cultura*, 14, 191-206. Retrieved from http://comunicacaoecultura.com.pt/?page_id=162&category=3&product_id=16
- Carvalho, M. J. L. (2012a). Delinquência de crianças e jovens: uma questão de olhar(es)? *Alicerces. Revista de Investigação, Ciência, Tecnologias e Artes*, V(5), 23-35. Retrieved from http://www.ipl.pt/sites/default/files/alicerces_5.pdf
- Carvalho, M. J. L. (2012b, November). Os Centros Educativos como organizações reintegrantes. Paper presented at the 3rd International Juvenile Justice Congress “Crime, (Re)Integration and Well Being,” Association União Meridianos with the scientific collaboration of CEPCEP from the Portuguese Catholic University, Lisbon.
- Carvalho, M. J. L. (2010a). Juventude e Risco. In A. T. Almeida & N. Fernandes (Eds.), *Intervenção com Crianças, jovens e famílias. estudos e práticas* (pp. 89-106). Coimbra: Almedina.
- Carvalho, M. J. L. (2010b). *Do outro lado da cidade. crianças, socialização e delinquência em bairros de realojamento (Doctoral dissertation)*. Retrieved from <http://run.unl.pt/handle/10362/6132>.
- Carvalho, M. J. L. (2009). *Crianças e jovens em instituição e os media*. Paper presented at the Fórum Pensar Juntos – O Direito à Palavra e à Participação, Associação Portuguesa para o Direito dos Menores e da Família/Crescer Ser, Instituto Superior de Ciências Policiais e Segurança Interna, Lisboa.
- Carvalho, M. J., & Serrão, J. (2014). Young offenders’ interests and motivations related to accessing TV and press news. *Participations. Journal of Audiences & Reception Studies*, 11(1), 150-173. Retrieved from <http://www.participations.org/Volume%2011/Issue%201/9.pdf>
- Carvalho, M. J., & Serrão, J. (2012). Representações, interesses e motivações de jovens em centro educativo sobre os media. *Ousar Integrar – Revista de Reinserção Social e Prova*, 11, 37-51.

- Castro, J. (2011, March). *Realidades y desafíos de la intervención con jóvenes infractores. La experiencia portuguesa de justicia juvenil*. Paper presented at the Seminario Internacional Experiencias en Implementation de Justicia Juvenil, Temuco, Chile.
- Castro, J. (2009). «Le tournant punitif», y a-t-il des points de résistance ? La réponse de l'expérience portugaise. *Deviance et Société*, 33 (3), 295-313. Retrieved from <http://www.cairn.info/revue-deviance-et-societe-2009-3.htm>
- Childhood Protection Act (Lei de Protecção à Infância). (1911). Diário do Governo, of 27 May 1911, 1316-1331.
- Convention on the Rights of the Child, 20 November 1989. Retrieved from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- Council of Europe. Recommendation Rec(2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice. Retrieved from <https://wcd.coe.int/ViewDoc.jsp?id=70063>
- CSEC – Commission for the Supervision of ECs. (2012). *Report 2012*. Mimeo, unpublished document. Lisboa.
- DGRSP. (2014). *Síntese de dados estatísticos relativos aos Centros Educativos*. (Report – Julho 2014). Retrieved from: <http://www.dgrs.mj.pt/web/rs/estat>
- Doak, J. (2009). The UN Convention on the Rights of the Child. In J. Junger-Tas & F. Dünkel (Eds.). *Reforming juvenile justice* (pp. 19-31). New York: Springer.
- Educational Guardianship Law (Lei Tutelar Educativa). Law Nr 166/99 - Diário da República Nr 215/1999, Series I-A of 1999-09-14.
- Elias, N. (1989). *Sobre el tiempo*. México: Fondo de Cultura Económica.
- Elliot, D. S., Wilson, W. J., Huizinga, D., Sampson, R. J., Elliot, A., & Rankin, B. (1996). The effects of neighborhood disadvantage on adolescent development. *Journal of Research in Crime and Delinquency*, 33(4), 389-426.
- Farrington, D. (2013 , June). *Saved from a life of crime. Evidence-based crime prevention. Researchers' advice to policy*. Paper presented at The Stockholm Criminology Symposium. Retrieved from <http://www.criminologysymposium.com/>
- Farrington, D., & Welsh, B. (2007). *Saving children from a life of crime: early risk factors and effective interventions (studies in crime and public policy)*. Oxford: University Press.
- Fernandes, L. (2008). Condição juvenil: Do risco de ser vítima ao perigo de ser actor. D. In A. C. Duarte-Fonseca, J. P. Silva, M. E. Marques, N. Martins (Coord.), *Actas do Colóquio Direito das Crianças e Jovens* (pp. 85-96). Lisboa: CEJ, ISPA.
- Goffman, E. (1999). *Manicômios, prisões e conventos*. São Paulo: Editora Perspectiva.
- Graham, A. (2011). *Strengthening young people's social and emotional well-being (Background Briefing Series No. 6)*. Retrieved from Southern Cross University website: http://epubs.scu.edu.au/cgi/viewcontent.cgi?article=1043&context=ccyp_pubs
- Killias, M. (2013 , June). *Saved from a life of crime. Evidence-based crime prevention. Researchers' advice to policy*. Paper presented at The Stockholm Criminology Symposium. Retrieved from <http://www.criminologysymposium.com/>
- Kilkelly, U. (2011). *Measures of deprivation of liberty for young offenders: How to enrich international standards in juvenile justice and promote alternatives to detention in Europe?* (IJJO Green Paper on Child Friendly Justice – Academic Section). Belgium: International Juvenile Justice Observatory (IJJO) and the European Juvenile Justice Observatory (EJJO).
- Lahire, B. (2001). *L'Homme pluriel. Les ressorts de l'action*. Paris: Hachette.
- Law for the Promotion and Protection of Children and Youth in Danger (Lei de Protecção das Crianças e Jovens em Perigo). Law Nr 147/99 - Diário da República Nr 204/1999, Series I-A of 1999-09-01.

- Law Nr 4/2015 - Diário da República Nr 10/2015, Series I of 2015-01-15.
- Mackenzie, D.L. (2006). *What works in corrections: Reducing the criminal activities of offenders and delinquents*. Cambridge: Cambridge University Press.
- Minors' Guardianship Organisation (Organização Tutelar de Menores). Decree-Law Nr 314/78 - Diário da República Nr 248/1978, Series I of 1978-10-27.
- Moore, M. (2013). *Save money, protect society and realise youth potential. Improving youth justice systems during a time of economic crisis*. Belgium: International Juvenile Justice Observatory (IJJO).
- Neves, T. (2008). Educação para o Direito e mediação de conflitos. *Educação, Sociedade & Culturas*, 27, 73-88 . Retrieved from http://sigarra.up.pt/fpceup/pt/publs_pesquisa.formview?p_id=86718
- Neves, T. (2007). A defesa institucional numa instituição total: O caso de um centro de internamento de menores delinquentes. *Análise Social*, XLII (185), 1021-1039. Retrieved from <http://www.scielo.mec.pt/pdf/aso/n185/n185a04.pdf>
- Nóvoa, A. S. (2010). Imagens incômodas. *Ousar Integrar – Revista de Reinserção Social e Prova*, 5, 109-111.
- Penal Code (Código Penal). Decree-Law Nr 48/95 - Diário da República Nr 63/1995, Series I-A of 1995-03-15.
- Piquero, A., Farrington, D., & Blumstein, A. (2007). *Key issues in criminal career research: New analyses of the Cambridge Study in Delinquent Development*. Cambridge: Cambridge University Press.
- Pruin, I. (2011). *The Evaluation of the implementation of international standards in european juvenile justice systems* (IJJO Green Paper on Child Friendly Justice – Public Administration Section). Belgium: International Juvenile Justice Observatory (IJJO) and the European Juvenile Justice Observatory (EJJO).
- Raymond, M. T. (1999). Considerações acerca das perturbações do pensamento dos adolescentes. *Infância e Juventude*, 1, 9-112.
- Raymond, M. T. (1998). Resposta aos comportamentos violentos em instituição. *Infância e Juventude*, 3, 9-75.
- Reichert, C. B., & Wagner, A. (2007). Autonomia na adolescência e sua relação com os estilos parentais. *Psico*, 38(3), 292-299. Retrieved from <http://revistaseletronicas.pucrs.br/fo/ojs/index.php/revistapsico/article/view/1496/2173>
- Resolution (2008/C 319/01) of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 20 November 2008 on the health and well-being of young people, OJ C 319, 13.12.2008, p. 1–3. Retrieved from [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42008X1213\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42008X1213(01)&from=EN)
- Rizzini, I., Pereira, L., & Thapliyal, N. (2008). Percepções e experiências de participação de crianças e adolescentes no Rio de Janeiro. *Revista Katálysis*, 10(2), 164-177. Retrieved from <http://www.scielo.br/pdf/rk/v10n2/a04v10n2.pdf>
- Rodrigues, A., & Fonseca, A. D. (2010). Portugal. In F. Dünkel, J. Grzywa, P. Horsfield, & I. Pruin (Eds.). *Juvenile justice systems in Europe. Current situation and reform developments* (Vol. 2, pp. 1027-1076). Mönchengladbach: Forum Verlag Godesberg GmbH.
- Sampson, R. J. (2002). Transcending tradition: New directions in community research, Chicago style. *Criminology*, 40(2), 213-230. doi: 10.1111/j.1745-9125.2002.tb00955.x
- Santos, B. S. (scientific coordination), Gomes, C. (executive coordination), Fernando, P., Portugal, S., Soares, C., Trincão, C., Sousa, F., Aldeia, J., & Reis, J. (2010). *Entre a lei e a prática. Subsídios para uma reforma da Lei Tutelar Educativa*. Coimbra: Observatório Permanente da Justiça Portuguesa, Centro de Estudos Sociais da Faculdade de Economia da Universidade de Coimbra.
- Special penal regime for young adult offenders aged from 16 to 21. Decree-Law Nr 401/82 - Diário da República Nr 221/1982, 1st Supplement, Series I of 1982-09-23.

- Tecedeiro, M. (2008). Medidas tutelares educativas não institucionais. Relatório dos trabalhos no Ateliê. In A. C. Duarte-Fonseca, J. P. Silva, M. E. Marques, N. Martins (Coord.), *Actas do Colóquio Direito das Crianças e Jovens* (pp. 385-398). Lisboa: CEJ, ISPA.
- Thornberry, T. P., & Krohn, M. D. (Eds.). (2003). *Taking stock of delinquency. An overview of findings from contemporary longitudinal studies*. New York: Kluwer Academic/Plenum Publishers.
- Trépanier, J. (2008). Du passé au futur: Réflexions à propos du régime canadien relatif aux mineurs délinquants. In A. C. Duarte-Fonseca, J. P. Silva, M. E. Marques, N. Martins (Coord.), *Actas do Colóquio Direito das Crianças e Jovens* (pp. 111-163). Lisboa: CEJ, ISPA.
- UNICEF. (2007). *Child poverty in perspective: An overview of child well-being in rich countries*. Retrieved from <http://www.unicefirc.org/publications/445>
- Viegas, J. M., & Costa, A. F. (Eds.). (1998). *Portugal: Que modernidade?* Oeiras: Celta Editora.
- Vieira, T., Skilling, T. & Peterson-Badali, M. (2009). Matching court-ordered services with treatment needs: Predicting treatment success with young offenders. *Criminal Justice and Behaviour*, 36(4), 385-401. doi: 10.1177/0093854808331249.