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Preface

It is an essential requirement for those responsible for the administration of juvenile justice to engage in all the relevant aspects of such a sensitive field.

The GiJJS Project, carried out by a significant panel of Partners under the supervision of the Direction General for the Enforcement of Judicial Decisions of the Italian Juvenile Justice Department, actually epitomizes such effort.

We do believe that only availing oneself of all possible tools and skills, one can actually improve practices and actions.

The outcome issued of the exchange of experiences from different countries turned out stimulating. The Guidelines illustrated in the conclusive part of this Report are only the most visible result, yet the synergy developed by Partners' interaction is as much as significant.

The way is long to go: young female offenders deserve all our effort in order to improve their real life expectations.

We bank on the sharing of such objective by all practitioners and policy-makers in this field in view of making it all the more viable and concrete.

Rosario Priore

Head of the Juvenile Justice Department

Italian Ministry of Justice

1 Introduction to the GiJJS project

No in-depth study considering the characteristics, reasons and social dynamics of "gender crime" has ever been carried out. This is all the more so as it concerns the restricted universe of female young offenders who are the main target of this Research. Such gender perspective needs to be deeply investigated not only in view of filling this gap in the European doctrine, but also in view of developing new social and educational patterns as well as virtuous prevention approaches and adequate treatments. No comparative study is currently available on girls' deviant behaviours to lay the groundwork for a shared European policy: the "*GiJJS – Gender in Juvenile Justice System*" Project aims exactly at opening a new route of knowledge and reflexion on this issue. Moreover, this Project is carved out of prevention policies of juvenile delinquency and aims at contributing to the development of prevention and rehabilitation strategies, tools and guidelines in a gender perspective.

The idea originating this Research within the AGIS Program was that of developing a pilot project for other European countries which carefully examines the extent of gender deviance within the penal system of the 5 Partner States: its characteristics and criteria, the main offences perpetrated, methods and efficiency of existing educational treatments for female offenders, both in open regime and in convict system. Assessing the educational potential of a penal treatment is a crucial aspect of the whole penitentiary system, especially when minors are involved. This Project is focused on the most critical problems of girls' deviance and the relevant possible solutions, despite the still low numbers of this sensible and socially relevant phenomenon. Considering the difficulties in appraising educational assistance - due to its immaterial effects - the simple analysis of this phenomenon can provide us with a useful indicator to re-think penal treatment as a whole.

Therefore, we privileged various levels of research through the analysis of quantitative, qualitative and narrative aspects by collecting direct contributions from female offenders. In fact, for most of them aged between 14 and 18, entering the penal system may represent a unique opportunity to re-orient their lives towards positive objectives; in other cases, this can trigger off a deviant career.

Juvenile distress and deviancy are historically identified as typically male phenomena, although recent studies have detected some worrying aspects in offences committed by young girls. For instance, gender differences in life circumstances of drop-outs seems to have been currently demonstrated : though showing more psycho-physical distress as well as finding more difficulties in vocational training, girls usually turn out more successful in rehabilitation, guidance and reintegration programs. It is well known that the dropping-out phenomenon is

one of the preliminary factors leading to deviant patterns. In addition, according to recent statistics, though juvenile crime as a whole is slightly reducing, the number of female inmates has grown in the last few years (though remaining lower than males'). A significant female (both national and foreign) component appears from a general outlook on juvenile crime. Particularly, the phenomenon of gender crime takes different sizes according to various geographic areas: over one third of juvenile crime are committed by girl in great cities.

1.1 The Research Project

The GiJJS Project has involved several European features: the Partners States, such as Italy (Juvenile Justice Department as Leading institution with CRAS ONLUS and Don Calabria Institute), France (Juvenile Judicial Protection Headquarter, Ministry of Justice), Romania (National Institute of Criminology), Germany (CJD - Eutin) and Spain (Fundacion O'Belen), have cooperated in all the Project's phases: each one contributed with its own experience, thus enriching each other with the exchange of transnational and significant good practices.

The Project as a whole took 12 months. The preliminary phase was aimed at sharing the Project's objectives and methods and building up the Research framework in view of providing an outlook of this phenomenon and setting up a grid to gather information. This purpose (especially the collection of statistical and quantitative elements) was reached during the desk-research phase at the first Partners meeting at CJD in Eutin, Germany where a grid to collect data and experiences was created. Intermediate reports were made by each country including existing practices, a bibliography and domestic statistics on gender delinquency; then a final, common report was draft.

The field-research phase privileged procedures of "active hearing" with narrative interviews and "focus groups", thus involving directly both Staff from Juvenile Justice Services and female inmates from Juvenile Detention Centers and Communities, allowing girls to voice past experiences which led them to commit offences.

This phase focused on the analysis of risk factors, preliminary events, the onset and consequences of such phenomenon in a gender perspective (1) as well as the identification of the main prevention and reintegration strategies (2). The following activities were carried out for these purposes:

Interviewing girls involved in the penal system as to (1);

Focus-groups with juvenile justice Staff (such as Paedagogists, Penitentiary Police Officers, Social Workers, Psychologists from Juvenile Detention Centers, Youth Welfare Offices, Classification Homes) both from the open regime and the convict system as to (2).

The results of this Research proved helpful to detect guidelines and recommendations in view of developing prevention and reintegration strategies for girl teenagers and young adults involved in criminal activities.

This Project was carried out by the Juvenile Justice Department at its first experience as leader within an AGIS Program, with the technical support in some specific areas by Cras Onuls which participated in all the Project's phases.

1.2 The Project's objectives and activities

As stated above, the European Project "*GjJJS – Gender in the Juvenile Justice System*" stems from a prevention program on "female" juvenile crime and aims at exploring both quantitative and qualitative aspects of deviance as a whole, as well as at creating appropriate tools by both improving the knowledge and efficacy of current practices and developing new prevention and reintegration strategies.

Therefore it addresses to all those involved in deviancy at various levels: judicial authorities, public and private officers, practitioners in the judicial and criminological field, no-profit organizations, associations and local bodies. The privileged beneficiaries of this Project are of course workers from local juvenile services (Juvenile Detention Centers, Educational Communities, Youth Welfare Offices, etc.) seeking for appropriate tools in a gender perspective by means of improving their personal knowledge and professional skills.

This Project pursued the following objectives:

- Understanding the gender perspective in juvenile crime at a European level;
- Identifying the best practices currently used in a prevention and reintegration perspective;
- Determining European guidelines and recommendations to develop prevention and reintegration strategies for girl teenagers and young adults involved in juvenile crime;
- Promoting the exchange and dissemination of results among staff of social-educational services, juvenile detention centers, communities at a European level.

These objectives have been reached through both desk-research (analyzing statistical data and bibliographies of each country) and field-research (with focus groups addressed to penitentiary staff and girl inmates from both the open regime and the convict system).

The main activities provided by the Project were the following:

- Research and exam of the influence of "gender" in juvenile delinquency;
- Creation of a transnational work group to identify guidelines and prevention/reintegration strategies for girl offenders;
- An International Seminar at the Nisida European Research Centre to exchange data and practices and develop appropriate patterns in the rieducational and prevention fields;
- Publication of the results in the languages of the Partner States.

The gender analysis of juvenile crime was then carried out in a systemic perspective considering this phenomenon under its various and complex factors and their interaction: for these purposes, moving from the analysis of quantitative information (statistics and doctrine) an integrated research method was used, substantiated by subjective data through a biographical approach (past experiences of young offenders, focus group with officers) in view of identifying operational prevention and reintegration strategies in a gender perspective.

1.3 Research Methods

a) Participants

Initially, the Research was to take into account only the female population of detention centres. Yet, limiting the study to such inmates would have not provided a thorough picture of juvenile female deviancy in Italy as, after spending 96 hours maximum in Juvenile Classification Homes, the majority of Italian young offenders are more easily placed in Communities under the supervision of Youth Welfare Offices while the majority of foreign girls, usually gipsies, end up in Juvenile Detention Centres.

Therefore, the Research target was extended to girls hosted both in Juvenile Detention Centres and in Communities or Shelter Homes in Italy.

In especially meaningful cases or lacking minor girls, the Research Group was integrated with young women over 18 (age-limit of this Project); eventually, the female participants in this Research were aged between 14/15 and 23.

b) Tools and procedures

All the information needed for the field action was gathered by means of several survey tools: a **desk-research** with descriptions of juvenile justice systems, commentaries on statistical data as well as a report on gender policies in the Partner States;

a **field-research** with interviews to young female offenders and *focus groups* including staff from Juvenile Classification Homes, Juvenile Detention Centres, Youth Welfare Offices, Penitentiary Police, Cultural Mediators, aimed at analyzing gender risk-factors and determining the most common prevention and rehabilitation strategies;

semi-structured interviews aimed at understanding the main aspects of female crime; interviews were prepared according to the main areas of interest and the most sensitive and "indiscreet" themes were introduced at the end of the text so as to minimize girls' distress. Questions were formulated using the *funneling technique*, i.e. running from general to more specific questions. Analytic tools, additional explanations and illustrations of questions were also provided in case of insufficient information. A special attention was devoted to the onset of each interview by creating empathy with the interviewee to ease the information exchange.

Seven main topics were identified for the interview: the girl's context, family relations, peer relations and emotional life, past experience prior to conviction, life within the Juvenile Justice System, approach to deviancy and self-image.

The interview was divided into two parts:

- a free speech during which girls talked about their personal history;
- a more intense phase when the interviewer asked more specific questions.

Interviews were formally authorized by each centre's Director and carried out upon inmates' consent thanks to the Staff cooperation. Procedures were easier with girls placed in Communities as it was enough to inform the Direction and obtain the girls' consent.

During the interview a cooperative atmosphere was created through an open and empathetic approach in compliance with basic communication rules.

focus groups: an important phase with Staff both from the open regime and the convict system (see above) analysed gender characteristics of female offending and the relevant policies, strategies and tools. As it is well known, focus-groups are survey-techniques used in social research whereby small groups of participants debate on given topics with the help of one or more Moderators (Corrao, 2000). It is a useful problem-solving tool enhancing identification processes.

For the purposes of this Research, groups were made up of 10 to 12 people and chaired by two Researchers, one who was to illustrate the activity and motivate participants and the other to provide each group with stimuli and ease the debate, with an eye to group-dynamics. Two participants were appointed as observers to draft the transcript of the debate. Each Moderator conducted the debate along the following guidelines:

- opening questions to determine common features of participants (presentation);
- preliminary questions to start the debate and enhance interaction;
- transitional questions between preliminary and key-questions;
- final questions leading to the end of the discussion and allowing participants to review all the opinions expressed and draw out the main aspects; those questions were essential to establish participants' final stands in each *focus group*.

The main topics of *focus groups* were:

- perception of female deviancy;
- description of female role in juvenile gangs as well as according to types of offences;
- the most common stereotypes on female involvement in prostitution networks and sexual trafficking as compared to their actual role;
- handling gender differences in juvenile deviancy;
- gender prevention and rehabilitation approaches/methods for deviant girls;
- specific skills required to tackle female deviancy;
- specific projects for deviant girls.

The aim of *focus groups* was to determine gender-oriented prevention and rehabilitation practices in order to lay out strategies and guidelines at a European level.

2 A quick glance at the main theories on female delinquency

One of the strongest predictive variables when analysing the possible attribution of a crime is given by the gender variable. Considering a murder, a theft or a robbery, the ratio of sentenced women varies between 5 and 10%, and any bookmaker betting on the attribution of a crime to a woman would win relevant amounts of money. If this is of any relief, since a women world would have approximately 80% less crimes, this phenomenon makes us question ourselves about some events that in many western countries are occurring in the field of female delinquency. First of all, the increase in the female participation in crimes and, in particular, in violent crimes. This happens regarding female criminality in general and even more so regarding young girls and teenagers delinquency. An important characterization of literature on female delinquency develops during the Seventy's, and reads the changes in the predisposition of women to deviance within the more general process of change of the female condition. This change means a deeper insertion of women in society and, therefore, a masculinization process which turns into the more frequent involvement into criminal actions. Let's try to start from the evolution of the theories regarding female criminality.

Let's begin with the general positivist theory on female criminality and on prostitution. According to this nineteenth-century theory, a delinquent woman is a strong, cruel, sexually deviant individual. It relates to the stereotype of the furious maenad, of the killer Medea and of Phedra, the secret mistress, the liar. It is the disgusting mirror of the woman's image as a housekeeper, spouse, an individual full of maternal love, but never sexual passion. An image that represented the predominant pedagogical model for the young ladies, and that forced them to accomplish the traditional role of spouse and mother. Educational models, that were characterized by less freedom of movement for women and by the transmission of values such as marriage and maternity, were aimed at keeping girls far away from naughty chances, at influencing the choice of life-style models, and at steering the ladies towards the establishment of a family, perceived as the main goal to be achieved (Glueck, 1950 and Morris, 1965). The values of young girls are those of the medium class: to constitute a family, have children, and devote themselves to their home and husband. A women socialization pattern, based on the protective control on each and every aspect of the girls' life, young women, seen as individuals to be safeguarded and protected first by the family of origin and then by their husband and children, has settled on the aforementioned educational models.

This socialization and social control model sanctions the subaltern role of the woman, confirms the ideology on her passivity by setting the limits of her freedom.

Some stereotypes about the reasons of female delinquency come out from this classic layout. In particular the reason of the under-representation of women in criminal activities, which is mostly imputable to various factors, among which the following:

- a greater tolerance of the criminal codes towards behaviours that are due to the women condition, as prostitution for instance;
- the higher unknown number of crimes committed by women;
- the "chivalry" attitude of judges, policemen towards the "fair sex";
- the subtle role of the woman who supports and leads man to commit crime;
- prostitution as an immoral job that replaces the commitment to crimes against property.

As to the first point, a clear example is given by the doggedness of many crime legislations when punishing adultery (that considers only the woman, or better to say the wife, as active actor of the crime) and not prostitution offences. In those cases, the ground of the rule has been to punish insubordination of the wife towards her husband through adultery. Whereas, by leaving open ground to prostitution in criminal cases, the aim was to highlight the blameworthy role on a moral level, yet socially acceptable, of the woman, as the person to comfort men, and the role of prostitution to reward the male.

Taking into account the women's dedication to minor crimes, as little house robberies, very often those events were considered to be difficult to detect and therefore difficult to prosecute (Smauss, 1992). But if we look at intrafamilial violent crimes, for instance, this theory does not apply. In particular, women are the victims of these crimes, they are often forced to silence by mechanisms that are based on sense of humiliation, self-culpability, which are related to cultural conditionings that bind the woman to the traditional social roles. Moreover, many surveys on victimizing and self report have detected that among boys and girls, in addition to the official statistics, there is a significant difference in committing crimes.

The male framework of the criminal justice apparatus can be seen also in the manner of paternal indulgence and the chivalry attitude of clemency and tolerance adopted when judging a woman who committed a crime (Pollack, 1950; Mannheim, 1965). Fundamentally, this seems to be a stereotype linked to an outdated vision of the world. Fundamentally, it is like stating that judges and police forces look at the social status rather than at the gender. When the arrested or under judgment person is from the same social class, they will be more indulgent than towards people from a different social origin: gipsies, nomads, non- EU immigrants, etc. As for the role of men instigator, of lady Macbeth driving men to foolishness and to crime (Reckless, 1940), there seems to be no empirical evidence of it, but only literary and film suggestions.

As for prostitution, this phenomenon is no longer an exclusive female one and it has not been demonstrated that it represents an alternative to criminal (or immoral) acts to gain money.

As for adolescent girls criminality, socialization theories have attached to young criminal girls the typical causes and reasons for criminality in general, such as poverty, marginality, the indifference of parents and of their educational model, etc. (Mannheim, 1975).

Even among young people there is a substantial, fundamental and steady difference between boys and girls. If for boys deviance is mainly due to their natural aggressiveness, to their virility, for girls crimes are often due to family or sentimental problems (Thomas, 1923, Cowie, Cowie e Slaters, 1968). Let's consider the escape from home. In the past girls escaped from their houses pushed by their desire for freedom, while for boys the escape represented their first step on the way to a criminal career.

From the 70's, the attitude of feminist movements and the theories about female criminality have changed their orientation, also due to the entry of women in society, to their access to workplaces, to control apparatus and to politics. There is a claim for women rights to self-management outside the wedlock. Nonetheless, the rate of women crime participation remains low with a slight tendency to increase, only in relation to crimes against property, without changing the predominance of male crime rates.

Among the most modern and innovative theories about women criminality, the American sociologist Freda Adler deserves a special consideration. According to her theory, there is a correlation between *emancipation* and women criminality, i.e. a higher involvement of women in society implies a higher participation to crimes. Fundamentally, the more women enter the job market, the more they masculinize their life-style and their habits, increasing, at the same time, their participation to crimes. Adler does not states the existence of a natural difference between sexes, but that cultural differences and their development affect and define the behavioural characteristics of men and women. Women emancipation has led to a higher involvement in criminal acts (Steffensmeier and Steffensmeier 1980, Radosh 1990).

The theory of the *opportunities* highlights the different access to legal and illegal opportunities as the main reason for the difference in men and women crime rates (Simon e Landis 1986).

The lower number of crimes committed by women is due to the lower number of opportunities they have to commit them. And the lower number of opportunities to commit a crime is due, according to Hagan, to an informal social control that the more links women to a traditional image the more can keep them away from criminality. Where there are traditional families and contexts characterised by a strong cohesion and a strong social ties, women participation to crimes is low, differently from what happens in frameworks characterised by single-parent families, urban contexts affected by the lack of relevant social relationships and higher social mobility (Messerschmidt: 1999). According to a survey carried out in the United States by Pollack-Byrne (1990) about women in jail, up to 63% of the sample had been victim of a

sexual or a physical abuse. Other empirical studies confirmed this relation. The majority of women in jail has a history of sexual abuse, of family violence or legal problems due to drug consumption, etc. Many other research studies on women in jail had identified the living environment as the main cause for illegal behaviour connected to poverty, to starvation wages and to lack of culture (Freedman 1981).

Cathy S. Widom and Michael G. Maxfield carried out a research on adolescents victim of sexual abuse or of family negligence during their childhood (i.e. lack of education, of affection, etc.) in a Midwest metropolitan area¹. Their purpose was to verify the existence of a causal connection between youth deviation and infant abuse.

According to the results of the survey, the rate of arrest of victims of abuse during childhood is 27%, while the rate for those who haven't suffered from any abuse is 17% when under of age and 42% compared to 33% of the control group when adult. Therefore, it seems that childhood abuse doubles the likelihood of illegal behaviour before the age of 18.

Family violence, therefore, not only increases the risk of being arrested but it also lowers the age at first arrest, with an average of 16,5 years for girls victims of violence compared to the average of 17,3 years of the control group.

Peter Lambert, Daniel Nagin and Cathy Widom, examining the development in time of deviant behaviour, have discovered that deviant girls seldom undertake a criminal career (i.e. only 8% of cases)². Generally they escape from home. The social control that prevents girls from getting into troubles crashes with their frustration. Afterwards, the need for money to survive encourages them to commit illegal acts, such as robbery, prostitution or leads them alcohol and drug abuse.

Another relevant impulse towards criminality is given by a criminal family environment in which they grow or by the neighbourhood in which they live. Often it has a high rate of criminality and violence. In such a framework, there is a higher possibility of taking up a criminal model rather than legal personal tools.

The research studies carried out in the USA in 2001 and 2003 show that American juvenile criminality is progressively decreasing every year³.

In order to have a complete framework of the situation, it is necessary to consider that in 2001 minors between 6 and 17 years of age were 49.203.241, out of which 23.964.593 girls, in 2002 49.338.501 out of which 24.046.833 girls, in 2003 49.413.648 out of which 21.105.965 girls.

¹ *An Update on the "Cycle of Violence"*, Cathy S. Widom and Michael G. Maxfield, National Institute of Justice, Research in Brief, February 2001: www.ncjrs/pdffiles1/nij/184894.pdf.

² *Research on Women and Girls in the Justice System*, Beth E. Richie, Kay Tsenin, Cathy S. Widom National Institute of Justice, September 2000: www.ncjrs.gov/pdffiles1/nj/180973.pdf.

³ www.ncjrs.gov/pdffiles1/ojjdp/209735.pdf
www.ncjrs.gov/pdffiles1/ojjdp/204608.pdf
www.ncjrs.gov/pdffiles1/ojjdp/201370.pdf

There is therefore an increase in juvenile population and a decrease in the number of arrests. This decrease, however, does not affect the female gender: the juvenile female population decreased while the rate of crimes connected to it slightly increased, in particular those related to the use of drugs, to driving under the effect of drugs, to the violation of the regulations on alcohol, misbehaviour and vagrancy. According to the studies carried out by the American *National Institute of Justice*, women, in particular those under of age, in the last few years are more inclined to commit crimes, mainly "against themselves", since they have the tendency to self-damaging (using alcohol, drugs, etc.). In many cases, the cause can be traced to the domestic environment, to the lack of family affection or to abuse suffered. The shortest and easiest way does not go too far. Often, once realised the mistake made, it is too late and it is hard to break the vicious circle of evil friendships. You have been labelled and it is hard to change the way in which people perceive you, and it is even harder of you belong to a poor family.

As for Italy, in the last thirty years there has been a substantial variation from many different points of view and the social attitude towards women has changed. Abortion and divorce have been declared legal, adultery and cause of honour offences have been repealed and a new law on for gender equality in the workplace has been adopted.

Also in Italy there is a persistent difference between men and women in criminality, as shown by official surveys. There is no case in point that could be connected to a female "peculiarity" in crimes. The rates of female criminality concerning various offences remained unchanged in the last few years. In Italy, however, emancipation has not brought to an increase in women criminality, like in many other countries, but it is the way in which crimes are committed that has changed. For example, the more severe ones, such as murder, once were committed for traditional causes such as jealousy, underworld feud or revenge, while now they are sometimes anomic, without any apparent reason. This is, in any case, a global phenomenon that does not characterise the women condition, it is more connected to the condition of young people. The greatest part of crimes is committed by people suffering from social subordination and exclusion and it is connected to social status and not to gender. It has been proved that the majority of women in jail, just like the majority of men in the same condition, comes from a low social class, has a low level of education, often is unemployed and has a difficult family situation. Women have therefore a fundamental and traditional role in those crimes against their own children o people under of age or disabled. This fact is connected to mental disorders of the woman-mother that for different reasons (Medea complex, postpartum disorder, etc.), can perceive her child as something negative that "can and must be eliminated". Only in this case, in our opinion, it is possible to talk about a crime that characterises the woman condition.

3 Context analysis

3.1 French context

Legal framework

In the past the French state took legal action against juvenile delinquents. Thus arose the first facilities for this category of juveniles (e.g. prison colonies). In 1945 the institution of the youth court magistrate was established along with a special service to take care of these minors, the "monitored education" service, which later became the national agency for the "judicial protection of youth" ("Protection judiciaire de la jeunesse", PJJ). The specialist judges quickly became aware that juvenile delinquents were very often in danger within their own families and that it was necessary to protect them. Educational assistance was initiated in 1958 so that protection measures could be taken without waiting for the child to commit a crime. The legal intervention criterion for the magistrate is the danger that the child is exposed to within its family. The measures taken by the judges are intended not only to protect the child but also to help his parents restore their authority.

In France there is no legal age under which a juvenile cannot be prosecuted in legal proceedings. The sole criterion posed by the law is that of moral discernment, which can vary in relation to the maturity of the child and the nature of the offence committed. It is generally considered that at under eight years of age a child is unaware that it has broken a law.

All the same, if he/she is under thirteen years of age a child cannot be convicted for a crime, irrespective of its gravity. Only educational measures can be applied or, since the adoption of a new law on 9/9/2002, educational sanctions if the child is over 10.

Article 2 of the statute of 2/2/1945, the foundation text for delinquent juveniles, stipulates that any penal measure designed for minors should include an educational approach. Repression is only used when educational measures are not effective due to the personality of the juvenile. This postulate rests on the fundamental idea that a child is not yet a fully formed individual and that the priority is not to punish him but to re-educate him. This principle brings with it several corollary consequences: specialised judges and educational services, a special procedure to permit the study of the juvenile's personality, to take its evolution into account and measures more protective in nature than those designed for adults. The legislation for juveniles in its current form differs from several general legal principles, notably in that within the responsibilities of a single magistrate can fall the investigation of the case, the judgment of the juvenile and also supervision of carrying out the educative measures or the punishment. This accumulation of functions is justified by the fundamental importance attached to knowing the juvenile in question.

If priority is given to educative measures the means must be available to take the most appropriate measures for the minor before judging him. "Youth court magistrates" and examining magistrates have the legal obligation to order a social or personality inquiry before the actual hearing commences. Proceedings with the immediate appearance of the detained person are not possible with minors. For a persistent juvenile offender, however, the law of 9/9/2002 stipulates that the prosecuting attorney can place the matter directly with a juvenile court: the juvenile will then be judged within ten days to one month.

With regard to the judgment the Juvenile Court must apply the extenuating circumstance of youth, which means that a minor of less than sixteen years of age may only receive a punishment of up to half that stipulated by the penal code. Between sixteen and eighteen years of age this extenuating circumstance is an option and the Juvenile Court or Juvenile Assize Court (which judges crimes committed by minors of between sixteen and eighteen years of age) may, if justified, decide not to apply it.

Although minors are not subject to general criminal courts (with the exception of the police court), like adults they can be prosecuted for offences under French law in three categories: petty offences (a maximum fine of EUR 1,500, doubled in the case of persistent offenders), misdemeanours (up to ten years imprisonment) and serious offences (with a maximum penalty of life imprisonment).

Competences

Prosecutor – legal proceedings and the alternatives

When an infraction⁴ is brought to the attention of the prosecutor, he can decide whether or not to instigate criminal proceedings on the basis of the materials provided. If he considers it appropriate, he can instruct the police or the gendarmes to carry out further investigations. In justified cases he has the option of closing the case. Since the 1980s French justice has become more specific when considering the victims of crime. Since 1992 there are two procedures taking into account the interests of the victim: these are conditional closure of the case and punitive mediation. In this case the court suggests a meeting between the offender and the victim in the presence of a third party in the interests of achieving an out-of-court settlement.

Under the impulse provided by amendments to the law, prosecutors have gradually developed alternative measures to criminal proceedings, in particular when a first-time offender is

⁴ Three types of infraction have to be distinguished: "contraventions", "délits" and crimes.

"Contraventions" are minor offences, punishable by a fine up to 1500 € and up to 3000 € for repeat offenders, as well as supplementary penalties, such as suspension of driving licence.

"Délits" are minor crimes, tried by the Criminal Courts ("Tribunaux Correctionnels") and punishable by a maximum prison sentence of 10 years, fines and supplementary penalties. Prison sentences may be replaced by alternative penalties such as community service.

"Crimes" is the most serious level of offence punishable by one or several penalties which are determined by law: imprisonment, fines, and supplementary penalties. Imprisonment may be for life or for a limited time and is known as penal servitude ("réclusion criminelle") for offences under ordinary rules of French law or penal detention ("detention criminelle") for political offences.

involved who has committed an offence with only limited consequences for both the victim and society.

A whole range of these alternative measures are available, appropriate for both adult and juvenile offenders, ranging from admonition with compensation (awareness of the crime committed) up to conditional closure of the case with the obligation of compensation with a recommendation to health, social or employment agencies, or instruction to undergo some form of treatment (the prosecutor proposes the obligation to undergo treatment).

If the alternatives decided upon by the prosecutor with the agreement of the offender do not work, in particular as a result of a lapse by the offender, the criminal proceedings begin again and the juvenile is, after examination, brought before a court for judgment.

Courts for juveniles

The educative approach takes precedence for the actions of youth court magistrates and also those of courts for minors. At the Juvenile Court a youth court magistrate presides over two assessors (non-professional magistrates with an interest in fields associated with childhood). The Juvenile Assize Court is composed of three professional magistrates (a chief magistrate and two assessors who are youth court magistrates of the court district) and nine jurors (citizens selected at random).

Once the youth court magistrate orders the examination of a juvenile, proceedings are commenced and completed with a decision by the judge or the senate of the Juvenile Court, depending on the seriousness of the crime and on the character of the offender. Serious offences are obligatorily the subject of an investigation and a referral order from the investigating youth court magistrate to a Juvenile Assize Court or a Juvenile Court (depending on the offender's age when he committed the crime).

Before the judgment the magistrate may issue a more-or-less binding pre-sentencing measure of an educative or penal nature, for example a measure of liberty under surveillance (of an educational character) or judicial supervision (of a penal character) (see point 3 below for more details). These measures can be modified at any time by the magistrate to take into account the needs and the personal development of the minor.

The act on adapting justice to evolutions in criminality of 9 March 2004 reinforces still further the specialisation of all those involved with delinquent juveniles. From 1 January 2005 a general principle applies giving preference to the competency of youth court magistrates over a penal judge for all judgments on juveniles (with possible exceptions for example in cases in where the offender comes of age before the moment of judgment). The PJJ looks after the preparation of the punishment, its execution and supervises the sentences of minors.

Typology of the educational measures and sanctions

The educational measures as well as sanctions of an educational or purely punitive nature are carried out by the applicable services of the PJJ, or in certain cases by organisations accredited and controlled by the state.

Temporary measures of an educational nature

A measure of liberty under supervision, which is basically regular monitoring of the juvenile, who remains with his family; this ends on the day of judgment or when he comes of age.

Placement in an educational facility answerable to the PJJ, such as a children's home type or a secure educational centre (*centres éducatifs renforcés*, CER), an emergency placement centre (*centres de placement immédiate*, CPI) or a closed educational centre (*centres éducatifs fermés*, CEF). Closed educational centres are for minors of 13 to 18 years of age placed by a judicial decision, either by a supervision order or under a conditional detention sentence.

Reparation is used to make the juvenile offender aware of his responsibility and his place in society (reparative justice)

Temporary measures of a penal nature

The principle is that the person under examination, presumed innocent, remains at liberty (article 137 of the Penal Code). All the same, if it is not possible to implement an educative measure (notably with repeat offenders) or if the obligations for court supervision are inadequate, the minor, in exceptional cases, will be placed in provisional detention.

Judicial supervision is used for offenders aged between 13 and 18. In the case of crimes, juveniles aged from 13 to 16 have the sole obligation of respecting the conditions of placement in a closed educational centre. A court may decide to order judicial supervision only after a debate in the presence of the legal representative of the offender and the prosecutor. An attempt is made to fix "realistic" obligations with which the minor can comply. A decision on judicial supervision must be justified. Employees of the PJJ may be charged with carrying out this judicial supervision. Non-compliance with one of the obligations will result in the magistrate being sent a report by the service charged with carrying out the measure. Cancellation of judicial supervision results in provisional detention.

Provisional detention of minors under thirteen years of age on the day the offence was committed is impossible whatever the nature of the offence. Its length depends on the age of the minor and also the nature of the offence.

Measures of an educational nature set by legal decision

These can be laid down by all courts for juveniles; they are recorded in the criminal record of the offender until he comes of age and, in some legally-specified cases, longer still.

Admonition is a warning given to the minor by the magistrate in uniquely non-public proceedings, principally when the acts and the personality of the minor do not necessitate further investigation or another educative measure.

Liberty under supervision consists of supervision of the juvenile for a specified time to prevent recidivism.

Educational placement envisages the choice of a facility, e.g. a children's home or an educational centre, taking into account the educational goals of the minor and the pedagogical focus of the establishments.

Placement under judicial protection is a measure of educational support used for juveniles over 16 years of age. This can also be used after coming of age with the assent of the offender. This measure is adapted to the personal development of the minor and the magistrate may alter it at any time.

Reparation is used to make the juvenile, who must understand the sense of the measure, aware of his responsibility. This cannot be used without the assent of the victim and the presence of his parents. Non-compliance does not result in any particular sanction.

Postponement of the educational measure is justified by the positive development of the minor noted during a fixed period by the juvenile court, which will review the situation at the latest one year after this decision.

Educative sanctions

Introduced by the law of 9/9/2002, they are used exclusively by Juvenile Courts and represent something between the educative measures and the penal sanctions; they are a new tool in response to criminal activities by the youngest juveniles when the use of educative measures is not possible due to the circumstances of the case and the personality of the minor. They are used for minors aged at least 10.

Educative sanctions include: the confiscation of an object, a ban on associating with the victim or the accomplices in the offence, a ban on going to the place of the offence, reparation and the obligation to participate in some form of civic education. In the event of non-compliance the magistrate can order placement in an institution.

Penal sanctions

If the minor is over 13, and taking into account his personality and circumstances, a Juvenile Court and Juvenile Assize Court can opt for the application of penal sanctions; some of these may be combined with an educative measure such as liberty with surveillance or a conditional deferment of the punishment with a trial period (law of 9 September 2002).

Exemption from punishment: the minor is declared guilty but in view of the development of his personality no punishment is handed down.

A fine is the obligation to pay a sum of money to the state (with the option of partial or full conditional deferment).

Citizenship training has the aim of instilling minors with Republican values of tolerance and respect for human dignity.

Community service is intended to encourage the social inclusion of the minor. It is unpaid work, an alternative to imprisonment, carried out for the municipality, an institution or a non-profit-making organisation.

Simple probation: the prison sentence handed down is not carried out if the offender does not commit a new offence within the 5 subsequent years after the judgment.

Probation with the obligation of community service: the offender must carry out community service; otherwise the prison sentence handed down will be executed.

Probation with a test period includes both bans and obligations of which some are of an educative nature, fixed by the magistrate. PJJ employees then assume the role of probation agents. The youth court magistrate can totally or partially revoke the probation or extend it. Since the law of 9 September 2002 this type of deferment can be combined with the educative measure of liberty with surveillance or placement, including in a closed educational centre.

Sociojudicial monitoring for sexual offences and aggravated murder, including an order to undergo treatment supervised by a PJJ service (used very rarely).

Imprisonment.

To finish some data on alternatives to criminal procedures (from the Judicial Yearbook 2004 for year 2002)

A total of 177,000 juveniles questioned in police or gendarme procedures:

58,842 criminal procedures

50,000 alternative measures, of which:

*Admonition: 34,662

*Reparation: 5,275

*Mediation: 2,735

*Conditional closure (withdrawal of the complaint or compensation): 2,850

*Order to undergo treatment: 522

Pre-sentencing measures (before judgment)

- Social inquiry and an investigation with an educative bias: 6,340

- Liberty with supervision, placement and reparation measures: 12,975

- Judicial supervision: 4,073

- Provisional detention: 1,424

Judgments

- Closed hearing in the judge office: 32,792,

- Juvenile Court: 31,158,

- Juvenile Assize Court: 497

Educative measures:

- Admonition: 34,072

- Liberty with supervision and placement: 5,261

- Reparation: 2,638

Penal sanctions:

- Fines: 6,760

- Community service: 2,233

- Probation, conditional probation, probation with community service: 16,023

- Imprisonment: 8,475

Statistical data

In the comparison between the whole of condemned and the part of the minors, one can note the prevalence of the crimes (0.18 vs 0.08 and 0.01) which returns to the important part occupied by the rapes. Those concern nearly 7 judgments out of 10 of minor, though very seldom of the girls, and less than half of the judgments of the major ones.

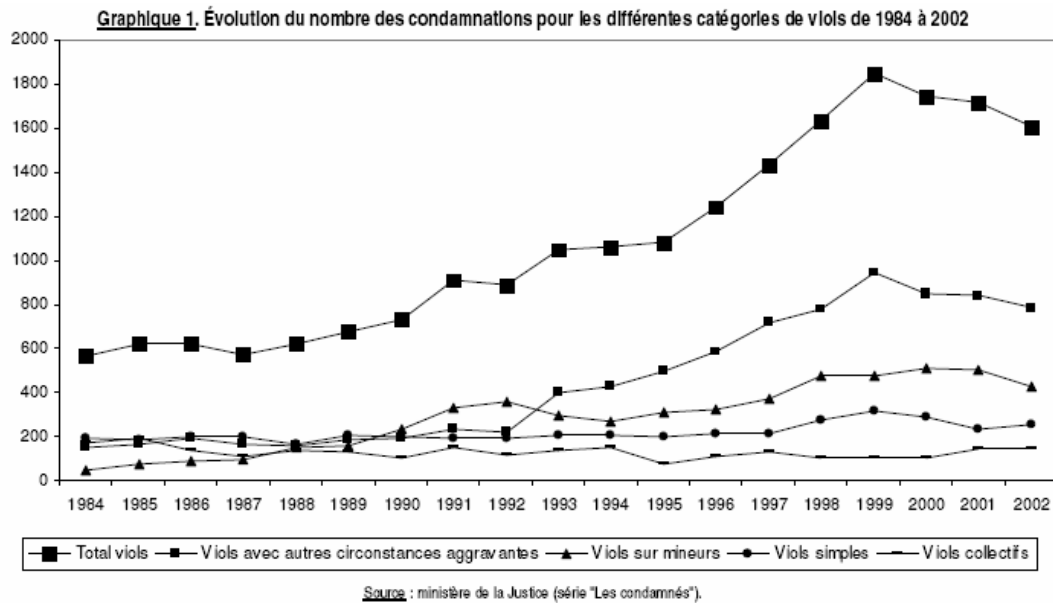
Tab. 1

2003	Condemned		% minor
Crimes	3174	559	0,18
Offences	411373	31018	0,08
CV 5th	110506	841	0,01

Rapes

Graph 1 illustrates the evolution of the number of judgments (major and minor) for the various categories of rapes⁵.

⁵ Cf "Seeks on the collective rapes: legal data and analyzes sociological", *News bulletin*, January 2005, - XVIII.1, sociological Research center on the right and penal institutions.



The following table and graphs illustrate the evolution of the number of judgments of the minors for the various categories of crimes⁶.

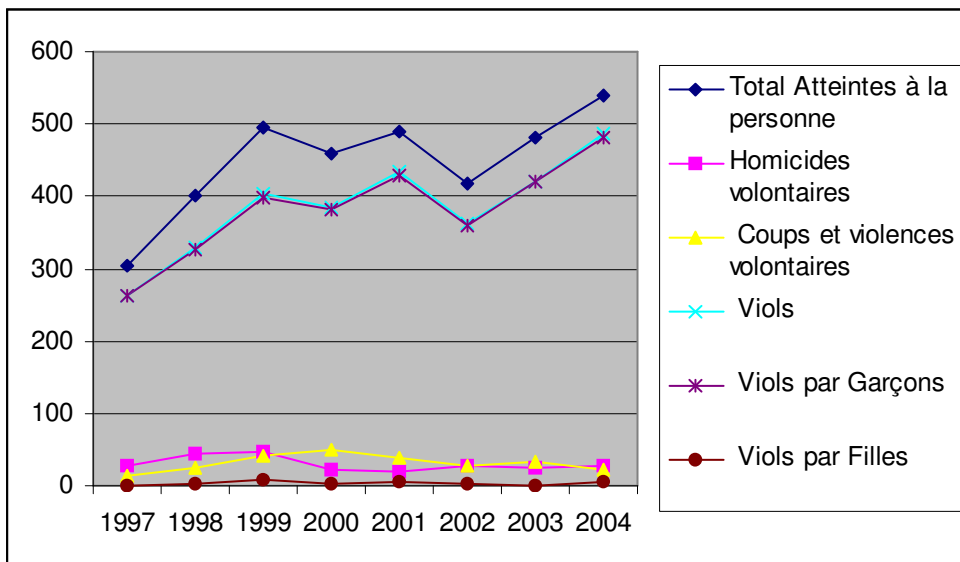
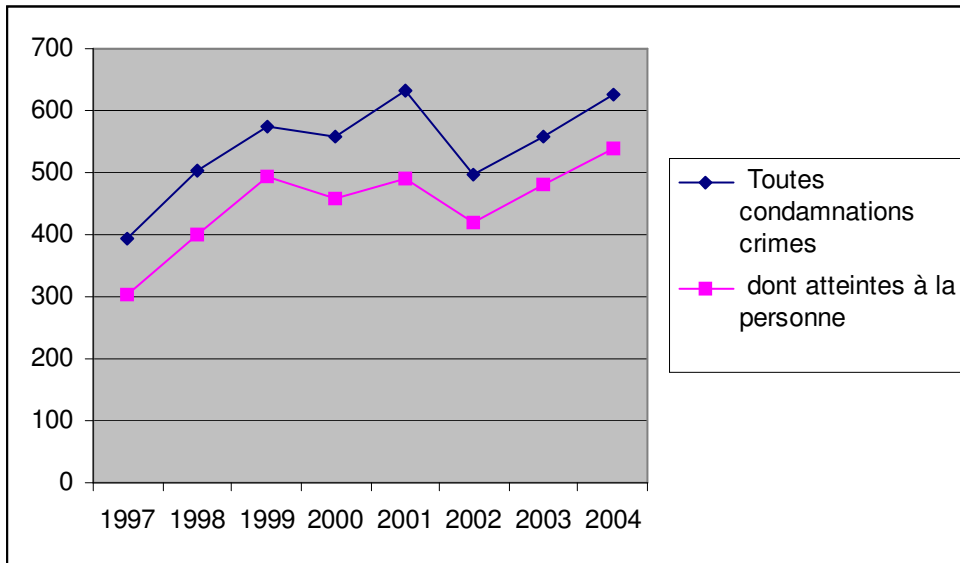
Tab. 2

Judgments minors	1997	1998	1999	2000	2001	2002	2003r	2004p
All judgments for crimes	392	503	575	559	631	498	559	626
Nature of the infringement								
Attacks with the person	304	400	495	459	490	418	480	538
Voluntary manslaughter	27	44	48	23	19	27	26	29
Voluntary blows and violences	13	26	42	51	38	28	33	23
Rapes of which	264	330	405	385	433	363	421	486
Rapes by Boys	264	327	398	381	428	360	420	480
Rapes by Girls	0	3	7	4	5	3	1	6

R: rectified

P: provisional

⁶ Source: Statistical Yearbook of justice, edition 2006 (to be printed)



Crimes, others than rapes, and offences

The last quarter of the crimes which concerns the minors distributes in qualified thefts and concealments and, less often, in blows and violences mortals and voluntary manslaughters. However the girls remain very little represented there.

In the criminal field, the minors very present among are blamed for attacks at the goods like, for example, in the case of the thefts of two-wheeled vehicle, where they count for more than 56%, in the pick-pocketing, the extortion, the theft without weapon, the voluntary fire, the degradation of public goods.

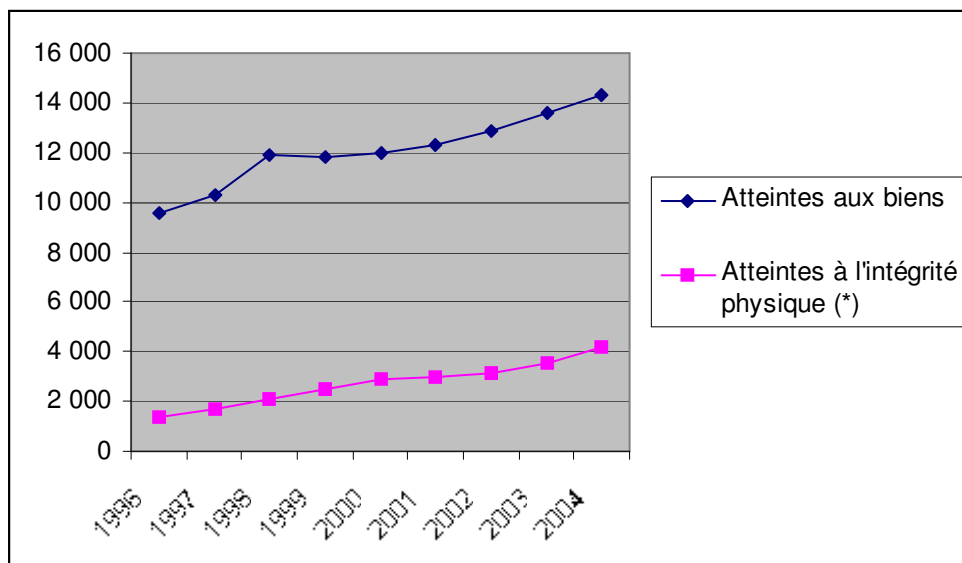
They are much less present than the major ones for the offences of "astute delinquency", i.e. the swindles, the breaches of trust and the uses fraudulent of means of payment and the

infringements with the order economic and financial (counterfeits, infringements with the legislation on work).

More generally, the number of businesses concerning of the minor treated by the Prosecutor office is in rise and, in 2004, nearly 169.000 businesses were treated by the Prosecutor office. In particular, the number of minor calling into question is in rise like illustrates it the following table⁷.

Tab. 3: Numbers of minor - between 1996 and 2004 - indicted for attacks with the goods and for voluntary attacks with the physical integrity, except theft with violence.

Year	Attacks with the goods	Attacks volunteers to the integrity physics (*)
1996	9 552	1 391
1997	10 323	1 713
1998	11 906	2 078
1999	11 799	2 456
2000	11 957	2 933
2001	12 327	2 999
2002	12 883	3 152
2003	13 563	3 521
2004	14 281	4 185



Note 1 (*) Voluntary attacks to the physical integrity (except theft with violence)

The causes of these evolutions can be related at the same time on the delinquency, the activity of the services of investigation or the penal policy resulting from the Prosecutor. The data resulting from the criminal record do not make it possible to determine the respective

⁷ Source: Data of the National Institute of the High studies on Safety (INHES).

influence of these various factors and, therefore, no assumption can be confirmed today starting from the statistical directory of justice.

However, the hollow noted in certain figures of 2003 is ascribable with the presidential amnesty of 2002 which, in addition to the important fall of the judgments pronounced in 2002, involved that of part of the judgments pronounced in 2001 and businesses which would have given place to a judgment into 2003 were also concerned.

However, the real impact of the amnesty is difficult to define even if one can announce some of these consequences. For the minors, for example, the admonitions and the "*remise à parent*", measurements educational, are systematically amnestied⁸.

Once taken into account the perimeter of the crimes and offences, one can in a complementary way consider noted attitudes and behaviors which are beyond the delinquency *strictly speaking* but which remains within the framework of the "illegalisms"⁹, like the consumption of illicit products or the behaviors violent one of the young people.

In parallel and to take into account a certain number of behaviours or attitudes of the young people who appear coextensive with the delinquency more or less and to draw up a comparison between boys and girls, one can refer to an investigation of the National Institute of Health and Medical Research¹⁰. This investigation carried out for the Juvenile Judicial Protection (JJJ) Headquarters gives further information starting from the self-declarations of the young people surveyed into several points of which the consumption of illicit products and conduits violent that we distinguished here.

The consumption of illicit products

- The cannabis is the first illicit product taken by the young people and concerns the majority of the boys (65%) and the girls (66%). In the 7 years, the consumption of illicit drugs increased, in particular among the girls for the cannabis where the proportion passed from 59% to 66%, that is to say an increase of + 12%.
- Regular consumption (at least 40 times during the life) concerns nearly a third of the young followed by the JJP services, boys (38%) like girls (35%). In addition the age of the first consumption of cannabis is 14 years, indifferently for boys and girls.
- The ecstasy occupies the second place: 14% of the boys and 24% of the girls already took some during their life, including respectively 4% of the boys and 8% of the girls at least 10 times. The girls are definitely more consuming than the boys.

⁸ See article 7 of the law 2002-1062 of August 6, 2002

⁹ In other words, within the framework of behaviors which contravene the law without always to have been the subject of qualification by the police force or the legal services

¹⁰ This investigation related to young people of 14 – 21 years dealt with, about two third with the penal (with the title of the ordinance n. 45-174 of February 2, 1945 relating delinquent childhood), by the services of the public sector of the legal protection of youth in metropolitan France, except measurement of investigation and minor district of penitentiary medium. Cf *Health of the 14 – 20 years of the legal protection of youth (Public Sector) seven years after*, Choquet Marie Hassler Christine, Morin Delphine; National Institute of Health and Medical Research (France); Ministry for Justice, Direction of the legal protection of youth. The report/ratio is consultable on the following site: <http://www.ladocumentationfrancaise.fr/rapports-publics/004001254/index.shtml>

- Cocaine occupies an important place, especially among the girls. Thus 21% of the girls against 9% of the boys already took some during the life and 6% of the girls against 2% of the boys at least 10 times in the life.

- The girls are more consuming than the boys (by order of importance decreasing) for cocaine, heroin, the products to be inhaled and the hallucinogens but also for the amphetamines.

However, to clarify the direction which these young people give to their consumption illicit products from that which emanates from the general population, one can consult the results of the investigation ESCAPAD (Investigation into health and consumption at the time of the call of preparation with Defence) which makes it possible to question all the teenagers who spend their day of "Day of preparation on Defence issues" (a kind of citizenship day).

At the time of its first realization, the last page of the questionnaire reserved an open space of expression with surveyed which gave their opinion on drugs, their dangerousity. Several teenagers stressed the importance "of the pleasure, their capacity to control their consumption, that the cannabis [according to them] is not harmful." Others have a judgment more moderated. Others, still, explicitly challenged "the stereotype of doped marginal, in school situation of failure, conflict with his/her friends and his family"¹¹.

In parallel, of the data of investigation allow to bring perception closer to the gravity of the offences by the school young people and the young delinquents dealt with in the services of the legal protection of youth. These data tend to show that these two surveyed groups remain rather close in connection with this consumption. Indeed, within those, are largely majority those which consider that: to smoke of the joints and the hashish is a small offence or not an offence of the whole; to consume heroin or cocaine is a serious or very serious offence.

Violent behaviour

- The violent behaviour belong to the everyday life of these girls like boys.
- 57 % of the boys and 40% of the girls took part in a brawl in group,
- 44% of the boys and 43% of the girls took something in a shop,
- 41% of the boys and 18% of the girls already sold stolen objects.
- 17% of the boys and 9% of the girls already struck a professor
- 9% of the boys and 16% of the girls already struck one their parents,
- 19% of the boys and 14% of the girls already used a weapon to obtain something,
- 12% of the boys and 7% of the girls already put fire purposely
- 39% of the boys against 18% of the girls purposely damaged public or deprived goods.

¹¹ Cf Beck F, Legleye S, Peretti-Wattel P, Glances on the end of adolescence: consumption of psychoactive products in the investigation ESCAPAD 2000, Paris, French Observatory of drugs and drug-addiction, 2000, quoted in Peretti-Wattel, Patrick. Behaviors at the risks, *Problems political and social* n°919, 2005, French Documentation.

More generally, the amount of the girls who have behaviors violent one is definitely more important among these young people being the subject of a follow-up of the services of the public sector of the Legal Protection of Youth, compared to the school young people. Thus the first, and more still than the boys, are characterized by an important violence, in comparison with the school population.

When these girls agree to speak, at the time of educational measurements for example, it is in the form of an account more elaborate than the boys for commissions of acts less immediate and directly reactional. However, it are presented in a state "of cumulated ruptures" and coexistence of various forms of ruptures. In truth, the violent conduits belong to their everyday life but present another profile that those of the boys, more centred on the close environment: to have struck a professor or one of his parents, brawls in group, flight in shop. In the same direction, one notes rather, seems it, in the girls less "indirect" behaviours the such resale of stolen objects or the degradation of public goods. The acts made by these girls are serious. The educational teams of the PJJ announce sometimes that "the assumption of responsibility of the girls requires much more energy than for the boys."

In this climate of violence appear also **undergone violence**: during the last 12 months, the young people of the above mentioned investigation¹² state to have been victims of verbal violences (37%), of blows (26%), thefts (18%) and racket (7%) but the girls were more often victims of blows (34% vs 24%) and of verbal violences (52% vs 34%) that boys, whereas no difference is observed between the sexes as for the flights, racket or acts racist.

It is also about **undergone sexual violence**: during the life, sexual violences relate to 6% of the boys and 41% of the girls of the investigation. 2% of the boys and 11% of the girls were recently victims. This sexual violence, often incestuous, is in more half of the cases a rape, but the majority of the young people also say to have undergone other types of sexual aggressions.

Sexual dimension is, consequently, very intense, because the girls frequently knew violences of this kind. Actually, that confers to the girls very specific problems. Behind the act of violence hides, according to professionals of the legal protection of youth, a suffering often related to a sexual dimension and/or with a family violence, "which they embark" in repetitions of undergone violences, because they reflect the undergone ill-treatments, which appear in a way very disturbed in a presentation of themselves where the emotional one and very sexualized projections of their history come to telescope with the legal process and the educational assumption of responsibility which is ordered consequently.

Besides more generally, the psychological disorders are more frequent with the girls, "dynamics of bad being" and dynamic at the risk (problems of weight to the two extremes, of

¹² Cf notes 9

image of themselves, sleep disorders, drug-addiction) like the specific problems of verbal, physical violence (they posed frequently problems of violence within the school establishments, generally in LEP, a secretariat, trades of the early childhood and sale, etc; they can be gang leaders of other girls in competition with the boys), violence undergone and acted, of prostitution (network organized or via the "friends" and in relation to drug-addiction).

The running away is also a frequent behavior, clearly distinguishing them from the boys (twice more), associated depressive affects and suicide attempts.

3.2 German context

Legal Framework

The development of a system of social control specifically targeted at minors goes back to the beginning of the last century. Emphasising the categorical difference between minors and adults, German *general penal law* (Strafgesetzbuch/StGB) treated juveniles as "young hooligans" with sentences that were generally half those of adults guilty of the same offence. This basic concept, along with the influence of the modern social sciences, resulted in the establishment of special juvenile courts.

In 1908, courts in Berlin, Frankfurt/Main and Cologne started developing chambers specializing in issues regarding delinquent minors and the first youth prisons were founded in 1929. In 1922, the *Juvenile Welfare Act* (JWA – *Jugendwohlfahrtsgesetz*) addressing impoverished minors was passed, and in 1923, the *Juvenile Justice Act* (JJA – *Jugendgerichtsgesetz*), dealing with minor offenders who had committed a delinquent act according to penal law, was created. These two acts are the foundation of Germany's legal system for minors.

The JJA did not create a new "juvenile penal law." The JJA consists of a system of reactions/sanctions for young offenders as well as specific procedural rules for the juvenile court and its proceedings (such as the principal of non-public trials). Different from the penal law for adults, the JJA introduced educational measures for minors as alternatives to imprisonment.

The JJA went through several revisions during the Nazi Regime, and in 1943, a new JJA was passed. The Nazis defined education as "education by punishment" instead of education as an alternative to punishment. In line with this definition, they introduced short-term detention centres that detained minors for a period up to four weeks. In 1953, the German legislator passed a completely new JJA with the aim of treating juvenile offenders in line with the latest developments in contemporary social sciences. At the same time, the legislator "allowed" for the suspension of prison sentences for minors. Yet, in all cases, minors are given probation.

The debate on reforming the JJS emerged from the social and political changes evoked by the social movements of the late 1960s. The main criticism was directed towards closed

institutions ("homes") and the detention of youth for up to 4 weeks. The reform movement in the early-1970s favoured a unified welfare model that excluded, as much as possible, traditional sanctions of the justice model. But this idea was soon abandoned when it became evident that legislative reforms would not be achieved in the near future. Thereafter, welfare and justice legislation reform proposals were made separately.

In 1990, the first amendment of the JJA was passed, and a modern social welfare law replaced the JWA. These new laws showed that although legislation on welfare and justice often overlap, Germany prefers dealing with them separately. Apart from legislative amendments, changes in the "reform through practice" policy were made within the juvenile justice system starting in the 1970s. This policy provided for innovative projects developed by social workers, juvenile prosecutors and judges. The main result has been a drastic reduction in the number of consecutive prison sentences for minors.

In Germany, due to the Federal Republic structure, each of the Länder has jurisdiction over the juvenile justice system: varying and different youth penal laws and youth prisons structures.

Minors who have committed an offence or a crime as defined by the adult penal law are given sentences according to the juvenile penal law. There are two basic criteria for its applicability: the minors' age and their criminal responsibility. According to the juvenile court law (JCL), juveniles between the ages of 14 and 17 are considered "relatively criminal responsible." But the juvenile court law (JCL) prosecutes only those juveniles who are, at the time when the crime was committed, mature enough in their mental and moral evolution, to have an insight into what they have done wrong and to behave according to this capacity. Criminal responsibility is determined on a case-by-case basis.

The JCL classifies young adults (age 18-21) as fully responsible for their crimes and subject to conviction by the juvenile court. The decision to try these individuals as adults or as juveniles is determined on a case-by-case basis. Juvenile law is applied if the court finds that the crime was committed when the person was a juvenile in his mental and social development (§105,1 JCL).

In the case of offences committed by children (young people below the age of fourteen) there is no penal prosecution, as children cannot be accused according to the code of criminal procedure. Children are not considered criminally responsible (§19 Penal Law) and therefore, are not subject to prosecution. Children who break the law are subject to the Children and Youth Assistance Law. The Youth Office examines, the case of child delinquency, if assistance or education could or should be applied.

Educational vs punishments

The juvenile penal law is based on the concept of educating young offenders as an alternative to punishment for committing crimes. Since youths are still undergoing socialization, they are

deemed less responsible for their actions than adults. Therefore, youths require rehabilitation through education. The Juvenile Court Law applies this concept of education through the following actions: Educational measures, Disciplinary measures, Arrest of minors.

Educational measures

Educational measures are applied after a juvenile has committed an offence. The aim is to help the offender lead an "upright life" (§21 JCL). Measures may include educational assistance, placement in homes for young offenders or in a supervised home (§9 JCL) with rehabilitation (§10 JCL). This may entail participation in social training, offender-victim awareness training, supervision, or charitable work.

Disciplinary measures or youth arrest

When a juvenile offender commits a more serious crime disciplinary measures such as rehabilitation (§15 JCL), injunctions (§14 JCL) youth detention (§16 JCL) may be applied.

Rehabilitation may include compensation for damages to the victim specifically. Compensation is not exclusively financial, but might include work or the repair of damaged goods. It could also include voluntary work for charitable organizations.

An injunction is a judge's official rebuke. Its aim is to make the offenders cognizant of their guilt and the consequences of their behaviour towards both the victim and society as a whole. The injunction is also meant to warn offenders of further infringements. An injunction is generally combined with certain obligations, since offenders might otherwise get the idea that their behaviour is without consequences.

Detention can be served as 'leisure arrest' – for example, during weekends – or as short-term arrest (up to 4 days) – or as a detention period of one-week minimum or four weeks maximum. According to Professor Bussman, "Youth arrest should be served in special youth detention centres in such a way that the juvenile could take part in school or vocational training."

None of these measures are as legally binding as a verdict. The overall intention is to explain the young offender's guilt to him/her and rehabilitate him/her through educational instructions. Detention in juvenile prisons becomes necessary if the crime committed causes injury or if the crime is so severe that it necessitates youth arrest (§ 17/18 JCL). Detentions are a minimum of six months and a maximum of five years. If the adult penal law would dictate a penalty of more than ten years (for major crimes), the penalty for youths might be as much as ten years. Minimum and maximum sentences according to juvenile penal law are determined by the feasibility of educating the young offender. Juvenile prisons are separate from adult prisons. Nevertheless, there is still no specific law regulating juvenile prisons in Germany.

Diversion

Compared to adult penal law, juvenile penal law offers more possibilities to end the formal judicial path and opt for informal solutions. The prosecutor may dismiss the case if there is insufficient evidence. Even if the prosecutor claims sufficient evidence to go to court, the judge may still dismiss the case.

Diversion is another legal procedure by which legal prosecution is ended in favour of the reintegration of the offender into society and/or the satisfactory resolution of the conflict from which the offence resulted. Diversion plays an important part in criminal law relating to young offenders since it offers the possibility of dropping the case and "imposing punishment" on the juvenile offender in the form of educational measures.

The 1998 guidelines for diversion from the Ministry of Justice in the state of Schleswig-Holstein require that "the prosecutor should examine not only the crime itself, but also if educational measures may be adequate. They should intervene in the social environment of the juvenile offender. They are to assist him to develop an insight in the injustice of the crime committed and to prevent further infringements. The notion of educational assistance influences all initiatives of a pedagogical character taken privately or by public bodies. An educational measure may also include "the suspect's effort to strive for the victim's compensation."

Approximately two-thirds of all cases examined under juvenile law are dismissed by the prosecutor or the judge through diversion (Guidelines on the Promotion of Diversion, Ministry of Justice Schleswig-Holstein, 1998; Youth Assistance and Justice, Hirsauer Blätter, CJD Ebersbach, 5/2001). Some of the reasons diversion is used are:

A formal penal procedure ending in a sentence by the court risks social stigmatisation, which in turn can encourage criminal behaviour. If possible, this should be avoided.

Diversion offers a quick response, offering flexible solutions compared to time-consuming formal judicial trials.

It saves expenses and reduces the courts' workloads by reducing charges and court cases.

There are doubts regarding the efficiency of penal sanctions.

Actors in the Juvenile Justice System

The main actors in Germany's Juvenile Justice System are the juvenile judge, juvenile public prosecutor and the juvenile legal assistance. These actors work together through the court system to determine the guilt of the young offender and which of the three measures described in the last section should be applied to his or her case. These legal actors are meant to be specialists on juveniles with pedagogical experience.

Juvenile Judges: The juvenile judge directs the juvenile penal law procedure. Tasks are based on §34,1 and §34,2 of the JCL. They include the tasks of a judge at the court for adults and those of a judge at the court of guardianship (a court that is part of the magistrates court), who is responsible for the welfare of children/juveniles. According to §37 JCL, a youth

judge must have pedagogical competencies and experience in educating juveniles. The judge should combine an educator's aptitude with that of a judge.

Juvenile public prosecutor: According to §36 JCL, the juvenile public prosecutor must have the same skills as the juvenile judge. He should also have pedagogical capacities and experience in juvenile education. That said, the education of the offender is not, and should not be, the prosecutor's concern. The prosecutor should duly apply the law, as in trials before judges of the adult court.

Legal assistance at court for juvenile offenders: Assistance for juvenile offenders is codified in §38 JCL and in §52 Children and Youth Help Law (CYHL). It is under the jurisdiction of the Youth Authorities of the Cities and is independent from the judicial system. The law on legal assistance for juvenile offenders only regards youth between the ages of 14 and 20. This implies certain difficulties for the Report on Youth Assistance given that the age range of 18 to 20 is subject to the adult penal law. For this group, the Youth Authorities, in each case, must determine whether or not the offender qualifies as a juvenile, and if the juvenile penal law must be applied in the trial. Legal assistance for juvenile offenders relate to both young offenders and the court.

Legal assistance should take into account the offender's level of education, social circumstances and welfare conditions to ensure that these matters are carefully considered in court. The main purpose is to offer the offender the necessary social and pedagogical assistance to cope with his circumstances and the sentence. During and after the legal procedure, the youth authorities provide educational and social measures for young people. Traditional legal assistance includes:

Statements on the juvenile's character and a social report with evidence regarding his/her personal background; Participation in court sessions; Assistance in executing sentences (decision if the offender should serve a term in prison, assistance during custody, assistance for reintegration after release); Application of adequate pedagogical measures and updates (from Jugendhilfereport, 2/2000).

Legal implications of entry in the federal register

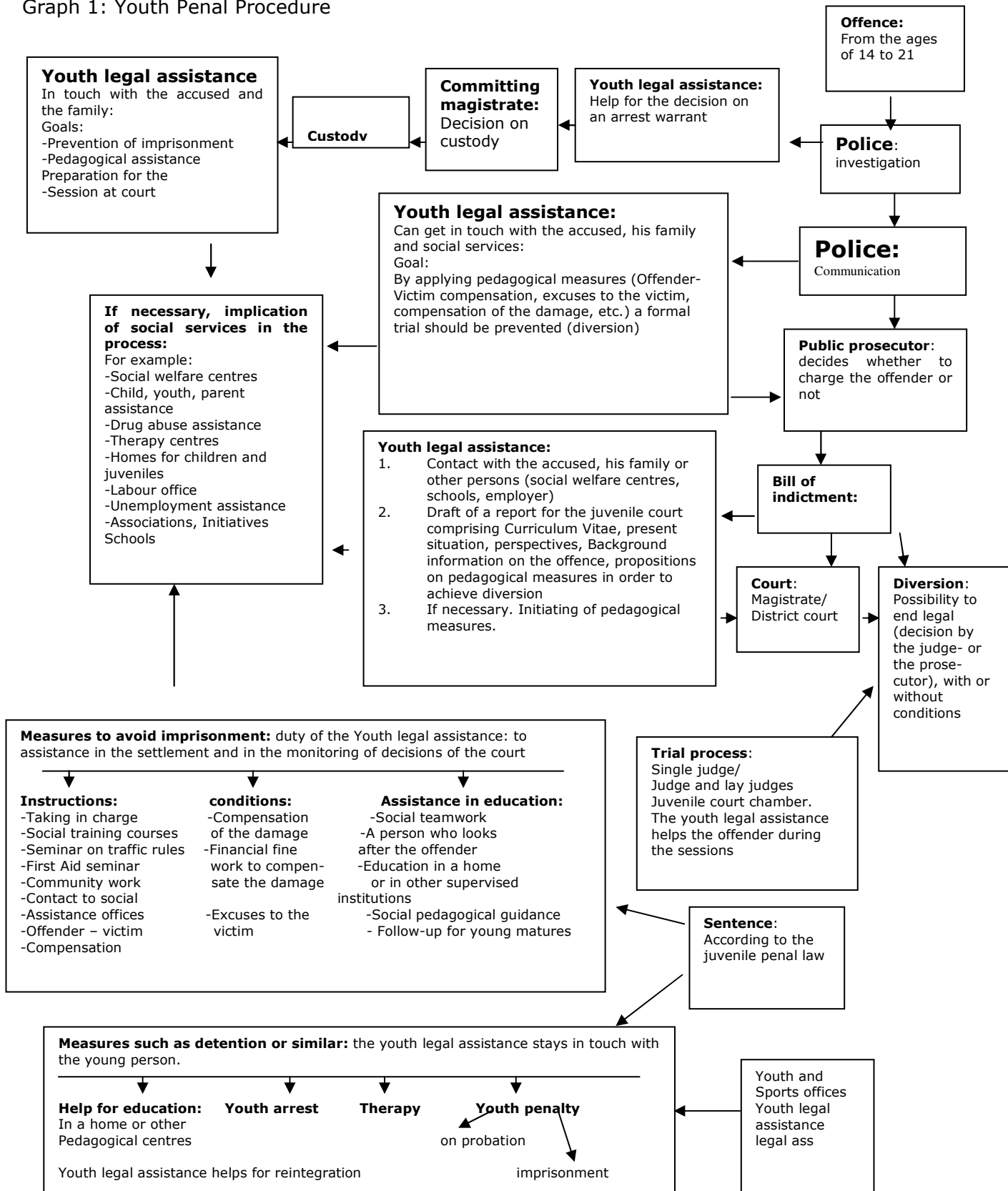
An official court sentence implies entry into the Central Register of crimes committed at the Federal Court of Justice in Berlin. Youth sentences, in principle, are registered at the Educational Register, which is part of the Central Register. To avoid negative consequences for the young offenders' entry into professional life, access to information regarding the offence is restricted. Only courts, prosecutors' offices, detention authorities and youth authorities can obtain information. All entries are deleted once the accused reaches age 25, if there have been no further sentences since the original crime. Furthermore, the federal prosecutor can induce early deletions in individual cases.

The Educational Register is part of the Juvenile Penal Law. Educational rehabilitation and disciplinary measures are not registered, nor are they mentioned in a clearance certificate. If these educational measures are not fulfilled, young offenders will be given a youth prison sentence. This implies that the offenders will be considered previously convicted and will be registered with all the legal implications.

Youth Penal Procedure

Having described the actors within the juvenile justice system and the disciplinary measures according to the juvenile penal law, the following flow chart presents the judicial process for juveniles. It illustrates how after the offence has been committed, youths between the ages of 14 and 21 will be either sent on a welfare or judicial track. In both cases, educational and disciplinary measures are first sought before resorting to public prosecution in the courts. Throughout the youth penal procedures, there are opportunities for the youth to avoid prison sentence through educational measures and diversion.

Graph 1: Youth Penal Procedure



Statistical data

When announcing the Police Criminal Statistics (PCS) in 2005, Minister of the Interior Wolfgang Schäuble (CDU) stated: „Germany is both *per se* and in an international context one of the safest countries in the world. Crime has been falling since 1993.”

It is not possible to make such a clear statement as this for juvenile crime. While it is the case that the statistics relating to persons suspected of a crime are slightly lower than in 2004, the number of juveniles convicted since 1990 has grown steadily – including a growing number of females. Nevertheless: juvenile crime in Germany continues to be primarily male crime. And it involves in particular German boys. The proportion of foreign male juveniles has been falling steadily for the last 15 years. The quota of young German female delinquents, on the other hand, is increasing and – starting at a low level in 1990 – increasing slightly more for non-Germans.

A short digression on procedure before presenting the data. The federal structure of the Federal Republic of Germany - the legal system is largely the responsibility of the 16 federal *Länder* and will become their responsibility entirely as a result of the ‚Federalism Reform‘ – results in a very heterogeneous supply of data. We have collated data from the whole of Germany and taken additional statistics from Lower Saxony, a large state in the north. The figures from Lower Saxony provide a more differentiated analysis in terms of age, gender, origins and type of crime. Since we go into more detail concerning Lower Saxony in the quantitative part of this study, we will also concentrate on Lower Saxony in the qualitative part.

According to the current PCS (Police Criminal Statistics of the Federal Criminal Investigation Office) the number of **juveniles suspected of crimes** shot up by 50 percent from 1993 to 1999 and has since fallen slightly. However, this significant increase is largely a result of a rapid increase in the total number of persons suspected of crimes. This becomes clear from the *proportion of juveniles among all persons suspected of crimes*, which has increased only by about two percent since 1993, (Table 8). This trend is confirmed by the quota of *convicted juveniles among all persons convicted* (former FRG with East Berlin). It increased from 6.7 % in 1995 to 8.3 % in 2004.

A clearer picture of the development in crime is given not by the statistics concerning persons suspected of crime but those dealing with persons actually convicted in court. Between 1976 and 2004 the number of **all persons convicted** in the former Federal Republic of Germany (from 1995 including East Berlin but without the new federal states) increased continuously by 49% from 388,767 to 579,318 (excluding traffic offences).

Tab. 4: Convicted juveniles 1976 - 2004 excluding traffic offences / former Federal Republic of Germany (from 1995 including East Berlin)

Year	Total	Male	Female	Conviction quota %	
				Male	Female
1976	50 959	43 624	7 335	74,9%	66,9%
1980	57 736	49 527	8 212	67,9%	56,4%
1985	48 929	41 673	7 256	63,1%	50,1%
1990	29 052	25 316	3 736	58,8%	46,0%
1995	33 488	29 515	3 973	58,8%	45,4%
2000	44 740	37 996	6 744	62,2%	51,8%
2001	44 757	37 944	6 813	63,5%	53,0%
2002	47 211	39 755	7 456	63,5%	54,0%
2003	46 046	38 624	7 390	63,7%	54,1%
2004	48 631	40 796	7 835	65,1%	55,2%

Source: German Federal Statistical Office

There is, however, an interesting wave motion to be seen in the figures of *convicted juveniles* between 1976 and 2004 (Table 4). Seen in the long term between 1980 and 2004 the absolute numbers of convicted juveniles fell by 15.8 %, whereby this figure was nearly halved between 1980 and German reunification and then increased again by 45.20% until 2004.

Against the background of the rapidly falling birth rate since the middle of the 1960s, statistics concerning the proportion of convicted Germans per 100,000 in the same age group (Convicted rate/100 000) provide more useful and precise information (Table 5). Between 1980 and 1990 the numbers of juveniles convicted fell from 1 357 to 948, and then increased again to 1 397 by 2004.

Tab. 5: Convicted German juveniles per 100 000 inhabitants of the same age group

Year	Total	Male	Female
1976	1 318	2 198	392
1980	1 357	2 267	403
1985	1 241	2 050	395
1990	948	1 597	266
1995	1 013	1 716	276
2000	1 355	2 223	443
2001	1 375	2 252	454
2002	1 425	2 317	486
2003	1 356	2 195	473
2004	1 397	2 263	485

Source: German Federal Statistical Office

Female delinquents

While the *fall* in the numbers of persons convicted was fairly similar for male and female delinquents up to 1990, the *increase* for female delinquents was considerably higher up to 2004.

The numbers of *young male persons convicted* was largely the same in 1980 (2 267) and 2004 (2 263). The proportion of young females convicted in this period rose by 20.3%, from 403 to 485.

This development has been particularly clear in the last 15 years. While the convicted numbers for young males rose by 41.7% from 1 597 in 1990 to 2 263 in 2004, convicted female delinquents shot up by 82.3% from 266 in 1990 to 485 in 2004. And this took place in spite of the fact that the convicted quota (Tab. 4) for female delinquents was on average about 10 % below that of males (for reasons see ch. 2.1.).

Thus, the proportion of convicted female delinquents among all convicted delinquents rose only by 14.4% to 16.1% between 1976 and 2004, but there is a particularly clear increase between 1995 and 2004 from 11.9% to 16.1%.

This trend to an obvious but not explosive increase in crime among young females is also shown in the figures relating to persons suspected of crimes. In 2005, 26.7 % of persons suspected of crimes were female. Tab. 5 illustrates a slight increase in the number of females suspected of crimes during the last eight years.

Tab. 6: Proportion of young females (14-18) suspected of crimes from 1998 – 2005

Year	Number	%
1998	77 514	25,6%
1999	74 774	25,2%
2000	74 139	25,2%
2001	73 922	24,7%
2002	77 316	26,0%
2003	75 726	25,8%
2004	77 790	26,8%
2005	75 959	26,7%

Source: Police Criminal Statistics of the Federal Criminal Investigation Office 2005

When considering the age structure of young suspected persons there are significant differences between males and females. Nearly a third of suspected persons between the ages of 12 and 16 are females (Table 6). This proportion falls in the age range 16 to 18 to 23% and is then only a fifth for young adults aged between 18 and 21. These proportions and the total numbers show that there is a *peak of female criminality* at around the age of 16, whereas male persons suspected of crimes reach this peak only after puberty at the age of around 21.

Tab. 7: Suspected persons Germany 2005 on the basis of age and gender

Age group	Suspected persons				
	Total	Male		Female	
		Number	in %	Number	in %
Children 0 too under 14	103 124	73 169	71,0%	29 955	29,0%
10 to under 12	23 747	17 881	75,3%	5 866	24,7%
12 to under 14	63 339	42 554	67,2%	20 785	32,8%
Young people	284 450	208 491	73,3%	75 959	26,7%
14 to under 16	130 284	89 710	68,9%	40 574	31,1%
16 to under 18	154 166	118 781	77,0%	35 385	23,0%
Young adults 18 to under 21	247 450	197 089	79,6%	50 361	20,4%
Adults	1 678 112	1 285 663	76,6%	392 449	23,4%
Total number of suspected persons	2 313 136	1 764 412	76,3%	548 724	23,7%

Source: Police Crime Statistics of the Federal Criminal Investigation Office 2005

Non-Germans: The Police Criminal Statistics (PCS) 2005 refer to 22.5% of all *suspected persons* (20% without typical foreigner offences such as those against asylum laws or laws relating directly to foreigners) as *non-Germans*. In 1993, against the background of the changes in Eastern Europe and the war in Yugoslavia, it was a third less.

In the case of the figures for those convicted excluding traffic offences, the proportion of non-Germans rose from 11.5% in 1976 to 31.2% in 1995. It is important to consider here both the changes that have taken place in Europe and also the number of migrants in Germany, which has grown from 3.8 million in 1976 to 7.3 million (8.8%). In 2004 the quota of non-German convicted persons was 25.2% and so slightly higher than the quota of non-German *suspected persons*. In 1976 young migrants made up only 5.8% of the total of young *convicted persons*. This percentage increased to nearly a third by 1995 and fell again by a fifth by 2004.

Tab. 8: Young German and Non-German persons suspected of a crime

Year	Total number of young suspected persons	% of suspected persons	German	Non - German	% German	% Non - German
1993	207 944	10,1%	150 651	57 293	72,4%	27,6%
1994	223 551	11,0%	170 217	53 334	76,1%	23,9%
1995	254 329	12,0%	199 027	55 302	78,3%	21,7%
1996	277 479	12,5%	218 350	59 129	78,7%	21,3%
1997	292 518	12,9%	230 469	62 049	78,8%	21,2%
1998	302 413	13,0%	240 400	62 013	79,5%	20,5%
1999	296 781	13,1%	237 909	58 872	80,2%	19,8%
2000	294 467	12,9%	238 990	55 477	81,2%	18,8%
2001	298 983	13,1%	245 746	53 237	82,2%	17,8%
2002	297 881	12,8%	246 643	51 238	82,8%	17,2%
2003	293 907	12,5%	244 098	49 809	83,1%	16,9%
2004	297 087	12,5%	246 679	50 408	83,0%	17,0%
2005	284 450	12,3%	236 042	48 408	83,0%	17,0%

Source: Police Crime Statistics of the Federal Criminal Investigation Office 2005

The proportion of young persons suspected of a crime also fell comparatively, from a quarter in 1993 to slightly more than a sixth in 2005 (Table 8), although it is still higher than the proportion of young non-Germans in the same age range in Germany (approx. 9 %).

Tab. 9: Criminal offences German/non-German young persons suspected of crimes 2005

Criminal offences	Germans		Non-Germans	
	Number	in %	Number	in %
Total	236 042		48 408	
Theft, petty	83 191	31,6%	17 007	35,1%
Shoplifting	53 046	22,5%	11 352	23,4%
Bodily injury	52 336	22,2%	12 891	26,6%
Illegal subst/narcotics	46 534	19,7%	5 889	12,2%
Damage to property	42 193	17,9%	3 866	8,0%
Obtainment by false pretences	13 360	5,7%	4 689	9,7%

Source: Police Crime Statistics of the Federal Criminal Investigation Office 2005

Young Germans and non-Germans differ as far as the type of crime (cf. Table 9). Young non-Germans are suspected *relatively* more often of committing *petty theft*, *bodily injury* and *obtainment by false pretences*, whereas Germans are relatively more often suspected of crimes concerning damage to property, and drug offences. In the case of young non-Germans the categories Robbery (6.8%) and Robbery with violence (9.9%) are also included, while there are unfortunately no comparative figures for young Germans. **Non German Females:** While in 1976 19.6% of all *convicted non-Germans* were female, the proportion was only 17% in 2004. In 1995 it had even fallen to 13%. The statistics are similar for the proportions of convicted young female Germans and non-Germans, (Table 10).

Tab. 10: Convicted young Germans and non-Germans 1976 – 20004 without traffic offences /former Federal Republic of Germans (from 1995 with East Berlin)

Year	Total young offenders	German	in %		Foreign	in %	
			Male	Female		Male	Female
1976	50 959	47 995	85,5%	14,5%	2 964	87,2%	12,8%
1980	57 736	53 511	85,5%	14,5%	4 225	89,0%	11,0%
1985	48 929	42425	84,5%	15,5%	6 504	89,8%	10,2%
1990	29 052	21 110	86,3%	13,7%	7 942	89,4%	10,6%
1995	33 488	23 421	86,7%	13,3%	10 067	91,4%	8,6%
2000	44 740	34 056	84,0%	16,0%	10 684	87,7%	12,3%
2001	44 757	35 034	83,9%	16,1%	9 723	88,0%	12,0%
2002	47 211	37 126	83,4%	16,6%	10 085	87,3%	12,7%
2003	46 046	36 472	83,0%	17,0%	9 542	87,5%	12,5%
2004	48 631	38 462	83,1%	16,9%	10 169	87,0%	13,0%

Source: German Federal Statistical Office

There has been a moderate increase in the figures for young German females over the period of three decades. It is important to remember that in the case of young foreign females living in Germany the number of migrants has more or less doubled since 1976. Only 380 young non-German females were convicted in the whole of Germany in 1976 – 12.8 % of the young non-Germans convicted then (Table 10). Reliable data has, however, only been available since the 1990s. In 1995 the figure had fallen to 8.6 %. However, since 1995 the number of convicted young non-German females has risen by 53.6%, while the number of comparable males fell slightly. The proportion of non-German females convicted of crimes had risen by 2004 to 13%.

Quantitative development of juvenile delinquency in Lower Saxony

The statistics from Lower Saxony make possible greater differentiation between the trends noted at national level.

Lower Saxony is very close to average values for the whole of Germany. The *proportion of young persons suspected of crimes* (as a proportion of all persons suspected of crimes) was 13.4% in Lower Saxony in 2004 and so slightly higher than the national average (12.5%).

Tab. 11: Young persons suspected of crime Lower Saxony 2004

Male/Female	Total	14 to 16	16 to under 18
Male - number	22 542	10 010	12 532
in %	74,2%	70,1%	77,9%
Female - number	7 833	4 279	3 554
in %	25,8%	29,9%	22,1%
Total – number	30 375	14 289	16 086
in %	100%	100%	100%

Source: Police Criminal Statistics – Criminal Investigation Office Lower Saxony 2004

Young females

The proportion of young females suspected of crimes was 23.5% in 1995 and 25.8% in 2004, slightly lower than the national level (26.2%).

Young females between 14 and 16 made up 29.9% of all persons suspected of crimes, while young women aged 16-18 represented a proportion of 22.1% (Table 11). This confirms statistics at national level, where the peak of delinquency for women is around the age of 16 (cf. ch. 1.4.).

Tab. 12: Young persons suspected of solved crimes Lower Saxony 2004

Male/Female	Total	14 to 16	16 to under 18
Male - number	31 788	13 064	18 724
in %	79,5%	75,0%	83,1%
Female - number	8 171	4 363	3 808
in %	20,4%	25,0%	16,9%
Total - number	39 959	17 427	22 532
in %	100,0%	100,0%	100,0%

Source: Police Criminal Statistics – Criminal Investigation Office Lower Saxony 2004

The data for persons suspected of solved crimes in Lower Saxony (Tab. 12) underlines this trend. 14-16-year-old females represent 25% of all persons suspected of solved crimes in that age group, whereas the figure is only 16.9% for those aged 16-18.

At the same time, the differences in Tables 11 and 12 confirm that the proportion of females falls in comparison with males between being suspected of a crime and being convicted – in this case from a quarter in the case of young females suspected of crime to a fifth in the case of young females suspected of *solved crimes*.

I doubt whether this is the result of sympathy towards young women on the part of the largely male judges. The reason is much more likely to be seen in the different types of crime committed by men and women. Women do not only commit considerably fewer crimes than men, they also commit considerably less serious crimes (cf. Tab 13 + 14), so that more cases are suspended.

Tab. 13: Crime structure for young persons suspected of crime in Lower Saxony 2004 - Examples

Criminal offence	Gender	Total	14 to 16	16 to under 18
Robbery/ Extortion/ Assault of a driver	Male-number	1 064	444	620
	in %	90,9%	88,1%	93,0%
	Female -number	107	60	47
	in %	9,1%	11,9%	7,0%
Grievous bodily harm	Male-number	3 226	1 345	1 881
	in %	82,7%	77,9%	86,5%
	Female -number	675	381	294
	in %	17,3%	22,1%	13,5%
Theft of mopeds and motorbikes	Male-number	498	255	243
	in %	97,6%	97,3%	98,0%
	Female -number	12	7	5
	in %	2,4%	2,7%	2,0%
Petty theft	Male-number	6 951	3 581	3 370
	in %	63,8%	60,1%	68,2%
	Female -number	3 947	2 376	1 571
	in %	36,2%	39,9%	31,8%
Petty - Shoplifting	Male-number	3 270	1 845	1 425
	in %	51,9%	49,4%	55,5%
	Female -number	3 032	1 887	1 145
	in %	48,1%	50,6%	44,5%
Fraud	Male-number	1 774	545	1 229
	in %	66,5%	61,5%	60,9%
	Female -number	895	341	554
	in %	33,5%	38,5%	31,1%

Tab. 14: Crime structure for young persons suspected of solved crime in Lower Saxony 2004

Criminal offence	Gender	Total	14 to 16	16 to under 18
Robbery/ Extortion/ Assault of a driver	Male-number	747	319	428
	in %	93,6%	90,9%	97,7%
	Female - number	51	32	19
	in %	6,4%	9,1%	4,3%
Grievous bodily harm	Male-number	1 847	724	1 123
	in %	84,5%	79,9%	87,7%
	Female - number	340	182	158
	in %	15,5%	20,1%	12,3%
Theft of mopeds and motorbikes	Male-number	408	196	212
	in %	97,6%	98,0%	97,3%
	Female - number	10	4	6
	in %	2,4%	2,0%	2,7%
Petty theft	Male-number	7 279	3 655	3 624
	in %	61,7%	70,6%	65,9%
	Female - number	3 774	2 266	1 508
	in %	38,3%	29,4%	34,1%
Petty - Shoplifting	Male-number	3 229	1 781	1 448
	in %	53,3%	50,4%	57,4%
	Female - number	2 828	1 753	1 075
	in %	46,7%	49,6%	42,6%
Fraud	Male-number	2 296	624	1 672
	in %	66,5%	56,3%	71,4%
	Female - number	1 155	485	670
	in %	33,5%	43,7%	28,6%

Source: Police Criminal Statistics – Criminal Investigation Office Lower Saxony 2004

The number of young female suspected persons in the case of *theft of mopeds and motorbikes* is negligible, considerably below average in the case of *robbery/extortion/attacking a driver* und slightly below average for *grievous bodily harm*. There is equality of the sexes in the case of petty shoplifting. Young women are suspected persons at a rate higher than the average in the case of *petty theft* and *fraud*.

Non Germans: 15.1 % of young suspected persons in Lower Saxony are of non-German origin. 8.3% of young people in Lower Saxony are foreigners.

Tab. 15: Young non-German suspected persons Lower Saxony 2004

Male/Female	Total	14 to 16	16 to under 18
Male - number	3 671	1 577	2 094
in %	80,10%	76,40%	83,10%
Female - number	912	487	425
in %	19,90%	23,60%	16,90%
Total - number	4 583	2 064	2 519
in %	100%	100%	100%

Source: Police Criminal Statistics – Criminal Investigation Office Lower Saxony 2004

For young non-German suspected persons the proportion of young females (19.9%) in Lower Saxony is considerably lower (cf. Tab. 15) than for the young Germans (26.8%). Slightly lower still at 19.1%, is the female quota for young suspected „resettlers“ (*Aussiedler*), who are classified separately in Lower Saxony in some cases.

Tab. 16: Types of criminal offence for young non-German suspected persons Lower Saxony, 2004

Criminal offence	Gender	Total	14 to 16	16 to under 18
Robbery/ Extortion/ Assault of a driver	Male-number	369	158	211
	in %	95,8%	94,0%	97,2%
	Female - number	16	10	6
	in %	6%	6%	2,80%
Grievous bodily harm	Male-number	671	300	371
	in %	85%	78,90%	90,70%
	Female - number	118	80	38
	in %	15%	21,10%	9,30%
Theft of mopeds and motorbikes	Male-number	57	35	22
	in %	98,3%	97,2%	100,0%
	Female - number	1	1	0
	in %	1,7%	2,8%	0,0%
Petty theft	Male-number	1 145	545	600
	in %	69,9%	66,1%	73,9%
	Female - number	492	280	212
	in %	30,1%	33,9%	26,1%
Petty - Shoplifting	Male-number	570	366	304
	in %	59,5%	54,1%	65,2%
	Female - number	388	226	162
	in %	40,5%	45,9%	34,8%
Fraud	Male-number	414	144	270
	in %	76,4%	76,2%	77,6%
	Female - number	128	45	78
	in %	23,6%	23,8%	22,4%

Source: Police Criminal Statistics – Criminal Investigation Office Lower Saxony 2004

While *young foreign females* nearly always produced lower statistics than the average for young females in Lower Saxony, young foreign *males* are recorded as having far above average values for the criminal offences of *Robbery / Extortion / Assault of a driver*, i.e. 37.7 % of all young males in Lower Saxony – in those fields where young foreign females are recorded with values far below average (cf. Table 13 +16).

In the case of grievous bodily harm, 20.2% of all young males suspects in Lower Saxony are migrants. For this crime, however, 14 – 16 year old foreign girls match the average statistics for all girls of that age.

Of the 30,375 young suspected person in Lower Saxony, 17,092 (563%) were recorded under the heading of persons not acting alone. Of these, 2,582 young people (15.1%) were of non-German origin – which corresponds exactly with the total proportion of *young non-German suspected persons*.

Special crime scene: school – Crimes denoted as belonging to the special crime scene *School* and broken down into criminal offences in school, on the way to and from school, or linked in other ways with school in terms of time and place, provide particularly interesting information and differentiation in terms of gender, age, origins and type of offence.

11 803 criminal offences were recorded in 2004, the majority being types of theft (58%), followed by personal injury, (14.3%) and damage to property (14.1%).

6 ,195 suspected persons were identified in total in or around schools, among them 1,185 non-Germans (19.1%). 1 152 suspects (18.6%) were female.

Tab. 17: German and non-German suspected persons in schools in Lower Saxony 2004

Suspected	German	Male	Female	Non-German	Male	Female
Total suspects	5 010	4 051	989	1 185	992	193
14-16	1 732	1 354	378	396	320	76
16-18	1 121	919	202	246	213	33
Total young sus.	2 853	2 273	580	642	533	109

Source: Report on Juvenile Delinquency from Criminal Investigation Office Lower Saxony 2004

Of the 3,493 young people between 14 and 18, 689 (19.7%) were *female*, whereby this figure rose to 21.3% for the 14-16- year-olds and was only 17.2% for young people aged between 16 and 18 (Table 14). This trend confirms the previously noted "delinquency peak" for young women around the age of 16. This differentiation is even clearer when considering *serious criminal offences* (grievous bodily harm, robbery, crimes against personal freedom). Young females are involved in these crimes with a quota of 22.4%, while only 13.5% of suspected persons aged 16-18 are female.

However, there are also clear gender-specific differences when these crimes are analysed. While 9/10 of young suspected persons involved in robbery are male, as many as 38.1% of young suspected persons involved in crimes against personal freedom (various forms of unlawful detention) are *female*. In the case of personal injury offences, girls between 14 and 16 are suspected persons in 28.1% of cases, i.e. above average.

The percentage of young females – and females in general - involved in offences involving *weapons* is, on the other hand, far below average: 2.9%.

18.4% of young suspected persons were non-German. 17% of the *young non-German suspected persons were female*, but 20.3% of the young German suspected persons. While the difference is relatively slight for 14-16- year-old girls (German: 21.8% / non-German: 19.2%), the difference in the case of 16-18-year-old females is quite clear: (German: 18% / non-German: 13.4%).

Non-German suspected persons commit in total more so-called crimes of brutality when compared with their German peers (54.8 % of all young non-German suspected persons but only 44.5% of young German suspects).

It must be taken in account, to conclude, that these statistics must always be considered against the background of a changing framework. In the middle of the 1970s, numerous judges, public prosecutors and solicitors were still active who had gone to university during the time of the Third Reich and the early authoritarian years of the Federal Republic. Political parameters also influence statistics just as the changing social situation does, and this has not merely led to a change in standards and values but also to an increase in bringing criminal charges. Above all, the reunification of Germany and of Europe as a whole has led to fundamental structural changes – with very considerable social and cultural consequences.

3.3 Italian context

Legal Framework

The whole juvenile justice system stems from the setting up of Juvenile Courts to meet the need for a specialized agency dealing with “developing individuals” such as teenagers. Adolescence, in its quality of a transitional age, makes it essential to enhance developing processes instead of stressing negative emergences, in view of a far-reaching aim, i.e. juvenile’s reintegration in our community.

Criminal responsibility - The Italian juvenile justice system is built around the principle of criminal responsibility. The Office of the Juvenile State’s Attorney is set with the Juvenile Court and presided over by a Public Prosecutor who is entitled to institute criminal proceedings for offences committed by youths who have not attained the age of 18, within the district of an Appellate Court.

In order to prosecute a child the latter must be criminally responsible: being of a sound and disposing mind is a basis for guilt and therefore for being criminalized and sentenced. Children under 14 shall not be criminally responsible under the Italian penal system. Art. 98 of the Penal Code also provides that "children who were already 14, yet under 18, when they committed an offence shall be considered as criminally responsible provided that they were sound minded". While this capacity is assumed for adults, it must be ascertained each time for children between 14 and 18 in connection with the offence committed. The law doesn't provide any difference in case of males or females.

Penal Juvenile Justice - The current set up of penal juvenile justice is the result of a composite and complex process still under fierce debate in our country. From 1988 on, juvenile criminal proceedings are considered a sensitive and crucial event in a child's life from which to commence a reinterpretation of its own upbringing. Criminal proceedings involving youths must guarantee and respect all defendant's rights just as any ordinary trials, while avoiding those negative effects to the maximum extent, usually caused by criminal prosecution, and producing adequate response to each young offender's personality and educational needs.

The current penal code triggers a diversified penal system where the key passage is represented by shifting the focus from the child as an individual needing protection to the child as a right holding person. Penal justice adjusts itself to the capacity of a teenager to assess the extent of its misconduct and to bear the weight of a punishment, tempering a community's repressive actions with pedagogical response.

All the above is made possible through the existence of a specialized, constitutionally appointed judge presiding over ad hoc juvenile criminal proceedings. This juvenile magistrate is assisted by two lay judges, experts in psychology, cultural anthropology, pedagogy and so on. This appropriate panel structure of our juvenile courts promotes confrontation between different types of knowledge and skills as well as a dialectic negotiation of multidisciplinary interpretations.

Generally speaking, our penal law promotes court's decisions aiming at accelerating the closing of criminal proceedings involving young offenders, at limiting restrictive punishments and restraining the harmful effects of penal justice on children's education. All the applicable measures enhance actions of both direct support to the young offender and its family, relations, background and indirect initiatives involving local agencies to tackle the phenomenon of juvenile delinquency in a more consistent way with its origin.

Children's rights are stressed by the legislator in the following guidelines:

- the right to affective and psychological support at all stages of criminal proceedings;
- the right to an enforcement of rules proportionate to the child's personality and educational needs;
- the right to confidentiality;

- the right to be constantly informed of any deed, stage or decision as an essential requirement to stimulate the young offender's expected process of gradual awareness;
- the right of the accused child to deal with specialized staff (magistrates, social workers, judicial police, legal counsels...).

From an operational point of view this entails that:

- police holding of a suspect and arrest are not compulsory;
- non-custodial precautionary measures shall be identified, such as: judge's prescriptions, house arrest, placement in an educational community, thus considering custodial sentences as extrema ratio;
- the legal institution of irrelevance of the fact committed implies the child's leaving the formal justice system; the possibility of staying criminal proceedings to place the young offender under the supervision of social workers may even lead to extinguish the offence in case of a successful probation period;
- civil protective measures can be temporarily ordered on behalf of the juvenile delinquent within criminal proceedings;
- youth services cooperating with judicial authorities are diversified and better organized.

The penal intervention is therefore based on multiple response which takes into consideration how serious the offence is, the offender's personality, educational needs and continuity of its upbringing lest entering the criminal justice system should result in a destabilizing and educationally harmful experience.

To sum up:

- attention focuses on the educational aspect of criminal justice;
- networking and relational strategies involve all the social agencies concerned;
- diversified developmental processes are enhanced on an operational basis (developing local agencies), technical basis (promoting staff's knowledge and investing in training) and organizational basis (developing coordination and networking strategies as well as new organizational settings within juvenile justice).

Juvenile Justice Services - The evolution of the Italian legal framework commenced in 1988 brought about a new organization chart and management of the administrative services of juvenile justice.

The peripheral services of the Juvenile Justice Department are:

- Youth Welfare Offices (U.S.S.M.s)
- Juvenile Detention Centres (I.P.M.s)
- Juvenile Classification Homes (C.P.A.s)
- Educational Communities.

The **U.S.S.M.** starts up as soon as a young offender is reported to the police for a crime and will assist it throughout criminal proceedings. In particular, it starts acting within 96 hours from the child's holding or arrest by the police, it implements educational programs for young offenders under non-custodial measures, it supervises youths under probation during the stay of criminal proceedings and generally enforces any alternative measures or substitute sanctions. The Youth Welfare Offices also assist young offenders in any stage of proceedings and gather useful information to assess the child's personality upon the request of the State's Attorney. There are currently 29 Youth Welfare Offices in Italy.

The **C.P.A.** is a structure accommodating children waiting for the hearing to validate their arrest, for a maximum 96 hours. This "filter" service avoids sudden impact with prison and provides young offenders with information, assistance and support by social workers; in case the child remains under criminal justice the C.P.A. drafts an educational project to carry out. There are currently 26 Juvenile Classification Homes in Italy.

The **I.P.M.** is the structure where custodial measures are actually enforced; the I.P.M.s accommodate youths who committed offence when they were under 18, until they are maximum 21, both under pre-trial detention or sentenced to custody. Their space arrangement includes both inside/outside areas where shared activities are unfolded (i.e. school, sport, refectory, etc.) and wings with multiple cells with sanitation where juveniles sleep at night and spend their spare time. There are currently 17 Juvenile Detention Centres in Italy, 4 of them (i.e.: Turin, Milan, Rome and Naples) are equipped with female wings.

Educational communities support penal treatments outside detention centres; they can also be run by our Juvenile Justice Department, but they usually work upon protocol agreements or co-management with the third sector.

This system acts within the field of socio-educational interventions. We can sum up the tasks of these services as follows:

Informative/Cognitive tasks: aimed at providing the judge with psycho-social information about the child, its family and context as well as a follow-up of the educational project;

Physical and Psychological reception: based on the young offender's approach with criminal justice, it ranges from a response to its primary needs under custody to willingness to listening and communication. Reception also means assisting the child in any stage of proceedings and providing additional extra-parental support.

Relational and affective support: it starts from the offence and promotes its acknowledgment and overcoming. Acquaintance with the young offender, its background, personality, social and family relations allows to understand how, where and why that particular kind of offence could happen and to commence an "open" process where the youth can give itself a meaning to its feelings, past and experiences.

Treatment and Action tasks: In penitentiary pedagogy treatment is usually referred to as all the activities connected with the socializing function of punishment within detention centres. In juvenile justice we refer to the implementation of a project, after hearing the child, which takes into account both the judicial sanction and its scheduling and the subjectivity of its life micro-objectives of its development.

Supervision tasks: Assistance does not rule out control. They are two complementary, functional aspects in view of the main target to reach, i.e. the young offender's exit from criminal justice and its evolution. The negotiating side of the so-called "social contract" stipulated by social workers and children adds an appraising aspect: hence, the supervision task is actually a verification of the process carried out towards better promotion of the goals set than merely passive correction of conducts. By so doing the behaviour imposed by judicial authorities becomes then an instrument of awareness.

Link tasks: Link is made possible with various agencies. First of all, with the judge who is regularly informed of the course of the educational process by the social worker and is entitled to decide upon the outcome of the measures implemented on the basis of technical reports. Connection is also found with the local services, the third sector and so on, i.e. all those agencies involved in the project and supporting its implementation.

Promoting and Preventive tasks: these functions are mainly orientated to inferring, from single social interventions, general critical areas upon which to promote studies and research for a better knowledge; inter-institutional negotiations and partnerships to start increasingly customized prevention strategies of youth's disquiet at a local level; to globally disseminate a culture of attention to children's rights and a network of knowledge and explanatory theories which may turn out useful as operational tools.

The complex system of actions outlined above is based on complementary activities of the services and stronger operative networks. These principles are sanctioned by several international agreements. The minimal rules for the administration of juvenile justice were adopted by the United Nations Organization in 1985 ("the Beijing Rules"); with its resolutions "Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines, 1990)" and "Rules for the Protection of Juveniles Deprived of their Liberty" the U.N.O. calls for diminished responsibility, restricted custodial measures, ad hoc detention settlements, skilled staffs dealing with young offenders, deontological rules for police officers. As to Italy, our Constitution provides for principles aimed at inspiring the juvenile criminal and procedural law.

Statistical data

In Italy juvenile delinquency is essentially an urban and sub-urban phenomenon with connotations linked to the geographical areas: whilst in centre and southern areas Italian adolescents are mostly involved, in northern regions the number of foreign minors involved is

constantly increasing. Based on the analysis of official data, a general overview on juvenile delinquency (boys and girls) is herewith presented with a special focus on girls' involvement in the juvenile justice system. Among adolescents over 14, complaints mainly involve Italian boys (80%). As for minors under 14, the number of Italians being reported increased during the first part of the 90s; from then onwards the percentage has been decreasing.

Tab. 18 Tab.1 – Minors denounced to the Juvenile State's Attorney - Juvenile Court , by gender, 1999 – 2003

Year	Boys		Girls		Total
	N.	%	N.	%	
1999	35.030	80%	8.867	20%	43.897
2000	32.019	82%	6.944	18%	38.963
2001	32.822	82%	6.963	18%	39.785
2002	33.430	82%	7.158	18%	40.588
2003	34.516	84%	6.696	16%	41.212

Source: ISTAT

From the perspective of nationality (Tab. 19) Italian boys represent almost the total of those in conflict with law whilst foreign girls represent the majority.

From the age perspective (Tab.20) and considering the girls' group, it comes out a significant difference between Italian girls under and over 14 years old: indeed Italian girls over 14 are the 80% of the total whilst the girls under 14 years old are the 20%. As for foreign girls such difference is less important. To conclude girls committing crimes in Italy are foreigners and frequently younger than Italians.

Tab. 19 – Minors reported to the Juvenile State's Attorney - Juvenile Court, percentage by nationality, 1999 – 2003

Year	Boys			Girls			Total		
	Italian	Foreign	Total	Italian	Foreign	Total	Italian	Foreign	Total
1999	78%	22%	100%	51%	49%	100%	73%	27%	100%
2000	80%	20%	100%	60%	40%	100%	77%	23%	100%
2001	81%	19%	100%	66%	34%	100%	78%	22%	100%
2002	78%	22%	100%	61%	39%	100%	75%	25%	100%
2003	75%	25%	100%	58%	42%	100%	72%	28%	100%

Source: ISTAT

Tab. 20 – Italian and foreign girls reported to the Juvenile State’s Attorney - Juvenile Court, percentage by age, 1999 – 2003

Year	Italian			Foreigners			Totale		
	Infra14	Over14	Total	Infra14	Over14	Total	Infra14	Over14	Total
1999	Nd	nd	nd	nd	nd	nd	34%	66%	100%
2000	25%	75%	100%	46%	54%	100%	33%	67%	100%
2001	26%	74%	100%	44%	56%	100%	32%	68%	100%
2002	20%	80%	100%	47%	53%	100%	31%	69%	100%
2003	20%	80%	100%	36%	64%	100%	27%	73%	100%

Source: ISTAT

Concerning crime categories, overall data (boys and girls) are herewith presented (Tab. 21) with a focus on girls involvement. Crimes against property, theft and damage, prevail on other types of crimes (more than the 50% of the total), whilst more than the 25% concerns crimes against persons. By analysing crime categories and nationalities, it comes out that Italian boys are mostly involved in crimes against persons whilst foreign boys are reported for crimes against property and drug offences. To conclude by considering complaints most serious counts of indictment involve Italian boys.

Tab. 21 – Minors reported to the Juvenile State’s Attorney - Juvenile Court, by crime, gender and nationality – 2003

Crimes	Boys			Girls			Total		
	Italians	Foreigners	Total	Italians	Foreigners	Total	Italians	Foreigners	Total
Against persons	7.191	991	8.182	1.098	102	1.200	8.289	1.093	9.382
Against life	6.423	914	7.337	906	91	997	7.329	1.005	8.334
Of which: wilful murder	30	7	37	1	1	2	31	8	39
Wilful attempted murder	30	22	52	-	1	1	30	23	53
Against safety and individual freedom	6.423	914	7.337	906	91	997	7.329	1.005	8.334
Of which: wilful personal damages	2.550	330	2.880	370	41	411	2.920	371	3291
Culpable personal damages	1.110	60	1.170	168	8	176	1.278	68	1346
Brawl, desertion of disabled, etc.	601	212	813	56	16	72	657	228	885
Private violence, threat, etc.	1.317	185	1.502	267	21	288	1.584	206	1790
Sexual violence	508	68	576	5	1	6	513	69	582
Insults, defamation	618	43	661	185	9	194	803	52	855
Against family, public morality	120	31	151	17	5	22	137	36	173
Against property	12.438	5.652	18.090	2.065	2.442	4.507	14.503	8.094	22.597
Of which: Theft	6.227	3.965	10.192	1.235	2.122	3.357	7.462	6.087	13.549
Robbery	1.048	458	1.506	75	118	193	1.123	576	1699
Damage to things, animals, lands, etc.	2.811	301	3.112	477	45	522	3.288	346	3634
Receiving of stolen goods, etc.	1.858	827	2.685	206	134	340	2.064	961	3025
Against economy and public faith	4.080	1.296	5.376	384	199	583	4.464	1.495	5.959
Of which: drug related crimes	3.446	700	4.146	244	28	272	3.690	728	4418
Against State, other social institutions and public order	1.460	324	1.784	288	54	342	1.748	378	2126
Of which: Violence, resistance, outrage, etc.	950	242	1.192	120	17	137	1.070	259	1329
Other crimes	586	347	933	20	22	42	606	369	975
TOTAL	25.875	8.641	34.516	3.872	2.824	6.696	29.747	11.465	41.212

Source: ISTAT

Considering the girls’ group (Tab.22) Italians are responsible of almost all the crimes against persons whilst foreign girls are mostly involved in crimes against property. Foreign girls mostly come from Eastern Europe.

Tab. 22 - Girls denounced to the Juvenile State's Attorney - Juvenile Court, by country of origin and types of crimes - 2003

Countries of origin	Types of crimes						Total
	Against persons	Against family	Against property	Against economy and public morality	Against the State	Other crimes	
European Union	1.112	17	2.116	390	291	21	3.947
Of which: France	8	-	20	3	-	-	31
Germany	4	-	16	2	3	1	26
Italy	1.098	17	2.065	384	288	20	3.872
United Kingdom	1	-	3	-	-	-	4
Spain	-	-	3	1	-	-	4
Other European Countries	50	4	2.282	148	28	20	2.532
Of which: Albania	9	-	33	16	1	-	59
Bosnia-Herzegovina	-	1	167	4	3	2	177
Bulgaria	2	-	40	1	3	-	46
Croatia	1	-	297	24	1	2	325
Serbia Montenegro	15	1	746	32	8	-	802
Romania	11	1	936	57	8	16	1.029
Africa	21	1	41	22	9	1	95
Of which: Algeria	1	-	4	-	-	-	5
Morocco	13	-	26	7	6	-	52
Senegal	3	-	-	-	-	-	3
Tunisia	1	-	-	1	-	-	2
Asia	6	-	8	11	4	-	29
Of which: China/Rep. Pop.	1	-	6	7	3	-	17
America	11	-	60	12	10	-	93
Of which: Brazil	-	-	9	2	3	-	14
Chile	-	-	4	1	-	-	5
Colombia	1	-	-	1	2	-	4
Ecuador	5	-	19	1	1	-	26
Peru	-	-	18	1	-	-	19
Oceania	-	-	-	-	-	-	-
TOTAL	1.200	22	4.507	583	342	42	6.696

Source: ISTAT

In order to analyse the judicial response to juvenile delinquency we start focusing on the number of entries in the Classification Homes after being arrested: comparing the number of entries in the CH with the number of minors reported, it comes out that proportion between boys (80%) and girls (20%) is the same (Tab.23). The percentage of foreign girls is higher in the girls' group entering Classification Homes than in the group of reported girls (Tab.24).

Tab. 23 – Entries in CPA, by gender, 2001 - 2005

Year	Boys		Girls		Total
	N.	%	N.	%	
2001	2.998	81%	687	19%	3.685
2002	2.790	79%	723	21%	3.513
2003	2.806	80%	716	20%	3.522
2004	2.993	77%	873	23%	3.866
2005	2.875	79%	780	21%	3.655

Source: Department of Juvenile Justice

Tab. 24 – Girls entries in CPA, percentage by nationality, 2001 - 2005

Year	Girls		
	Italians	Foreigners	Total
2001	10%	90%	100%
2002	12%	88%	100%
2003	9%	91%	100%
2004	8%	92%	100%
2005	9%	91%	100%

Source: Department of Juvenile Justice

Tab. 25 – Girls entries in CPA, percentage by age, 2001 - 2005

Year	Girls				Total
	<14 years	14-15 years	16-17 years	18 years and more	
2001	35%	29%	32%	4%	100%
2002	40%	24%	33%	2%	100%
2003	28%	31%	37%	4%	100%
2004	30%	33%	33%	4%	100%
2005	31%	30%	36%	4%	100%

Source: Department of Juvenile Justice

As for the average daily presence of minors in the IPM, it should be noted that girls represent the 18% of reported minors whilst they represent the 9% among all the convicted minors (Tab.27). Girls are therefore arrested with the same frequency of boys but restrictive measures are rarely applied to them.

Considering the girls' group it comes out that those in IPM are mostly foreigners (Tab.28) coming from Croatia, Rumania and Serbia Republic (Tab.29).

Tab. 26 – Average daily presence in IPM, by gender, 2001 – 2005

Year	Boys		Girls		Total
	N.	%	N.	%	
2001	444	91%	43	9%	487
2002	429	91%	40	9%	470
2003	428	90%	47	10%	475
2004	440	88%	58	12%	497
2005	423	89%	54	11%	477

Source: Department of Juvenile Justice

Tab. 27 – Girls average daily presence in IPM, percentage by nationality, 2001 – 2005

Year	Girls		
	Italians	Foreigners	Total
2001	18%	82%	100%
2002	20%	80%	100%
2003	18%	82%	100%
2004	11%	89%	100%
2005	20%	80%	100%

Source: Department of Juvenile Justice

Tab. 28– Girls average daily presence in IPM, percentage by age, 2001 - 2005

Year	Girls			Total
	14-15 years	16-17 years	18-21	
2001	28%	43%	30%	100%
2002	25%	42%	33%	100%
2003	30%	39%	31%	100%
2004	30%	47%	23%	100%
2005	39%	49%	13%	100%

Source: Department of Juvenile Justice

Convicted foreign girls mostly belong to the Roma groups where their social role is based on the economic support they can give to their familiar/parental group. Paradoxically, in some cases, the IPM represents to these girls an opportunity to be protected from exploitation of adults and to get in contact with a different female model that recognise to the women the autonomy and freedom that is denied to them.

Tab. 29 – Average daily presence in IPM, by gender and country of origin, 2005

Country of origin	Gender		Total
	Boys	Girls	
Afghanistan	0,2	0	0,2
Albania	15,3	0	15,3
Algeria	8,1	0	8,1
Arabia Saudi	0,3	0	0,3
Argentina	0,3	0	0,3
Bolivia	0,1	0	0,1
Bosnia - Herzegovina	0,5	2,2	2,7
Brazil	0,2	0	0,2
Chile	1,9	0	1,9
China Pop. Rep.	4,7	0,3	5
Colombia	0,5	0	0,5
Croatia	5,3	8,2	13,4
Ecuador	3,4	0	3,4
Egypt	0,7	0,2	0,8
France	0,3	0	0,3
Germany	0,3	0	0,3
Ghana	0,7	0	0,7
Cuba	0,4	0	0,4
Israel	0,8	0	0,8
Italia	207,6	10,7	218,3
Morocco	60,7	0,2	60,9
Mauritania	0,5	0	0,5
Moldavia	6,3	0	6,3
Nigeria	0,1	0	0,1
Netherlands	0,4	0	0,4
Palestine	2,9	0	2,9
Peru	0,3	0	0,3
Poland	0,1	0	0,1
Czech Rep.	0	0,1	0,1
Rep. Dominican	0	0,2	0,2
Rep. Slovakia	0,1	0,1	0,2
Romania	69,8	10,2	80
Serbia - Montenegro	22,8	21	43,8
Slovenia	0,4	0,2	0,6
Somalia	0,1	0	0,1
Spain	0,8	0,5	1,3
Sri Lanka	0,5	0	0,5
Tunisia	5	0	5
Ukraine	0,2	0	0,2
Hungary	0	0,2	0,2
Total	422,8	54,1	476,9

Source: Department of Juvenile Justice

Same results come out as for minors taking on by Youth Welfare Offices. The percentage of girls taking on by the YWO is lower than the percentage of the denounced girls: indeed almost one third of the reported girls are under 14 years old who are therefore released (Tab.30). Almost the 50% of girls taking on by the YWO is not Italian (Tab.31).

Tab. 30 – Minors taking on by USSMs, by gender, 2001 - 2005

Year	Boys		Girls		Total
	N.	%	N.	%	
2001	12.474	89%	1.479	11%	13.953
2002	12.390	88%	1.654	12%	14.044
2003	12.621	90%	1.475	10%	14.096
2004	12.285	88%	1.607	12%	13.892
2005	12.391	89%	1.510	11%	13.901

Source: Department of Juvenile Justice

Tab. 31 – Girls taking on by USSMs, percentage by nationality, 2001 - 2005

Year	Girls		
	Italians	Foreigners	Total
2001	55%	45%	100%
2002	56%	44%	100%
2003	57%	43%	100%
2004	55%	45%	100%
2005	56%	44%	100%

Source: Department of Juvenile Justice

Finally as for placements in Educational Communities, the number of foreign girls is higher than Italians due to precariousness of their home and family environment that frequently characterize their way of life.

Tab. 32 – Placements in Educational Community, by gender, 2001 - 2005

Year	Boys		Girls		Total
	N.	%	N.	%	
2001	1.222	91%	117	9%	1.339
2002	1.222	92%	104	8%	1.326
2003	1.273	89%	150	11%	1.423
2004	1.628	90%	178	10%	1.806
2005	1.713	90%	199	10%	1.912

Source: Department of Juvenile Justice

Tab. 33 – Girls placements in Educational Communities, by nationalities, 2001 - 2005

Year	Girls		
	Italians	Foreigners	Total
2001	36%	64%	100%
2002	35%	65%	100%
2003	31%	69%	100%
2004	22%	78%	100%
2005	21%	79%	100%

Source: Department of Juvenile Justice

National and local gender policies on prevention and reintegration

National social policies on both protection of children at risk and social reintegration of minors in conflict with law are based on the assumption interaction of different actors both at national and local level. Key actors in this field come from different background such as the Department of Juvenile Justice and decentralised services in collaboration and local social services. The Ministry of Welfare contributes to define general guidelines on priorities within the National Plan against Social Exclusion and throughout the definition of the Basic Level of Social Services.

The key role of regional and local actors has been enforced by Law n.328/2000 reforming the social services system and the Constitutional reform that in 2001 has stated the exclusive competences of regional and local actors in the field of social policies.

The framework on the social actors' involvement in the field of reintegration of minors in conflict with law is defined in Italian Dpr 448/88 reforming the juvenile criminal trial system as well as in the Central Office for Juvenile Justice (UCGM) memoranda and it is basically based on the networking approach. This approach is defined as the tool to guarantee the definition of appropriate social rehabilitation programmes for young people in conflict with law. On the one hand IPMs social workers should take contacts with local social services in order to improve the exchange of information between indoors and outdoors to avoid disruption of young people educational and psychological development. On the other hand the UCGM recognises the competences of the USSMs in fostering the cultural and organisational involvement of local communities on the issue of rehabilitation of minors in conflict with law, by improving the active role of Municipality's social services, Third Sectors (cooperatives, associations, etc.) and voluntary organisations to exploit common economic resources and define integrated action programmes on prevention (secondary and tertiary prevention). Networking approach is therefore considered the strategy to define and implement treatment programmes based on co-participation of both decentralised juvenile justice services and local social actors (public and private bodies).

Networking approach has been implemented throughout the conclusion of Draft Agreements between Ministry of Justice, Regions and Local Entities. The Ministry of Justice in collaboration with 15 Regions has signed agreements defining actions' priorities. Social reintegration of minors in conflict with law is considered a key priority.

In particular, State-Regions agreements are focused social reintegration of minors in conflict with law. Health care services within IPMs, treatments of drug and alcohol addicts, HIV suffers as well as minors with psychological problems. Educational and training activities, support in labour market integration, cultural activities are provided to minors in conflict with law in a networking approach involving both the Ministry of Justice – Department of Juvenile Justice and local social actors.

The implementation of such agreements is planned by Regions within the Regional Social Plans as well as in Local Social Plans (PdZ). This approach is based on the collaboration of all local actors ranging from schools, educational communities, Third Sectors to enterprises and other economic actors.

Concerning general guidelines on programmes to protect minors at risk as well as to reintegrate those in conflict with law are basically established in Law 285/1997 on promotion of children's rights and opportunities. The National Fund that was established by the Law 285 aimed at funding those actions supporting minors at risk and their families by improving the networking approach to social services such as home care services, daytime structures, local educational services and supporting school attendance (art.4). Municipalities and the Third Sectors have been implemented projects funded by Law 285/97, working mostly on prevention. Projects on social reintegration of minors in conflict with law are basically based on educational and raining activities and traineeship. The strategy defined by the Law 285 has been absorbed in the new social system (Law 328/2000).

National State defines general guidelines within the National Plan against Poverty and Social Exclusion 2003-2005. This document states the need of implementing actions to support minors in conflict with law: actions should mostly aim at fostering their integration in the labour market throughout training activities and traineeships.

There is no gender based approach in the definition of social policies and programmes on prevention and rehabilitation of minors in conflict with the law even though if we focus on the problem of young girls with children who mostly come from the Roma groups.

3.4 Rumanian context

While the revolution of 1989 opened the way for a democratic government, it has not been an easy transition for the Romanian people. The economic, social, and emotional repercussions are still prevalent more than fifteen years after the revolution. For some people, there is a

sense of loss of community, affliction, and lost identities. For others, there is a sense of fighting for illegal material prosperity, due mainly by lack of legislation or a clear legislation, social alliances and political positions. For most of Romanians, the lack of institutional strength and the corruption are main causes of the disharmony and lack of social cohesion.

To understand the Romania of today, one cannot underestimate the importance of the enduring and deeply entrenched patriarchal culture and the consequences of the communist ideology and praxis in gender relations. Committing themselves physically and emotionally to the home, women leave men room for participation and decision making in the social space, where they act as the interface between community and family.

However, some NGOs are going on with the concern for women emancipation, by promoting men-women equality of opportunities and gender issues on the political agenda. Mass media encourage either the traditional values – woman as a center and guarantor of the family wellness – or the new vision, relating the women to the social success, political power and business. When speaking of the gender relations, Romanian society is mostly preoccupied by the difficulty to balance the career and the family. The young persons are obviously interested in adopting modern values and the gap between generations shows a visible increasing, expressing by lack of communication and conflicts between value systems. The family is less a space of interpersonal security or attachment bonds, and the adolescents are looking more and more for emotional exchange and sharing values in their peer group. Between school and family there is a hostility relation as related to responsibility to social learning and personality development of the children, beyond knowledge transmission.

Violence in schools and in public places becomes a more and more frequent topic in mass media and some trends are supported by statistical data: criminality age is decreasing, criminality in participation – minors only or minors included in groups of adults -, prostitution, girl violence and drug addiction are debating topics, and being a great part of the social concern. The juvenile delinquency is more and more present in TV emissions and print media, showing an increase of the public awareness.

Legal framework

The Romanian judicial system is structured on four levels:

- First instance courts (189),
- Tribunals (41),
- Courts of appeal (15),
- The High Court of Cassation and Justice.

The prosecutors' offices are attached to each of these courts.

The first instance courts have a general competence.

At the level of superior courts, the specialized sections are in place.

Regarding the cases involving minors, the law on the judicial organization, in force since 27th of September 2004, provides that special tribunals and prosecutors' offices will be created in every county of the country (in Romania there are 41 counties). If the backlog of cases is not very important, the special sections within the tribunals will be created.

The first specialized tribunal for family and minors was created in November 2004. The personnel of this tribunal is formed by three judges and three clerks. The specialized prosecutors' office attached to this tribunal was also created.

The former law on the judicial organization provided that the specialized judges nominated by the courts' president must be in charge with all cases involving minors. If not, the decision will be null. So, since 1997, a certain specialization in this field was introduced.

The minors' penal responsibility

According to the Romanian Criminal Code the deed committed by a minor who at the date of fact did not fulfill the legal conditions to be responsible is not an offence.

The penal responsibility of an individual starts at the age of 14 years. So:

- the minor under 14 years old is not responsible – in this case the absolute presumption of penal incapacity is applied;
- the minor between 14 and 16 years old is responsible only if it is proved that he/she committed the fact with discernment
- the minor of 16 years old is fully penal responsible.

Regarding the minor less than 14 years old only special protection measures can be pronounced: the placement or the specialized surveillance.

The placement is a temporary measure and can be: The placement at a family member; The placement at a maternal assistant; The placement into a residential service.

The specialized surveillance means to keep the child in his family and in the same time, he must accomplish certain obligations us such:

- to follow the school courses;
- to frequent a or some care services;
- to follow some medical treatments/counseling or psychotherapy services;
- to not frequent certain places or persons.

These measures will be taken on by the local commission of Child Protection (administrative body) only if the parents or the legal representative of the minor agreed on. If not, the administrative authority will submit the case to the court.

The legislative framework for the minor under 14 years old is the law on the protection and promotion of the child rights, in force since 1st of January 2005.

Before this date, the protection of the minor less than 14 years had an administrative character exclusively. The court could verify only the decisions' legality.

Since 1st of January 2005, it is mandatory that the court intervenes in any case when the parents or the legal representative of the minors do not agree with the administrative measures proposed by the administrative services.

In these cases, the administrative authority will submit the case to the court.

Regarding the minors between 14 and 16 years old, the rules on their penal responsibility are contained in the Romanian Criminal Code.

Educative measures and punishments

With regard to the responsible minor offender, the judge can pronounce an educative measure or a punishment. The elements taken into consideration are: (1) the gravity of the deed, (2) the physical, intellectual and moral status, (3) the behavior of the minor, (4) the conditions in which he/she grown and lived and (5) any other element which can be important for the decision.

If the judge considers that an educative measure is not enough for the minors' correction he will pronounce a punishment.

The provisions of the Criminal Code must be interpreted in the sense that the educative measures constitute the rule and the punishment, the exception.

The educative measures provided by the Criminal Code are:

- a) The admonition,
- b) The freedom under surveillance,
- c) The placement in a re-education centre;
- d) The placement in a medical educative centre

A. The admonition supposes:

- To reprimand the minor,
- To explain him the gravity of his fact,
- To advise him for improving his behavior and
- To remember him if he will commit another offence, it is possible that the judge pronounce a more severe educative measure or even a punishment.

From the procedural point of view, this measure must be executed immediately, during the audience.

B. The freedom under surveillance suppose to live the minor free under the surveillance of his parents, of his adoptive parent, of his guardian, of a confidence person, at her demand, preferably one of those close to him, or of a institution in charge with the minors' surveillance (usually the probation services organized nearby the county courts).

In the same time, the judge can impose to respect one or more of the following obligations:

- a) Do not frequent certain places;

b) Do not contact certain persons and if these persons contact him, to announce immediately the judge;

c) To follow the school;

d) To execute a community service for a public institution, in amount of 50 to 100 hours, maximum 3 hours per day, after the school, during the week ends and during the holydays.

The court must inform the school, the employer or the public institution for which the minor accomplish the community service.

If the minor does not respect the conditions imposed by the court or if he commits a new offence, the measure will be replaced with a more severe measure or with a punishment.

The enforcement of measure starts in the moment when the sentence was pronounced.

C. The placement in a re-education centre is pronounced in the case of a minor who, taking into consideration the gravity of the deeds and his education needs, will have the possibility to improve his behavior in a re-education centre and not in a prison. During the placement, the minor will have the opportunity to receive appropriate education and professional training according to his aptitudes.

The measure's duration is not determined by the judge, the minor can rest into the re-educational centre until the age of 18 years. The duration can be prolonged for maximum two years after the majority age.

The minor can be released before his majority if he passed a minimum one year in the centre and if he proved that his behavior was improved.

There are five re-education centers in Romania, subordinated to the National Administration of Penitentiary. All five are closed centers, the minors having the possibility to leave the centre only under survey, for participating to various activities in the community or during the holydays.

D. The placing in a medical-educative centre is pronounced for the minor who needs a medical treatment and special educational programmes, for an undetermined period, taking into consideration his physical or mental status. This measure cannot be prolonged after the age of 18 years.

The measure can be interrupted before 18 years if the reason is disappeared; in this case, the court can pronounce the placing into a re-education centre.

If the judge considers an educative measure as insufficient, he will pronounce a punishment taking into account the gravity of the deed and the personality of the minor.

The punishments provided for the minors are the prison or the fine

The limits of the punishments are reduced to the half.

When the law provides the prison for life, the limits for a minor are between 5 and 20 years.

There are the substantial right rules. As regard to the procedural rules, the Criminal Procedure Code contains special rules applying to the judicial treatment of the minors' cases.

The file must contain a rapport concerning the minor made by the administrative institutions in charge. If not, the judgment will be null. This rapport must contain the information about the minors' everyday behavior, his physical and mental status, his antecedents, and the relation with his parents or his guardian, the manner in which the parents accomplished their parental duties and any other elements considered as useful for the case.

The judge or the prosecutor can ask such a rapport to the probation services. The experience showed that the rapports made by the probation services are very coherent and are very useful for the magistrate. Generally, the rapports made by the administrative authorities have many gaps and the judges prefer the probation services' rapports.

The audiences with minors can be declared not public and this is an exception from the publicity of audience principle.

Regarding the police and prosecutor custody and the pre-trial custody, since July 2003, special procedural rules are in place. So:

- the minor can be placed under police or prosecutor survey for a maximum 10 hours; this measure can be extended one single time, for another period of 10 hours; this measure is pronounced only if it is proved that the minor committed a crime for which the Criminal Code provides minimum 10 years of prison;
- the perpetrator cannot be placed in the pre-trial custody for more that 3 days;
- the minor offender with the age between 14 and 16 years can be placed in the pre-trial custody for maximum 15 days; this period can be extended, but the total period cannot be longer than 60 days;
- the minor offender with the age above 16 years can be placed under pre-trial custody for 20 days; this period can be prolonged till the maximum 90 days.

The minors placed under custody must be assisted by a lawyer; in the same time, the official services must inform the parents, the guardian or a member of the family indicated by the minor, immediately, for the minors placed in the police or prosecutor custody and in a delay of 24 hours for the minors placed under pre-trial custody; in the last case, the probation service will be also informed.

Main aspects regarding the jurisprudence regarding the minors

The main problem encountered by the courts is the maximal age of minors who can be placed into a re-education centre.

The high courts, including the Supreme Court, considered that if the minors age is over 17, a punishment must be pronounced and not an educative measure. As rational, the courts reminded the provisions of the Criminal Code which provides that the minimal period to spend

in a re-education centre is one year. So, if the minor is over 17 years old, the goal of placing him into a re-education centre can not longer be reached.

Another problem encountered is related to the duration of the placement in a re-education centre. The law provides that the judge does not limit the duration of the measure. It can last up to the age of 18 years old. As a consequence of this fact, the minors appealed the decisions asking to replace this measure with the imprisonment. Generally, the high courts will reject such kind of request considering that it is impossible to impose, in the appeal, a harder situation for the person who attacked the decision.

Statistical data

The public perception of young persons is quite alarmist, postulating that there is no aspect of community life which is exempt from infiltration by violence of minors: their mode of speech, music, dancing, sport etc; the argument is that all the forms of expression have been contaminated by a lack of self-control, des-inhibition and visible rupture between adults - regardless of their status as parents, teachers, social workers - and children.

Negative circumstances, which came into existence as a result of economic situation, worsening of social of people, loss of moral orientations, alcoholism, migration as well as natural disasters, outline a structure of criminality hard to investigate due to the complexity of determining factors.

Juvenile criminality is a type of criminality which as the any type of criminality is greatly influenced by social and economic factors.

With the general tendency of the growth of criminality the share of juvenile criminality dropped, but in absolute figures the number of crimes committed by minors increased; a great number of minors were released from amenability, because their cases were transferred to the committee of investigation of crimes committed by minors for alternative punishment.

Alternative measures of punishment were effective after 2002, but these measures have quite a formal character or a limited effectiveness, due to lack of professionals and well-organized institutional structures.

The statistical data regarding juvenile delinquency refer to three types of information sources: Judiciary statistics Direction from the Ministry of Justice, National Administration of the Penitentiaries and Direction of social reintegration and surveillance (probation).

Crimes against property prevail among the crimes committed by teenagers between 2000-2005. Both for girls and boys, thefts increase constantly as well robbery and brigandage.

The structure of girls' criminality shows the following order for the most frequent crimes: theft, body-damages/serious body damages and robbery/brigandage. The share of crimes against personal immunity in the whole number of crimes committed by girls is significant as compared to other criminality forms.

The number of crimes committed in groups increases constantly regardless of gender factor.

The number of minors in penitentiaries and re-education centers declines between 2000-2005, whether this is linked to boys or girls. The number of minors in such institutions in 2005 is about half of the number of minors in 2000 (864 versus 1521); 824 versus 1449 for boys, and 40 versus 72 for girls¹³.

On the whole, the types of crimes committed by boys and girls between 2000-2005 show a diversification both in terms of the number of category crimes and in terms of some categories themselves. So, new categories of crimes committed by boys and girls do appear in statistical records: weapon possession, traffic offences, vandalism, and drug abuse violation, trafficking in children, forgery. But, at the same time, some subcategories do appear in sexual offences, others than rape and prostitution: instigation to pornography, person's sequestration, for sexual exploitation- or in forgery (official documents, forged coins, fraud, and intellectual fraud).

The cumulative criminal offences are recorded and an elevated rate of antisocial behavior in girls is visible in information delivered by mass media.

There is an alarming incidence of juvenile crimes and offenders are increasingly younger, but the lack of age-related statistics for minors does not allow comparative data. Traditional statistics on juvenile delinquents did not include the gender differentiation as well as the age factor. Young persons who are in schools or opt out of the school system, more and more associated with acts of vandalism, commit robbery and incivilities. Schools are facing problems such as verbal and physical violence, vandalism, drug use and robbery, and more and more girls had offended.

Only 20% of the recorded thefts have only a minor perpetrator¹⁴; usually, thefts being committed in-group. The common solitary deviance committed by minors is decreasing, minors showing the preference for participative crime. The minors prove to be more imaginative than the adults when committing crimes such as thefts (in the cases of infraction, using creative, unusual solutions, deceiving strategies, and dangerous methods without thinking of consequences.). Concerning the robberies and brigandage, over 50% of these crimes are committed in-groups, either in participation with minors or with adult recidivists, friends or relatives.

The murders, serious body damages and murder attempts show no spectacular evolution (maximum 5%), but it is easy to observe the decline in age of perpetrators and the rise of their cruelty.

The number of rapes nearly doubled from 2000 to 2002, and in 50% of cases the minors were under alcohol influence.

¹³ The Romanian Penal Code states, for the minors the educative measures have priority, the punishment being applied only if the court considers that an educative measure is not sufficient to reform the minor.

¹⁴ Abraham, P. (2002); "Juvenile delinquency in Romania: trend and solutions", *Social Assistance Review*, no. 2, pp: 81-92.

In 2003, the most frequent crimes committed by minors were against the persons (90,6%), and secondly against the property (70%).

Tab. 34 Definitely convicted minors: 2003 – 2005*

			2003	2004	2005
Crimes against person	Murder	Boys	43	27	26
		Girls	2	1	1
	Murder attempts	Boys	32	21	20
		Girls	1	1	1
	Qualified murder	Boys	19	16	14
		Girls	3	-	-
	Aggravated murder	Boys	11	15	5
		Girls	-	-	2
	Body damage	Boys	65	79	80
		Girls	2	3	3
	Serious body damage	Boys	28	39	34
		Girls	2	-	-
	Death attacks	Boys	3	6	4
		Girls	-	-	-
	Rape	Boys	114	99	60
Girls		2	2	-	
Total minors convicted for crimes against person	Boys	712	635	595	
	Girls	60	50	36	
Property crimes	Theft	Boys	4.390	4.117	4.464
		Girls	348	341	296
	Robbery	Boys	630	558	750
		Girls	48	36	41
	Total minors convicted for property	Boys	5.117	4.769	5.352
Girls		409	392	335	

Tab. 35 Total number of definitely convicted minors

Total number of definitely convicted minors		2003	2004	2005
	Boys	6262	5.811	6.359
	Girls	558	530	437
Of disorganised families		580	492	462

Tab. 36 Type of punishment

Year		2003	2004	2005
Types of punishment	Fine	314	234	237
	Prison	2577	1794	1.943
	Alternative	1849	-	-
	Admonition	466	453	491
	Supervised freedom	914	537	702
	Re-education center internship	247	235	298
	Hospital internship	12	5	4
	Conditioned suspension of imprisonment	-	2.516	2.610
	Supervised suspension	-	388	511
	Execution of the penalty at workplace	-	180	-
	Others	441	-	-

* The data source: Direction for Judicial Statistics, Ministry of Justice

Tab. 37 Minors under supervised freedom (2002 – 2005)*

Gender	Defendants	Offence					Definitively convicted
		Theft	Robbery	Injury (Nonlethal psihical violence)	Murder	Rape	
Girls	552	216	76	130	3	1	61
Boys	8021	4434	1172	1015	47	67	785
Total	8573	4650	1248	1145	50	68	846
Girls	6,40%	4,60%	6,10%	11,30%	6%	1,50%	7,20%
Boys	93,70%	95,4%	93,90%	88,70%	94%	98,50%	92,80%

Tab. 38 Minor defendants (2002 – 2005)*

Measures	Gender		Offence					Definitively convicted
	Girls	Boys	Theft	Robbery	Injury	Murder	Rape	
Penitentiary and re-education centres	195	4675	1953	1389	-	220	321	2554
Under supervision, freedom	552	8021	4650	1248	1145	47	67	785
Total	747	12.696	6603	2637		267	388	3339

*Data source: Direction of reintegration and supervision (probation), Ministry of Justice

Total number of minors defendants between 2002 – 2005 is 13.443, of which 5,5% girls and 94,5 % boys.

Tab. 39 Minors in penitentiaries and reeducation centers between 2000 – 2005*

	Total	2000	2001	2002	2003	2004	2005
Girls	290	72	63	53	34	28	40
Boys	6669	1449	1369	1343	861	823	824
Penitentiaries	4879	941	1046	997	545	681	669
Re-education centres	2080	580	386	399	350	170	195
Preventive arrest and sentenced in courts of first instance	1548	321	417	361	100	173	176
Convicted in courts of first instance	1185	263	280	292	140	110	100
Definitively convicted	4226	937	735	743	655	568	588
Murder	343	65	58	61	66	49	44
Rape	486	82	83	126	71	60	64
Robbery	2177	366	422	445	342	298	304
Private theft	3713	945	815	723	388	420	422
Others	228	63	54	29	28	24	30

* Data source: National Administration of Penitentiaries, Ministry of Justice

Total number of minors (girls and boys) between 2002 – 2005 in penitentiaries and re-education centers is 6.959, of which 4,2% girls and 95,8% boys.

3.5 Spanish context

Legal framework

The criminal process is determined by the intention that minors in conflict with the law should avoid the consequences involved in criminal proceedings, and attempts to prevent the minor from experiencing the problems resulting from these proceedings.

Criticism has had a great influence on juvenile criminal law, which has long been seen as a pioneer in the humanisation of general criminal law.

From the long-term perspective, the retributive response is not considered to be the only option, nor is it the society's last chance to deal with the young person's situation and to dissuade them from leading a life of crime. However, at the same time it emphasises that it is important to avoid historically arbitrary responses that are based more on the personal situation of the young person, and instead to attempt to inspire them and ensure that the response of the law does not lead to an increase in delinquency by stigmatising the offender.

The intention is thus for the response to the crime to contribute, as far as possible, to improving the personal and social competence of the perpetrator, helping them to become independent and to take responsibility for the events that have taken place and the consequences for the victim. This can be achieved by encouraging a change in behaviour and facilitating channels so that they can face up to the conflicts in a responsible manner, helping them to reflect on their actions and creating conditions which enable them to foresee the consequences of these actions.

Mediation and redress are intended to bring the law closer to minors within a perspective of tolerance, security and opportunity, promoting methods for resolving disputes which facilitate the participation of the parties involved.

In recent years, some of the basic principles of restorative justice have been incorporated into juvenile justice.

Act 5 / 2000, of 12 January, regulating the criminal responsibility of minors, has meant major changes in juvenile justice in our country: the profile of the recipients, range of measures to be applied, explicit aims and content of these measures, etc. This exercise for the review and redefinition of the intervention model with which these measures have been applied, highlighted in the framework of this training course, is timely and crucial for establishing good professional practice which guarantees optimum levels of quality and effectiveness in the administrative and judicial responses to offending minors.

Fully incorporating the complexity of the adolescent and juvenile condition, focusing all professional actions on the abilities and interests of the minor or young person and on the aims and content of the judicial measure imposed and, above all, applying the different professional intervention activities in an open environment, based on the integration of the communication/motivation/participation learning/normalisation contents included in the judicial measures mentioned in Act 5/2000, enables us to undertake and aim changes in the models and intervention at a strategic vision of quality and effectiveness in the area of juvenile justice and the intervention programmes in an open environment.

On 13 January 2001, the new Act 5/2000, of 12 January, came into effect, regulating the criminal responsibility of minors.

The new Act broadly regulates the fundamental procedural and implementation aspects in the area of juvenile criminal justice. The Act, according to its explanatory memorandum, is based on the following general principles: it recognises the formally criminal, but materially penalising/educational nature of the proceedings and the measures applicable to offending minors; it expressly recognises all the criminal and procedural rights and guarantees derived from constitutional rights and from the requirements in the interests of the minor; it establishes various age ranges for procedural and penalising purposes, and a wide range of measures to facilitate adapting these to the individual circumstances of each case.

The Act deems that, in criminal law for minors, the supreme interest of the minor must take priority, in both the proceedings and the application of the measures. To this end it recognises that the advice of the technical team should be mandatory for the purposes of identifying the personal circumstances of the minor and taking these into account in the proceedings and the judicial decision reached. However, it also deems that the interests of the injured party or victim of the criminal act must not be forgotten. It is for this reason that a single procedure is regulated, making the participation of the injured party possible, and giving the Minors' Judge the authority to decide on the compensation for damages.

In addition, the Act establishes channels enabling the offender and the victim to resolve the dispute out of court in certain cases.

As far as age is concerned, the Act establishes, in Article 3, that minors of 14 years of age are not criminally responsible. The Act will be applied to an age range covering minors from 14 to 17 years of age, with two different groups being established for procedural and penalising purposes: one from 14 to 15 years of age and the other from 16 to 17 years of age (Articles 1.1 and 1.4). According to Article 4, in certain cases (less serious offences and misdemeanours, first-time offenders, etc.) this Act will also be applicable to offenders between the ages of 18 and 21, although Act 9/2000, of 22 December, suspended the application of Article 4 for a period of two years, and it is now expected to come into force in January 2007.

The establishment of the aforementioned age ranges should be evaluated positively from the point of view of criminal policy, as it leaves out minors of 14 years of age, and does not apply the adult penal code to minors from 16 to 18 years of age. This also puts Spanish legislation on a par with most European countries and places it in line with the recommendations of the Council of Europe and the United Nations. From a mediation point of view, the increase in age as compared to Act 4/92 (12 to 16 years of age) means that young people are able to deal with the proceedings as more mature people who are therefore better able to accept responsibility, become involved in the mediation process and make amends to the victim.

The Act grants the Public Prosecution Service the procedural initiative, authorising it to commence and promote the proceedings, and establishes the general rules for this purpose in Chapter I. It incorporates the principle of regulated opportunity, granting the Tax Ministry an indeterminate margin of discretion, which makes it possible for out-of-court alternatives to be offered at different points of the proceedings and for different reasons. In certain situations, as is stated in Article 18, it may choose not to commence the proceedings in the interests of the minor, for less serious offences and misdemeanours, or for first-time offenders. In other situations, as is stated in Articles 19 and 27.3, it has broad powers to promote a stay of proceedings to effect reconciliation or redress between the minor and the victim (Art.19). The involvement of the technical team is required for this purpose. Article 27.4 allows for the

proceedings to be discontinued in the interests of the minor, when this is requested by the technical team in its report.

The Act also grants a certain margin of discretion to the Minors' Judge, within the specified limits, to modify the measure imposed. Article 14 establishes a general framework to render ineffective the measure imposed, reduce its duration or replace it with another. Article 40 establishes the conditions for the suspension of the sentence, and Article 51 specifies the conditions for rendering ineffective the measure or replacing it with another during implementation. In addition, Article 51.2 offers the possibility of rendering ineffective the measure imposed during implementation by means of a reconciliation of the minor with the victim.

The Act establishes the technical team as a key instrument to be present at all stages of the proceedings, with the aim of incorporating the psychosocial and educational situation of the minor and providing advice from this perspective to the Public Prosecution Service and the judge, in order that they may be made aware of this and take it into account in their decisions. Based on this general aim, the advisory function of the technical team may have specific objectives aimed at the different phases of the proceedings, in order to facilitate the application of the various options established by the Act: evaluating and proposing the advisability of the proceedings not being continued, implementing the mediation programmes, proposing the most appropriate measure, suggesting the suspension or replacement of the measure, the reconciliation of the minor with the victim in the implementation phase, etc.

Statistical data

Tab. 40 Young and types of crimes

Age	14	15	16	17	18
Against persons	109	208	325	373	617
Sexual	46	56	74	70	99
Probational	42	77	138	136	204
Domestic	0	2	1	3	9
Public safety	57	91	175	317	542
Forgery	10	18	27	53	100
Public administration	0	0	0	2	2
Admin.	5	11	21	44	78
Public order	40	107	178	301	451
Others	4	3	16	17	36

Tab. 41 Minor offences

Age	14	15	16	17	18
General interests	1	1	1	0	0
Special legislation	0	0	0	0	0
Public order	2	7	12	15	21
Property	121	193	243	252	330
Persons	66	76	74	80	41

Tab. 42 Criminal offences

<u>(Closed cases with application of measures)</u>	
Andalusia + Ceuta and Melilla	1164
Madrid	766
Valencia	758
Catalonia	666
Canarias	429
C. L. Mancha 202	202
Murcia	147
Aragón	147
Galicia	137
Asturias	113
Basque Country 111	111
Castilla y León 92	92
Baleares	86
Extremadura 70	70
La Rioja	34
Navarra	19
Cantabria	13

4 Field research: interviews, focus groups and cases studies

4.1 French Field Research

Interviews with young girl offenders

Personal and family situations of imprisoned young delinquent or those followed under probation, before or after judgment (5 to 10), were collected on the basis discussion respecting anonymity. It was decided not to include those minors involved in penal procedures for infringement with the legislation on immigration.

The discussion with the minor delinquent revolved around the following themes:

- Personal and family situation while seeking to obtain an image as complete as possible (parents' situation, situation of the siblings, the extended family...), reaction of the

parents to/the infringements made, relations between the minor and its family. On the assumption of a situation of imprisonment to question the minor one on the frequency and the contents of the contacts with the members of the family. To obtain information on the health of minor, (infantile diseases), potential pregnancy carried out, or not, in the long term.

- Socio-educational information on the parents: profession, level of studies, health
- Relationships of minor to outside: friends (girls, boys), family, schooling, occupations over the spare times (Music, sport, plays, television...)
- Confrontation with situations of physical violences (sexual) and/or psychological (victim or witness) in the family (nature, date) and out of the family (nature, date)
- Use of drugs (which, frequency, which period)
- Description by each minor of 3 positive aspects and 3 aspects negative
- Level of schooling, occupational qualifications
- Free expression on the institutions with which they were were involved in the process: social services, school, police forces, educational structures (opened medium, lodging), prison, psychiatric institutions, justice
- Collection of all the elements on the perception of the infringement made by the minor ones: refusal of the facts, the responsibility, report/ratio to the penal responsibility, perception of the *modus operandi*, the victim, arguments released to protect itself...

In the French case, the result of those surveys were transmitted to the Office of Methods and Educational action (Subdirectorate of the educational action of the legal protection of youth). The survey's final deliverable is comprised of 6 documents (5 questionnaires + 1 educational report/ratio, supplemented in two cases by the penal cards) which are very unequally in their address of the above mentioned themes.

Synthesis

The objective of this synthesis is linked to multiple questions on the approaches, the categories, the variables, starting from the personal and family situations of minor delinquent. First, this collection of data confines to conclusions that may need further research and investigations. However, this synthesis can advantageously take into account the diversity of the situations and be used for comparisons. Nevertheless, there are several difficulties that it is necessary to take into account.

When one places oneself in the detail of the concrete situations, the problems which at first sight, appeared close or, at least, comparable, then frequently take different forms and shapes. However, the bringing together between the various personal and family situations makes it possible to encircle more or less, in a comparative way, some notions used and of the criteria which are manifestly retained in the field.

Another difficulty of this comparative approach owes to the fact that the diversity of the situations has been brought down to only 6 situations and that it is plausible that important examples are not represented. The Office of the Methods and Educational action, in a deliberated way, could not try to take into account situations not represented because it did not appear possible, within the timeline, to consider it in a sufficiently systematic and detailed manner. This synthesis is therefore exclusively made up of the information communicated in those 6 situations.

Considering these methodological difficulties, we suggest a certain prudence in the use *a posteriori* of this synthesis.

Six situations

An attempt at classifying the six situations collected (which can be summarized schematically in the table of following page) pushes to being attentive to the idea according to which human classification leads to draw, more or less, a new entity, a new way of being conceived and another idea according to which a classification is necessarily a moving concept and can interact with the individuals and situations that are classified.

Yet, situations stand out and the data collected resulted in the understanding of patterns which emanated from the reading of the questionnaires, the educational relation, the penal cards:

- Family Causality linked with the marital status: family antecedents or dysfunctions within the household which clearly appear to weigh on minor in a durable way and to be able to be considered;
- Personal Causality related to a traumatizing event which creates a particularly significant junction in the biography of the girl, translated for example through a brutal school drop out;
- Personal Causality related to a disorder of the identity: a disorder of the identity which appears to have initiated a series of delinquent act.

However one particular situation leaves the batch because it seems to be completely isolated and independent from any known or understood factors. They make it hard to draw relevant consequences for this program:

Without visible explanation (insulated act).

N°	Principal feature
1	Personal Causality related to the marital status
2	Personal Causality related to traumatizing event
3	Personal and more intimate Causality related to a disorder of the identity
4	Without visible explanation (insulated act)
5	Causality interns with the marital status
6	Causality interns with the marital status

Three situations are in intern causality with the marital status

In the **situation n°1**, girl X supported the separation of her parents: the father suffers from alcoholism and drug-addiction. He remade his life and was father again of a small girl that X regards as a sister with whole share. X said that he was particularly violent with regard to the mother, in particular at the time of intoxications.

His/her elder sister, who in the maternal residence and is inserted, has in the past crossed several episodes of delinquency and known the imprisonment.

The 40 years old mother residence extremely present in the life of his/her daughters on whom it weighs through a defective health, a chronic nervous breakdown, while unceasingly pushing back a hospitalization which appears necessary, the recall of a history filled of dramas including three brothers and sisters dead of drug-addiction or deceased of violent death. X considers it weak, victim.

These family implications which really appear to have weighed on the minor one - it is explicit besides. Its account are accompanied by a climate by repetition: the elder sister has in the past known the imprisonment; the father of X was imprisoned at the moment his birth (what it establishes as being at the base of the concern of the mother of not depositing felt sorry for against her father under made violence).

X appears in position of supporting her mother and she becomes herself the subject of a discourse telling that her mother could not argue in justice against her father because she is afraid of his violence. However this complaint is then addressed against itself.

Its schooling had stopped brutally in course group of 3rd, general learning, at the end of the first week of September after which she did not get back to the college any more. This absenteeism was the fruit of a "evil being" become permanent and difficulties related to the school situation itself which were reflected in escaping away with repetition and acts which led to a cascade of corrective sanctions then to three imprisonments of which one during one year. The **situation n°5** is rather close, but while presenting alternatives, the family's implications appear to the centre of the background, but with a quite different profile of acting out, less breakings and offences in group where it is not certain that she was in the forefront.

The family's inferences, the important dysfunctions, lead to a difficult educational accompaniment. In particular the presence in the mother's house of a man who, while not being presented as the companion, has a sufficiently substantial importance. So that the cohabitation becomes increasingly hard, that a decision was ordered for an outplacement. The girl committed theft and gradually was tramping, from sleeping in a garage box, to a maternal aunt's house, with intermittent returns to the residence which are violently lived, marked by violence on behalf of the mother's companion who seems unobtrusive, without none the parents managing to take its responsibilities, to protect their daughter. The father, who

suffered from his loneliness and alcoholised, did not agree to shelter the girl, when it was envisaged by judge's decisions. An educational decision was ordered in consideration of school absenteeism. But this girl's violence is considered under the institutional assumptions of responsibility. It is not confirmed in repetition of delinquent acts. This absence of repetition, precisely, and the fact that the whole of the infringements which was the decision's object of prejudicial, released on probation "of rob" achieved in gang, with two other minor and her brother.

For this case, the girl testified an achievement in an activity of scrap. She has shown a real talent which could be developed but also difficulty to surmount its basic difficulties as so much resistances are present. Actually, contrary to the preceding situation where the girl was as in support of her mother, this one appears to remain still dependant on a mother of whom she awaits affection, interest, and recognition of the family difficulties.

In the **situation n° 6**, the girl was born in 1988 (17 years), second of 6 children. The father is unknown and the mother died in 2002 but the girl conserves very episodically contacts with her elder brother (19 years). The educational follow-up begins whereas she is 11 years old (in 1999, AEMO), and then continues the year after by an assignment. She is imprisoned today for multiple serious offences (overpass of objects, of cars, driving without license, oral and physical violence, fire). She was provided education for until group class of 5th and at the time of the redoubling of this class, settled in a major absenteeism, made on the occasion for few days. She presents psoriasis since she was seven years old. She had to abort voluntary recently.

This girl has no possibility to put "in words" her familial story, of speaking about her mother even if she says to be confronted with situations of physical violence in the family on behalf of her mother (blow of fist, of belt). In addition too, she was in 2000 on behalf of 5 other girls. More generally, it appears to exist only little if not familial bonds. She systematically uses drugs, the evening before to lye down, ingesting to improve her sleep. Psychotropic acts like a sedative, probably to reduce the anxiety. She says to have a friend and a boy friend. Since 2002, she was involved in several delinquent acts and was not settled, moving from a place to another (host family, special residence, detention). The case seems to be linked to an inside trouble surging from a traumatic event.

The **case n°2** is illustrative of a situation in which the punishable behaviour can be brought closer a dependant internal causality which has occurred of an traumatising event in the life of the minor. For this one, a traffic accident which has occurred when she was 7 years old and which caused the death of the father and a younger brother (3ans); for B, born from unknown father, the event which appears to be the "inaugural" event is the death of the mother. In one and the other case the social or family causes regularly advanced "to explain" the facts of delinquency seem inoperative here (or at least largely insufficient).

If one takes again the situation of this girl, one can draw a sequence of facts, which can help to include/understand the offences, which have led to its detention during 3 months (still that one knows nothing precise about the case if it is not that they are "multiple offences and low registers").

In the history of this girl, born in 1988, second of 3 children, one retains traumatic events having occurred to important socio-family modifications with assumption of her responsibility: death of the father at 41 years and the younger brother at 3 years by a traffic accident, when she is 7 years old: the whole of the family was in the vehicle and the mother presented, consequently, a cranial traumatism followed by a coma with as after-effect an amnesia (the latter does not recognize her children). To the consequence of this accident, the girl is assigned until 2005 (in two education houses and two families of reception). Since 2005, she lives with her mother, invalid and his elder brother without qualification, employment. The family benefits from allowances. These allowances are under supervision. She shares the same room as her brother. There are not other members of the family identified, except parents joined in Morocco in 2005, at the time of a voyage.

She does not wish at the end of her detention, to be again in placement, even if the familial life is hard (disability of the mother and sharing of the same room with her brother without employment). She admits duty amending these offences takes part in the prison life (schooling, sport, kitchen, no incident), projects herself in the future. She was provided education as tool for insertion, and then attended two professional training courses in bakery and now wishes to work close to the early childhood.

She expresses and, therefore to elucidate the traumatism lived starting from the death of her father.

Lastly, the **situation n° 3** appears to us to raise of a causality more intimate, psychic, and related to a disorder of the identity and a difficulty of reaching its place in the order of the sexual difference.

The parents of this girl divorced when she was approximately 5 years old and she remained to live with her mother (chambermaid) and her elder brother, very continuously to see her father (agent of safety, currently applicant for work) with whom she "gets along rather better" and with which "the relation is more emotional". Very few contacts with her grandparents although near geographically. After a primary schooling without incident, some decline occurs in 6th then in 5th, but improvement in 3rd (private school) lifted a successful year. She does not continue in second cycle and starts a vocational training, begins a CAP of kitchen that she stops 2 weeks later to be completely out of training. She has buddies and girls among her friend, but she gets along better with boys, finding the girls too "wedged" by their fashionism, whereas she affirms being "a real tomboy", runs on skate-board and is attracted by the hard sports.

She has relations, disapproved by its entourage and his parents, with the 40 years old man with whom she is indicted. He could be sometimes violent with her. She admits today more easily she was afraid of his violence since she is in jail. Her provisional detention (since 8 months ½) resulted for the criminal act (acts of cruelty having resulted in death without intention to give it) where 3 other adults are concerned, of which the ex- friend.

One can consider her behaviour, which tends to bring her closer to the boys, and even until, in the paradox of the relations between violence and her ex-friend, and in her delinquency, where she joined the boys. One can suggest that there is a family difficulty, a difficulty of being located, a disorder of the identity related to the remaining adolescent who did not find the relay in the home environment (father *versus* mother) to be supported and emulated. She is not without compliance (see its good success in class of 3rd in a disturbed schooling), and probably with puberty, she faced a kind of disorder of identity. It was the occasion of a shift to another behaviour (school failure) or even delinquent (more or less "passively"), as her behaviour offered means of recovering an active identity, to confirm a certain refusal of female, as the female would be a change related to adolescence (see the difficulty of being identified with these "vain" girlfriends). The problem could emerge in this resistance, leading to undifferentiated gender, asexual body's perception, refusal of the difference of the sexes, which is tested complementarily. It could be possible to find in its delinquency, a moved form of a phallic assertion where it becomes as a weapon. In this case, the "offender" statute is narcissistic, presented as a claim, very different from what takes place in an acquisitive logic or of interest. At the end of the comment of this last case, force is to recognize that the psychopathological explanation is very massive and leaves little place to another thing. Undoubtedly is necessary it to also make their places with extremely contextual determinants, quotas that will make that that took place.

In conclusion of this synthesis and from the point of view of a revival for the questioning, it is advisable to notice that the presentation of these situations will have call largely on the recourse to a causality centred on the individual and, so will have reduce the diversity of the factors and gum the social dimension of these behaviours. Conversely, when one enquiry on the delinquent boys, one sees usually used multiple statistical approaches who propose the social and economic factors to which, symmetrically, is made the reproach to deny the share of the individual choice in the behaviours of the young people.

In truth, the way of life and delinquency of the girls are more often associated with their everyday life, more centred on the close environment, less "indirect" that in the boys and one finds, by doing this, this *summa divisio* of the anthropology which opposes the "masculine/external" with "female/interior". It is in particular with an aim of exploring these contrasted problems that the reflection could be continued.

Focus groups

Proceeding with a qualitative analysis of the delinquency of the girls, starting from situations drawn from the practice, ten discussions with various professional speakers implied in the assumption of responsibility of minor delinquent were carried out:

CSE CAE-UEAJ (Cergy)

lieutenant of police force (Paris)

educational SEAT (Marseilles)

educational (EVA Seine-Saint-Denis)

doctor (CG Seine-Saint-Denis)

supervisor chief AP (Fleury-Mérogis)

Judge (Nantes Vice-President)

psychological (EVA Seine-Saint-Denis)

psychological (CPI Savigny sur Orge)

psychiatrist

(1), (2), (4), (5), (6), (7), (8), (9) are women

(3) and (10) are two men

Taking into consideration knowledge of the professionals, the questioning went ultimately primarily on the three first items.

In the French case, the result of the talks was transmitted to the Office methods of the educational action (Subdirectorate of the educational action and law affairs at the Juvenile Judicial Protection Headquarter), in the shape of 10 documents which return very unequally in detail of the above mentioned questioning (between 3 and 9 pages) and it is appropriate, consequently, remaining careful in the appreciation of the fruit of this collection of data which remains brief.

The objective of this synthesis returns to multiple questionings resulting from situations and various professional identities. However, one sought in this synthesis, starting from the setting in prospect for the information communicated in the 10 documents, to be based on the diversity of the occupational situations and to use the effect suitable for the comparison which can fortunately combine contrast and the bringing together and makes it possible to encircle, in a comparative way, some axes used by the professionals.

As a preliminary remarks must be said that juvenile delinquency was presented a long time like a male "fact social", which was more or less corroborated by a representation with less than 10% girls as a whole of the delinquent minors, in a stable way since the Seventies. One can wonder starting from this report on the difference between the delinquency of the girls and that of the boys, about the share of the social class and that of the kind in the determination of these practices. In a number of work, the juvenile delinquency seems a male delinquency related to the values of virility, in particular at the pupils of Pierre Bourdieu who underline "the

homology between culture anti-school and culture of workshop (...) Provisions acquired within the bands [being] then transferable in the workshop".

Studies on the female delinquency appeared in the United States with the rise of the *gender studies* and in France, but in a recent way. The statistical studies join the comments of the professionals by underlining the share taken by the minor ones in the acts violent one:

Concerning the calling into question for voluntary attacks with the physical integrity (except theft), the minor ones were less than 1.400 among the calling into question of 1996. In 2004, their number reaches almost 4.200, that is to say a tripling.

Among the infringements for which the share of minor is highest among the women blamed, one counts in 2004:

pick-pocketing: 71% of the women blamed are minor.

destruction and degradations of public goods (except attacks and fires): 58% of the women blamed are minor.

burglings of buildings of principal dwelling: 53%.

for thefts one without weapon counters victims men or women: 49% of the women blamed are minor.

for robbery one without weapon counters victims women, on public highway or another public place: > 57% of the women blamed are minor.

for threats or blackmails for extortion of money (that includes the racket): 47 %.

The comments on the population of the minor young people dealt with frequently express a certain propensity to select in a hypertrophied way the share of the most difficult girls famous and closest to the "passage to the violent act", and like having undergone violences themselves and in particular sexual. One can wonder about the point to know if one finds not there example of mode traditional of formation of images known as operative (those which are with work in the regulation of the activities of work), with the way in which the anatomopathologists are considered to frequently reproduce systematically in a hypertrophied way the parts of the bodies seats of pathologies. From where profit to be waited of a prudence in the synthesis and the results to await studies likely to provide volumetries.

The professionals underline the share taken by undergone and in particular sexual violences whose sociological studies are not always made the echo, resident more sensitive to the emergence of a culture of violence like culture of district, thus taking the new aspect like principal aspect. "One can make the assumption of an increasing influence of the culture of street in the socialization of part of the girls in popular medium. This culture of street resting on values of virility, one can wonder this influence up to what point does not result in a masculinisation of the female behaviors. Part of the girls adhere to the values of "the street": not to appear weak, to be attacker rather than victim. They testify, by their language and their behavior (loose track suits, tennis shoes), of an impregnation of the codes conveyed at the

beginning by the boys. But very often, they combine these male signs with feminine attributes (make-up, sophisticated hairstyles, depilated eyebrows). " This interpretation is very different from that of the psychopathologists for whom there is well rather a family difficulty, a difficulty of being, a disorder of the identity related to the adolescent rehandling which does not find the relay in the home environment "to be spread out in time", supported, worked out. These girls who are sometimes very in conformity, find themselves according to them, with puberty, in an identity species of disorder which finds of another behavior only the delinquent behavior, as a this behavior is a means of recovering "identity tonicity", even if this recovery is done through arbitrary form: the delinquency, in the species, from the point of view of identity tonicity, "is extremely effective to resist puberty, in the refusal of this tested difference of the sexes, and thus in the refusal of female as an innovation of adolescence. Because of this resistance to puberty, the complementarity cannot then be exceeded in the genital one conceived as something which is based on the concrete difference of the genitalities while integrating *psychiquement* the two sexes at the man and the woman. "

Other work however underlines the share taken by undergone violences of which the investigation into the health of the 14-20 years of the legal protection of youth in the sector public (Choquet Marie *and alii*, INSERM, 2004) which stresses that: the girls of the sample were more often victims than the boys of blows (34% vs 24%) and of verbal violences (52% vs 34%), than sexual violences relate to 6% of the boys and 41% of the girls of the investigation. This sexual violence is, in more half of the cases a rape, but the majority of the young people also say to have undergone other types of sexual aggressions. The fact that 2% of the boys and 11% of the girls stated to have been recently victims underlines the interest to consider studies which would make it possible to date and give full details these recent violences or at the time of the early childhood, in family or in periphery, or further.

One sees opposing the forms of life and of delinquency of the girls more often associated their everyday life, more centered on the close environment, less "indirect" and those of the boys and one finds, by doing this, this *summa divisio* of the anthropology which opposes the "masculine/external" with "female/interior".

For example, the boys frequently insist on their school experiment and the girls on their family experiment. The boys insist more on the role of school stigmatization in the process, while the girls underline the family difficulties, the absence or the distance of the father, the particularly difficult relations with their mother. But the boys also evoke their family and what could "return them" towards the outside, the district and the culture of street, as well starting from a weak parental spring as of the conflicts with their father. And the girls plead also the school question. But all meet according to Isabelle Costing on a third element of explanation: "the intra-family stigmatization whose they had the feeling to be the object since childhood".

In detail of the educational action, the girls propose the place of the exchange of word in the relation tied with the teacher, the properly relational dimension of the educational action, because the relations within the family are conflict and that, for a part of them, it is precisely the absence of male protection which leads them to act "*as a boy*" in order to "*be made respect*". Differently, the boys develop more material resources rather such that the assistance as regards housing, of employment, of formation, assistances various). However, the opposition loses its radicality when the provided education for boys testify that they appreciate speech with the teachers and that girls little accompanied on the family level propose the material support brought in the current of the educational action.

Actually, it is difficult to speak about the delinquent girls like homogeneous whole with the common characteristics.

Talks carried out it arises that one can distinguish 2 great types of delinquency in the girls: "Traditional" delinquency, Delinquency of "network".

In the 1st category one could arrange the girls whose delinquency is the expression of an evil being, of a suffering "*the girl is delinquent compared to her personal history, to shout her evil being, her suffering*" (1).

This interpretation of the punishable act as cry launched to the face of the world is often taken again. It is the category most frequently or most spontaneously evoked by the interviewed professionals and that, undoubtedly, most usually met with the PJJ (this explaining that).

In the second category line up the girls belonging at structured communities (Rumanian, Tzigans – African girls with the hands of frontier runners or traffickers) for which the offence is not the expression of a desire to break with the medium of origin (what is often the case in the girls of the 1st category) but, contrary, that of their allegiance at the community to which they belong. The product of their offence (theft, prostitution) is intended for the group of membership.

The JJP does not have (or seldom) access to these girls captive of the networks and, for which, there is little loophole.

According to (8) girls of which the JJP is taking care would be broken too much to be a prey for the networks, the latter needing to break their victims to subject them.

Characteristics of the delinquency of the girls

The existence of a specific delinquency of the girls does not achieve the unanimity. If this specificity could exist, it tends to disappear today, girls behaving more and more like boys.

Consequently, rather than to question the delinquency of the girls under the prism of the differentiation of the kinds, the question on the agenda would not be it rather that of knowing what leads the girls to behave today as boys in a field which was until there, if not that of the boys (the delinquency of the girls is not new) at least marked by distinct characteristics.

The acts of delinquency most frequently made by the girls are the theft and the physical aggression. The offence is seldom isolated but falls under a repetitive process; the inscription in the delinquency is strong, they are often reiterating or recidivists.

(7) speaks about not very serious but compulsive delinquency.

The offense is generally made as a recluse (among boys it would be more often made in band), sometimes to two (with the best girlfriend, that with which one divides all).

This approach however is strongly moderated by certain professionals: To the representation of delinquent acting only, the *éducateur* of EVA opposes that of a victim, accomplice forced of the delinquency of the men and used by them. (*"The girls are the wheels of fits with body delinquency whose driver is the man"*).

One of the *éducateurs*, who is presented in the form of a militant feminist, perceives the men ratios/women on the diagram dominant-dominated and sees in the offense made by the girls the expression of this domination. If dimension *partisane* of this interpretation should not be minimized, it is advisable nevertheless to stress that the representation of the delinquent girl as being before a whole victim (of its medium family, domination machist, "toxicity" of the parents (5), family bonds toxic (8), etc) is rather largely shared by the professionals.

(9) goes in a certain way even further while declaring that the experiment of life of these girls leads them to conceive the human relationships only in torturer terms/victim and they rather prefer being on the side of the torturers than of the victims. From where the similarity in their behaviors with those of the boys: to be as "cruel" as them.

For (2) the girls can be used (by opportunity because there is nothing systematic this use) by the delinquents boys (the traffickers resort to the girls because they are controlled, the excavation for them being subject to rules which are not always applicable...)

(3) evokes the dealing under influence of the group of buddies or boys violent one towards them.

With this approach, rather traditional which distinguishes delinquency from the boys and delinquency of the girls, is opposed to the image of a new delinquency made by girls "tag-alongs" who imitate the boys where accompany by adopting a virile attitude. They give in this case on the social scene an image virile and dominant, far seemingly from the tender denounced by the teacher, but seemingly only because, in reality, they remain "the objects of the boys and are dominated by them".

This observation is taken again by (9): the delinquency of the girls evolves to a bringing together with that of the boys "for questions of imposing presence and of interest they can show cruelty. The male roles are conquered in a certain way. There is a will to make like the boys. There is reversal on other victims of undergone violences..."

This report is shared by (10) for which the girls today behave like boys, seek to stick by the transgression to the role of the boy and to be identified with them, by a refusal of their

femininity. The delinquency of the girls would be explained all in all by a disorder of the sexual identity.

"The girls who are delinquent are insofar as precisely the difference in sexes does not intervene any more... that wants to say that it is like if, in the delinquency, the girls joined the boys. What implies that to deal with the girls they should be regarded as the others."

Assumption partly confirmed by supervising prison (6) according to which the minor ones held for facts engraves "have a physique of boy", backs with their short hair, "one takes them for boys."

For (5) there is no specificity boy-girl. The difference between boys and girls who had prevailed up to now tends to be reduced.

In the same way for (7): "One attends an interchangeable attitude of the sexes and delinquent acts".

"The figure of the person who succeeds, the model it is that which succeeds by the transgression, violence, those which hold the top of the paving stone, those which have for example the beautiful car. A boy who presents himself with important incomes, demonstrations of power seems a desirable partner." (9)

Then tender or imitation? ... In any event always victim.

The behaviour

On this point what generally returns, is put systematically ahead, it is the violence of the girls, a violence described like more serious than that of the boys. Except for (9) for which "the *violence of the girls (that it is car or hétéro-aggressive) is less strong.*" The dangerousity is not the same one and the vital risk is not taken in the same way. "Violence characterized by its impulsiveness (they attack immediately without "progressiveness" whereas among boys the aggression is the result of a process of intimidation, threats, etc

"Unforeseeable", "unverifiable" are qualifiers frequently used to describe the behavior of the delinquent girls.

Excessive in their reactions: they are not afraid, they are endangered, do not know limits, take all the risks, go until the end. At the same time, like contradicting this excess, it is known as that at them the TS seldom lead (although more than among boys the deaths are rarer) TS = call to the help).

The relation with the body is complicated: many are compulsive eaters or anorexics (1), endangered in not protected sexual relations. Are in serious processes of destruction.

Delinquency of the girls origin generally in the family history:

- negligence or ill-treatment of which they were victims during their childhood, the parental ill-treatment is systematic according to a psychologist (8): the relation mother-child is often perverse, very destroying, source of early traumatism.
- abuse, sexual violence within the family,

- relationship with the father and the mother:
- early rupture of the bond with the mother,
- the absence (real or symbolic system) of the father is often evoked. Although absent (or defective) the father (the image of the father) is saved or they do not want to speak about it (one notes the same attitude on behalf of the mother like if mother and girl denied the existence of the father. What to be put in relation to their male behavior. Where the father cannot protect them, they must only be defended and this is why they adopt "the weapons" of the boys.
- on the other hand very great hostility against the mother "the *situations of "désamour" with the mother are recurring*" (4).

One is often in the repetition of the family problems, resort to the same modes of deviance. "Their violence and their delinquency are already exists registered at the family level." (8).

The runnings away are described like very frequent: desire to break with the family medium from everything origin...

Professional positioning: This question like besides the following one gave place to rather poor answers. Professional positioning is determined by the behaviour of the girls and in particular by their mode of relation to the adults

The girls entrust more easily to an *éducateur* (than with a male) even if between the girl and her teacher there is "always a play of direct or indirect competition (comparison with the mother" (1).

Educational work is more difficult than with the boys because they say the things in a diverted way, thwart the existing systems. They are more malignant, finer, more computers than boys. They are described like manipulators.

The seduction is important (they play about it).

Vis-a-vis these attitudes adopted professional positionings are:

- Not to be in the real time processing, to leave the immediacy of the answer (7) that applies to all but it is particularly true for the girls who function in the immediacy, impulsiveness
- Firmness of the penal answer (including parricide underlain by incest) and strong educational strategy.
- With them the authority is ineffective, one needs firmness but as much more flexibility as with the boys. They are very likely it is thus necessary to pay attention so that one says, to have a speech controlled well to avoid "the explosion".
- The confidentiality is the condition of the introduction of relations of confidence and sincerity (to EVA, where the girls are applicants and where the confidentiality of the

talks is guaranteed, of the revelations emergent which had never taken place at the time of the former interventions.)

- The phase of reception is decisive: not to lock up them in their offence
- To position from the start like subject responsible for its choices
- No bonds of kindnesses, "*copinage*" or judgment but introduction of a very professional bond
- Required to distinguish well from entry of play the maltreating parents (who are at the origin of the delinquency of their daughter) parents in difficulty who them must of a support to be to restore in their role of authority.

Specific professional competences: Need for having a good psychological knowledge : the psychology of the girls is different from that of the boys, it is more complicated; it should well be known not to be made handle.

The problem of the physical contact (during the police control/investigation).

Essence is to help the delinquent girls to work out, put in words their difficulties, their problems, etc, to help them to put direction on the acts posed.

We could conclude saying that the girls can leave the delinquency by the access to autonomy because they are more masts, more advances some that the boys ; remain more positive than the boys; have a force of very strong life to overcome the tests; manage better than the boys.

4.2 German Field Research

According to Pierre Bourdieu, the individual's social location in society is based on *capital*. The French sociologist differentiated between economic, cultural (and also educational) and social (influence and relationships) capital. On this basis, social location is determined by the total volume and structure of these different sorts of capital. The six girls I interviewed in July 2006 in the Youth Detention Centre for Young Women in Vechta have very little of all these different types of capital. In the social area, which Bourdieu divides horizontally into upper, middle and lower class and vertically according to capital structure – cultural capital on the left and economic capital on the right – the imprisoned girls are located centrally at the lower edge.

Interviews with young girls offenders

The girls interviewed were aged between 18 and 20. Since it would have been necessary to gain written parental consent to interview minors, with all the possible problems that this involved, it seemed sensible to interview girls who as adults could decide themselves if they consented or not. Around 25 girls aged between 15 and 21 are detained in Vechta. This detention centre is linked to the women's prison and takes those girls who are given prison sentences from the federal states of Schleswig-Holstein, Hamburg, Bremen and Lower Saxony. The interviews took place in a common room in an undisturbed atmosphere not close to the

cells and lasted on average 75 minutes. The open format interviews were complemented by guideline questions which were set down beforehand.

All the girls come from Lower Saxony, four of the six from county or small towns with populations of 50,000 – 70,000. Three of the girls have a migration background; one has a Turkish father, one is a resettler from Poland and one Sinti girl. In many of the families the integration in social and family structures is dysfunctional. Permanent unemployment, drug and alcohol abuse, neglect of children, living in economically and socially deprived areas, absent fathers etc. provide an almost cliché-like framework for the socialisation of most of the girls.

Apart from their time awaiting trial, all of the girls are in prison for the first time. Statistics show that only very few girls are imprisoned. In Germany only about 4.5 % of the prison population is female.

The interviews were assessed on the basis of two perspectives:

- Consideration of the circumstances and milieu of the interviewees
- Consideration of the relationship between gender and criminality

For the Evaluation I make use in particular of the results of the long-term Studies on the Social Structure of Germany from the Study Group for Interdisciplinary Structural Change (AGIS) at the University of Hanover and also of the long-term study carried out by the Special Research group 186 *Vocational Education, Work and Delinquency* at Bremen University, which considers the subject from the gender perspective.

Social-structural location

For the social location of the interviewees and their families I utilised the social structural analyses developed by the Study Group for Interdisciplinary Structural Change (AGIS) at the University of Hanover. By linking quantitative and qualitative studies Bourdieu's model of a vertically and horizontally differentiated social area was developed further for Germany in connection with the milieu research carried out by the SINUS Institute^{15, 16}

According to this theory, social area is differentiated vertically into the upper class, middle class and lower class. The leading social milieus (education, power and property), i.e. the upper class, reflect society according to the mass-elite pattern and wish to distinguish themselves from the *mass* by means of cultural sublimation and exclusiveness. This *Border of Distinction* divides them from the middle class, which is also aware of the limits – positively, as a role model or critically, as arrogant and power-oriented. However, the middle class also has a cultural demarcation line to the layer below. The *Border of Respectability* is defined by status reliability: a permanent, secure and recognised social position with orderly work and living

¹⁵ SINUS-Lebensweltforschung, Lebensweltforschung and soziale Milieus in West- and Ostdeutschland, Heidelberg 1992

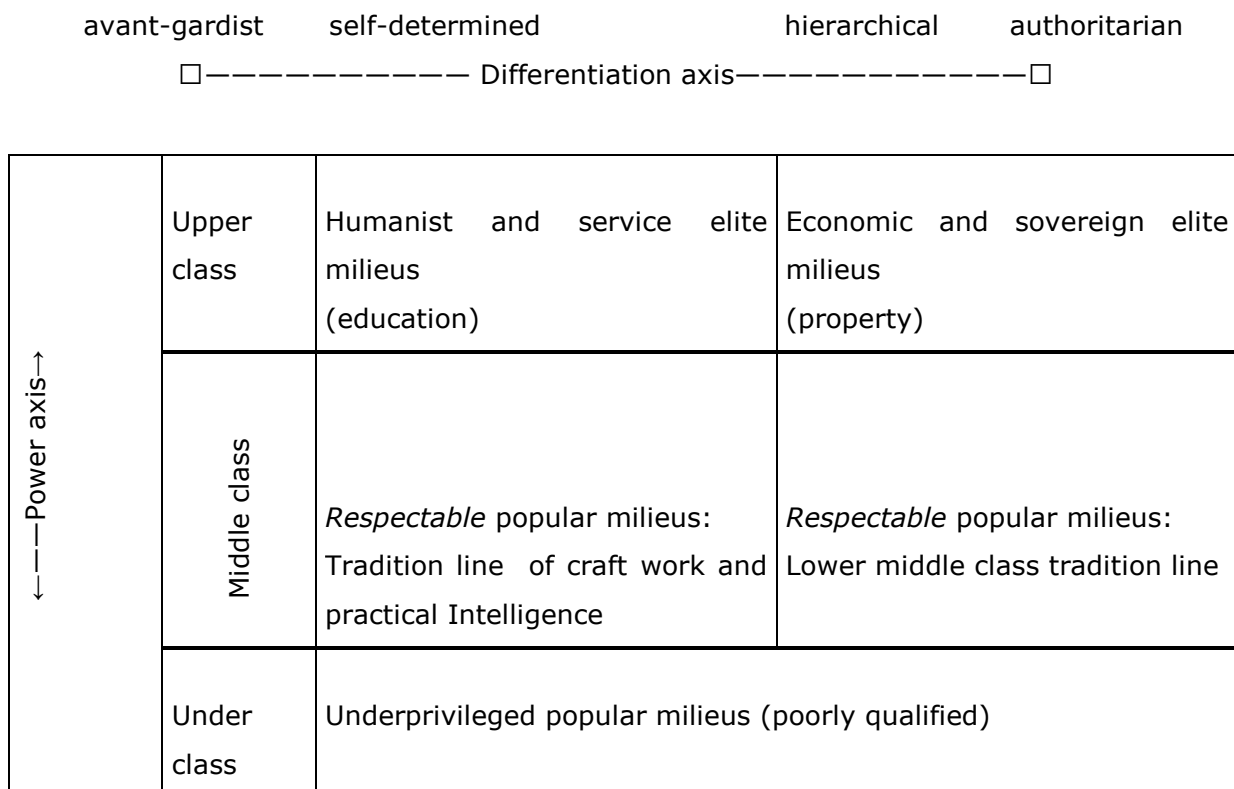
¹⁶ Vester Michael / von Oertzen Peter et al., Soziale Milieus im gesellschaftlichen Strukturwandel. Zwischen Integration and Ausgrenzung, Frankfurt 2001

circumstances, earned by performance or loyalty. Accordingly, the lower milieus are rebuked for their unsettled and insecure employment, lack of reliability and inadequate desire for education¹⁷.

Social area is differentiated horizontally along the tradition lines of *ties to authority* and *self-determination* with the extreme forms of *authoritarianism* and *avant-gardism* at the edges. These vertical and horizontal segments produce five tradition lines (cf. Fig. 1) which are differentiated in the context of generational and elite changes into nine milieus and more sub-milieus.

These changes in generations and elites – they refer to temporal change, the modernisation of social structures - take place from right to left in the diagram, from traditional attitudes to authority to modern self-determination or social emancipation.

Fig. 1: Social area



The Underprivileged

It seems to me that the *Underprivileged* are interesting for the present study. AGIS defines the lower class as the *worker milieu lacking tradition*, a group to which about 12 percent of the German population belongs. This group experiences the world from a perspective of powerlessness, reflecting the point of view of the *underclass* of pre-industrial societies who had

¹⁷ As above, p.. 26f.

no part in the traditional class values of security and honour and which are therefore called 'traditionless' milieus.¹⁸ The self-discipline necessary for a planned way of life seemed senseless in view of their insecure and incalculable position in the world. In contrast, it was important to react spontaneously and flexibly to *chances*, to learn quickly and to make use of other people's strengths. According to Gottfredson and Hirschi's *General Theory of Crime*, lack of self-discipline and an orientation to chance are the explicit qualifications for certain forms of deviance¹⁹. Further, lack of self control finds expression in a highly developed here-and-now orientation, low levels of care, persistence and reliability, a pronounced love of adventure, low frustration-tolerance etc. Actions are intended to produce short-term positive results and long-term negative consequences are ignored. This mixture of chance-orientation and dependence is referred to as a strategy of *active fatalism* by Vester, von Oertzen, etc.: an occasionally careless way of life in the here-and-now, ignoring risks, which can therefore lead into a downward spiral of social destabilisation.

However, two out of three sub-milieus which are distinguished for social area in west Germany prove that this downward spiral is avoidable. These milieus have stabilised themselves by imitating middle class milieus. The so-called *status-oriented* tend to the lower-middle-class values of respectability and duty for reasons of outward necessity, whereas the *unadjusted* see their ideals in the new hedonistic milieu of the bourgeoisie.

The *resigned*, on the other hand, no longer believe in these strategies as a result of their own experiences and withdraw, embittered, from society and community to an anomic situation²⁰. A lack of self-discipline and work-discipline and dysfunctional family situations are particularly important factors in increasing the risk of anomie.²¹

Evaluation: lack of self-discipline

A lack of self-discipline and orientation towards chance can be seen at various levels for the girls in Vechta. Several of the girls point out that they were spoiled as children and that this encouraged their criminality: "*I was very spoiled by my father and when you don't get what you want anymore you try to get it anyway, in other ways*" (Sinti, 18). Or that they were used to getting their own way: "*I always got my own way*" (Waldorf Girl, 19). They chose the easiest path: "*didn't use to be interested in anything, just tried to do the easiest thing ... couldn't keep to anything, always broke it off*" (Half-Turkish Girl, 20). Boredom is also given as a reason: "*Really I had everything I wanted. I just go too bored or so and then I looked for something else*" (Resettler, 19). Love of adventure leads to trying out hard drugs: "*Sometime it interested me and then I wanted to try it too*" (Half-Turkish Girl, 20). Decisions are generally short-term: "*And then we were angry with ourselves afterwards that we had spent the money*

¹⁸ As above, p. 32

¹⁹ Gottfredson Michael R. / Hirschi Travis, A General Theory of Crime, Stanford 1990 – in: Seipel Christian / Eifler Stefanie, Gelegenheiten, Rational Choice and Selbstkontrolle – in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 290

²⁰ As above, p. 522

²¹ As above, p. 359

on a lot of alcohol and not much food" (Brunsviga, 18). There is not even enough self-discipline to carry out community work which would have prevented imprisonment: "... *because alcohol and drugs were more important for me and my friends*" (Grafschaft Girl, 19). The decision that five of the six girls took to try hard drugs also illustrates their lack of self-discipline and far-sightedness.

Regarding imitation strategies, Vester, von Oertzen etc. refer expressly to the option of choosing a favourable partner. This concept can be found by three of the mothers. One mother married the son of a family with a well-established and thriving butcher's business; however, he became criminal. A second woman joined up with a doctor in early retirement after having children from three different fathers, while a third left her husband for a teacher. This flexibility in choosing partners is even easier to understand if we consider that 40 percent of those in the *traditionless worker milieu* are low or unskilled workers and a further 40 percent employees with minimal or medium qualifications. Areas of work which are increasingly being exported to other countries. It is the members of this milieu who make up the main part of the long-term unemployed²².

Evaluation: lack of capital

This structure coincides with the qualifications and employment situations in the girls' families. All the girls come from very modest or very weak economic backgrounds, have access to very little **economic capital**. Three of the families live solely on state financial support. In the case of four of the girls there is no man living in the family who can contribute to the income. With one exception, there is hardly any **cultural capital**, in particular educational capital. Only two of the mothers have completed any vocational training and only one mother works regularly. Although all the girls are older than 18, none of them had completed their secondary school leaving certificate or vocational training before going to prison, they had all without exception broken off their schooling. In this context it is worth asking as Oberwittler does, "*whether the school context, which, divided as it is into three different types of school, is even more strictly segregated than the residential areas context, ... can cumulatively reinforce ... the experience of concentrated deprivation*"²³.

The absent fathers turn our attention to the family circumstances and the resources of **social capital**. In five out of six families the natural mother and the natural father have separated. In all cases the girls have half-sisters, who, in two cases, live in more stable circumstances with the father. At least three of the girls have lived with a step-father, at least for a time, which significantly increases the deviance risk according to studies carried out by Dietrich Oberwittler²⁴. This is hardly surprising for the random samples of these interviews: one of the

²² As above, p. 43

²³ Oberwittler Dietrich, Stadtstruktur, Freandeskreise and Delinquenz - in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 165

²⁴ As above, p. 160

girls believed until the age of 13 that her step-father was her natural father and was exposed to "preaching for hours"; another step-father beat his step-children and a third had sexual relations with his step-daughter.

The mothers cannot cope with the contradictions between their hopes and the way their lives have turned out and have often just given up. Two mothers are alcohol-dependent. The girls are seldom the only ones in the families to have criminal tendencies. In five cases siblings, usually brothers, are also criminal and have had prison sentences: "*You always take your older brothers and sisters as role models.*" (Sinti, 18); "*My brother was my role model and three years in Hameln [Youth detention centre – F.F.] He got me into it*" (Waldorf Girl, 19); "*My brothers broke into cars and the like*" (Brunsviga, 18). In two cases a parent had also had intensive contact with the criminal justice system.

In spite of the partly very depressing family circumstances the girls vary considerably as to how firmly rooted they are in their families. In particular, the interviewees with a migration background are also in touch with distant relatives, are integrated in an extended family or have the option of its support: "*I know that I'll make it and that my parents are behind me*" (Resettler, 19); the German girls, on the other hand, are only in touch with direct relatives, if that – individual brothers or sisters or their mother. It seems, in addition, that in the cases of the girls with migration background, the family contacts are stabilising as a result of the extreme prison situation: "*And when I got here my mother said I should write to my father again*" (Half-Turkish Girl, 20). There is a danger that in the case of two of the three German girls the family ties will break completely: "*She [the mother – F.F.] doesn't want to have anything more to do with me because I'm in prison*" (Grafschaft Girl, 19). This means that the three girls with migration backgrounds and one of the German girls at least have a modest amount of **social capital**. Apart from one well-founded exception, none of the girls wants to resume their old social contacts outside the family when they leave prison: "*I don't want regular contact any more. I didn't really even want to ring up. But somehow I just can't manage it*" (Waldorf Girl, 19).

The boyfriend/fiancé had a direct influence on the criminality of the interviewees. As well as the conditions mentioned above, it seems to me that their influence and also partly the membership in a clique was a determining factor on what are for girls and women untypical criminal careers.

Gender – twofold social control

An incontestable and important part of social modernisation is the emancipation of women. Although the process has been completed in theory, the practical aspects of equality between men and women are very ambivalent. Women have caught up as far as *cultural capital* is concerned. More than 50 % of university students in Germany are female. However, when it comes to accumulating *economic* and *social capital*, women have only had limited success.

Well-paid top jobs in business, administration and politics continue to be dominated by men, women are still often paid less even if they have the same qualifications as men.

The reason for this ambivalence between formal equal opportunity and the practical reality of strongly divergent utilisation is to be found in the different social relationships of men and women. According to Levy²⁵, the *normal biography* of men and women differ from each other according to their differing participation in work and family systems. It was on this basis that Regina Becker-Schmidt formulated the idea in 1987 of the potential *two-fold social location of women*²⁶, from which basis it became clear that all social structures and relationships are characterized by *gender*.

The emancipation process of the last few decades has influenced relationships to the extent that traditional roles are no longer taken at face value, but that rather the division of labour between men and women is something that is a question of negotiation. Nevertheless, it is nearly always the woman who stays at home after the birth of the first child and interrupts her career, while men generally remain in full-time employment²⁷.

According to Lamott²⁸ und Seus²⁹ a *two-fold social control* results from this double social integration of women in the structures of family and work and has therefore considerable relevance for the causes of the strongly diverging criminality of men and women.

This causality was proved by a long-term study, *Vocational Education, Work and Delinquency* undertaken at the University of Bremen. Between 1988 and 2001 this study examined the development of criminalising behaviour on the part of secondary and special school pupils in Bremen, specifically in terms of gender-specific relevance and against the background of the development of careers.

It was seen that above all *gender, age, peer group contact and sanctions* were relevant for delinquency.

Gender-specific socialisation

Gender-specific socialisation persists in particular in lower social classes. Girls are involved in housework and caring for siblings at an early age, according to the results of the Bremen study, while boys are primarily cared for. As early as this, girls are tied more closely to the

²⁵ Levy René, Der Lebenslauf als Statusbiographie. Die weibliche Normalbiographie in makro-soziologischer Perspektive, Stuttgart 1977 – in: Seus Lydia and Prein Gerald, Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht – in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 215 ff.

²⁶ Becker-Schmidt Regina, Die doppelte Vergesellschaftung – die doppelte Unterdrückung, pp. 10 – 25 – in: Unterkircher Lilo and Wagner Ina (eds.), Die andere Hälfte der Gesellschaft. Österreichischer Soziologentag, Vienna 1987 – in: : Seus Lydia and Prein Gerald, Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht – in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 219

²⁷ Born Claudia, Modernisierungsgap and Wandel. Angleich geschlechtsspezifischer Lebensführungen? pp. 29 – 53 – in: Born Claudia and Krüger Helga (eds.), Individualisierung and Verflechtung. Geschlecht and Generation im deutschen Lebenslaufregime. Weinheim/Munich 2001 – in: Seus Lydia and Prein Gerald, Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht – in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 220

²⁸ Lamott Franziska, Konstruktionen von Weiblichkeit and die „male stream“ Kriminologie – in: Neue Kriminalpolitik 8-1995, pp. 29 – 32 – in: Seus Lydia and Prein Gerald, Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht – in: Oberwittler Dietrich/Karstedt Susanne (eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 219

²⁹ Seus Lydia, Doing Gender, While doing Crime? Soziale Kontrolle and Geschlecht in der Kriminologie, p. 109 – 139 – in: Born Claudia and Krüger Helga (eds.), Individualisierung and Verflechtung. Geschlecht and Generation im deutschen Lebenslaufregime. Weinheim/Munich 2001 – in: Seus Lydia and Prein Gerald, Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht – in: Oberwittler Dietrich/Karstedt Susanne (Eds.), Soziologie der Kriminalität, Wiesbaden 2004, p. 219

domestic, private environment and are controlled more closely, a factor which is reinforced by the parents' fears for their physical and sexual health. This practical allocation of gender-specific play and action areas is then complemented by crediting the children with typical *male* and *female* attributes. Children already know what *girls don't do*, e.g. be physically aggressive. This is particularly the case for adolescents. Teenage girls are required to display *solicitude, consideration and adaptability*, while adolescent boys are allowed to go out and conquer the world. Boys are shown more tolerance for *infringing rules, aggression and lack of consideration* because they will have to be able to *get their own way* later in life. These contradictions also play a part in sexuality. Again, the adolescent boys are given a degree of freedom which the girls ("slut") are denied. The expectation that girls canalise their tension and conflicts inwards instead of outwards means that girls are more likely to develop psychological problems and choose auto-aggressive strategies like eating disorders or cutting themselves³⁰.

Young girls are quite likely to react to the contradiction between their own and others' image of them with resistance and potentially with criminalising behaviour. Generally, however, adolescent ideas are subordinated to female attributes³¹.

This also explains why the peak of female criminality is reached at the age of 16, while the age for boys is 21.

The difference between the girls' aspirations and their real chances is aggravated by the low level of school qualification – secondary and special school – which they possess and which makes it hardly possible for them to lead an independent life financially through working. They remain reliant on a *male (co-)breadwinner*. Their lack of qualifications or low qualifications reproduce the traditional female life patterns of their own low class of origin.

Evaluation: deviant socialisation

The socialisation conditions discussed above which explain generally low levels of female criminality are true only to a certain extent for the girls interviewed here. Two of the girls (in families with 8 and 9 children) do in fact have to look after younger siblings. However, this does not take place within the framework of traditional family structures with the clear norms and standards of western, Christian culture, but chaotically and because the mothers cannot cope. Three other girls grow up with single mothers who are absent because they have to work in order to provide for the family or who have resigned and given up in face of all their problems. The family situation and in part also the social-spatial atmosphere is characterized by stress and aggression and a lack of strategies to solve conflicts: "*I'm someone who has to prove themselves, I don't put up with anything from anyone ... Then someone stole something from me and so that they can all see what they can't do with me she got her punishment, I*

³⁰ Beyer Kathrin, Esssucht ist weiblich. Über die gesellschaftliche Konstruktion weiblicher Konfliktlösungsstrategien. Hannover 1999 – in: Seus Lydia and Prein Gerald, *Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht* – in: Oberwittler Dietrich/Karstedt Susanne (Eds.), *Soziologie der Kriminalität*, Wiesbaden 2004, P. 229

³¹ Seus Lydia and Prein Gerald, *Überraschende Beziehungen: Lebenslauf, Kriminalität, Geschlecht* – in: Oberwittler Dietrich/Karstedt Susanne (Eds.), *Soziologie der Kriminalität*, Wiesbaden 2004, P. 229

beat her up" (Sinti, 18), "... *I'm always friendly, but I can also be aggressive*" (Half-Turkish Girl, 20). The girls do not see their mothers as positive role models but as weak, something which makes a gender-specific, female socialisation to *solicitude, consideration* and *adaptability* even less attractive. Two of the girls clearly orient their own attitudes towards those of boys:

"I was with boys more because I only grew up with boys" (Grafschaft Girl, 18); "I didn't use to have much to do with women, with girls. Always more with boys. Apart from a best friend. ... Because boys aren't so bitchy. You don't argue with them the way you do with girls" (Half-Turkish Girl, 20).

Three of the girls are active members of cliques up to the time of their imprisonment, and they made nearly all their friends there.

Peer Groups

According to the Bremer researchers, the relationship to a clique is particularly important for delinquency. On the one hand it offers a place where social behaviour can develop and on the other a place for borderline experiences. Gender-specific socialisation means that right from the start girls spend less time in cliques than boys and that, at the latest when they leave school, they also leave the clique in favour of a best friend or a relationship with a boyfriend. For boys, on the other hand, a clique provides the best option to test their male ambitions in a variety of areas and in public.

In the case of the few women who stay in a clique beyond their time at school, or whose membership of a clique plays a decisive role in characterising their lives in a subculture – e.g. punks – it has been shown that their delinquency also continues³².

Evaluation: cliques

Since the girls interviewed found both little security and also little control in their families, they had more time for cliques. In four cases the girls were prepared to leave their first clique for a more interesting group: "*At the Waldorf school I also had a few friends, but they didn't do what I did ... I took hard drugs, they would never have done that*" (Waldorf Girl, 19); "*They were foreigners – Tunisians, Lebanese, Turks. I got into it through a girl friend, some of them were older, already went to work. We went here and there, drove about. It wasn't always great things, sometimes drugs and so too*" (Resettler, 19). This group was generally older on average, was male dominated and partly criminal. Nevertheless, only in one case did criminal offences in a group context lead to a prison sentence. And indeed, four of the girls interviewed who were in a clique for a longer period left it in favour of their boyfriend: "*From 16, when I met my ex, the clique started breaking up ... Really I didn't go out at all anymore much*" (Half-

³² As above, p. 231

Turkish Girl, 20). In four cases the boyfriends/partners were directly or indirectly co-responsible for the offence.

Evaluation: Partner and deviance

All the girls had more or less traumatic relationships which in four cases lasted longer than three years in spite of violence, drugs and criminality: " ... *he's also a sad kid. I had to look after him more than he looked after me ... we used to hit each other*" (Brunsviga, 18). Two girls lived in patriarchal, dependent relationships with non-German partners who were eight or nine years older than them. In one case the girl was beaten by her partner and forced to commit crimes: "*He had no work, but for him there were other ways of earning money: robbery, stealing. Then I didn't have enough time to go to school, because he didn't let me ... When he didn't have so much money and said that we needed money and told me that I also had to do something, then I stole my granny's credit card*" (Resettler, 19). She was sentenced among other things for that offence. She still has not separated from her boyfriend: "*...really we're still together, but I can easily break it off... I know that he sees it differently, but for me, thank goodness, I know that I'll never live with him again.*"

Only one girl did not have a criminal record before she was sent to prison. She committed attempted murder on a taxi driver with her boyfriend: "*And then I just went with him. Then we saw a taxi and got in. He hadn't done anything to us. It just happened. Somehow I just got carried away*". (Waldorf Girl, 19)

One girl had a previous conviction for drug possession and was also given a prison sentence for that offence: "*I'm only here for consuming drugs. I haven't hurt anyone else. I've only hurt myself.*" (Brunsviga, 18). She lived in a hate-filled relationship for three and a half years: "*I don't want this man anymore*". But he is still living in her flat.

The girls with a migration background and one of the *German* girls were convicted of multiple theft and fraud. As far as the migration background is concerned the crimes are merely coincidental, the statistics do not confirm this type of crime. In three cases, the offences are drug-related. Three of the boyfriends were drug or alcohol-addicted.

Evaluation: self-image

When talking about the question of culprit and victim all the girls emphasized their own responsibility for what they did. This is doubtless partly a result of their regular talks with the prison's psychologist. But some of the girls also know about the connection between socialisation and deviance and know how to present this information in their own defence: "*... with the drugs I tried to win back my mother's love ...I've got borderline syndrome*" (Brunsviga, 18); "*... the wrong friends ... I was easily influenced then ... No, there was a time when I said if we had stayed in Poland I wouldn't have turned out like that*" (Resettler, 19); "*...I've seen a lot in my life already, I've been through a lot, ... considering I'm only 18*" (Sinti

Girl, 18). The victims hardly appear as victims when the girls reflect on their actions: *"You think about what you've done, how the people must have felt"* (Resettler, 19). One girl who has been known to the police for physical attacks on others since the age of 12 places part of the blame with the victims: *"I got aggressive quickly when I was insulted"; " I wanted to have money and a mobile. She didn't want to give it to me. So I beat her up"* (Sinti Girl, 18). *Girls who are not able intellectually to understand possible socialisation effects express a lack of understanding for the way they lived, sometimes only a few weeks earlier: "If only I had put a stop to it all earlier, but I'm stupid, stupid, stupid, because the alcohol and friends were more important to me"* (Grafenschaft Girl, 19).

Evaluation: Prison

The girls section in the youth detention centre for young females in Vechta is loosely divided into two parts:

- an Integration area where the new inmates can get used to the social and formal rules and conditions in the prison.
- the area where the girls who have succeeded in the first part live and enjoy the privileges of a certain amount of independence.

Apart from their time on remand, it is the first time in prison for all the girls. They needed between two weeks and six months to move from the integration part of the prison to the second area: *"The first half year was bad because I just couldn't get used to it, to being locked in here. But I've thought about it, that when I cause trouble I'm the only one who has to pay. There are still a lot who cause trouble. But everyone learns it sometime"* (Waldorf Girl, 19). *Some of the girls have withdrawal symptoms, others have social-psychological problems: "At the beginning nothing worked. Was often locked in, also brought hash in with me, had a big mouth ... I was a bit in withdrawal too ... Being locked in calmed me down. At some time I just didn't say anything anymore. Did what they wanted, then they leave you alone too."* (Half-Turkish Girl, 20).

The girls have a decidedly ambivalent attitude to their time in prison. On the one hand, it was frequently said that prison is an important, even a welcome, cutting off point: *"Good to be here"* (Grafenschaft Girl, 19); *"Sometimes I feel better in here than I do outside"* (Brunsviga, 18). Most of the girls make friends with other inmates, or are at least on friendly terms with them: *"We all get on well with each other. There are some who I would be in touch with when I'm outside or when they get out"* (Waldorf Girl, 19).

Hardly anybody touches on the subject of the negative consequences of being in prison: *"It leaves scars behind, being in here"* (Brunsviga, 18).

Focus groups

The Youth Detention Centre for Young Women in Lower Saxony suffers from a lack of funding, personnel and infrastructure. This difficult situation is aggravated by deficiencies in the institutionalised regulation and interconnection of responsibilities between the local and the state (*Land*) authorities and the problems of sentencing young adults (18 - 21) who are tried according to juvenile. When compared to young males, a considerably higher proportion of the few young women in detention centres is psychologically disturbed, so that on principle a course of therapy is recommended at the beginning of the prison sentence in order to achieve a positive result in the relatively short time spent in prison.

These are, in brief, the central points of two focus group discussions held in June and July 2006. A total of twelve warders, social workers, psychologists, probation officers and judges took part in the discussions in the Women's Prison in Vecta/Lower Saxony. The focus of the discussions was the analysis of the prison clientele, a critical review of prevention, young offender detention and resocialisation and the structures within which young offender detention takes place – always considering the gender perspective. Finally, the focus group expressed their hopes and visions for future developments in the field of prison detention for young women offenders.

Evaluation: Motivation

The members of the group began by explaining why they had decided to work with young (female) offenders. Several speakers emphasized the openness of the young people and their willingness to view their offences critically and change their lives. "I can see many, many more chances for the future and for success – and therefore more satisfaction in my work." Also, the young offenders often paid tribute to the active involvement of their supervisors, psychologists and judges. It was, however, underlined that only prison staff who had volunteered were employed in this area and that by no means all prison staff enjoyed working with young offenders who were generally full of life, outward-going and eager to discuss everything and anything.

Evaluation: Origins

As far as their socio-economic and socio-cultural backgrounds were concerned, the speakers repeatedly pointed out the luck, or lack of luck, of birth. As a result of abuse, violence and alcohol, the girls have been subjected to emotional and intellectual neglect which has in turn led to a significant neglect of language. The socialisation deficits to which this leads were the basis for their deviance. However: "Not everyone who experiences the role of victim also becomes a culprit."

It is necessary to distinguish according to ethnic origins. An important source of conflict for Muslim girls is their gender-specific oppression and the conflict between their two cultures.

Alcohol and abuse are, on the other hand, rarely a problem for these girls. None of the speakers could remember a drug-addicted Muslim girl. Since girls are usually only given prison sentences for crimes of violence or because of massive drug-related crimes (theft / fraud), Muslim girls are hardly ever in youth detention centres.

The situation is different for resettlers (*migrants of German origin*), particularly those from Russia. The girls have experienced severe violence, usually in connection with excessive alcohol consumption. Experiences which the girls have themselves mirrored, partly in the form of drug-addiction and violent crime. "This – I'll call it mentality, seems ... to be it. What has taken many, many decades to develop, maybe needs just as long ... to re-adapt.

German girls have similar experiences, though usually less severe as far as violence is concerned – and including features of more or less extreme neglect. In their cases, drug-addiction together with drug-related crimes are often the reasons for the prison sentence.

Nearly all the girls in youth detention have already encountered various institutions: youth welfare office, juvenile courts, probation officers etc.

Evaluation: Gender differences

Many fewer girls than boys end up in front of a court (cf. Statistics section), even fewer are convicted and hardly ever to youth detention. Convictions for violent crime are the exception. Most of the girls are in prison after repeatedly being given suspended sentences, community work orders or after continually violating their probation orders. They were generally convicted or classical *women's* crimes (which are nevertheless more often committed by men) such as theft and fraud, or for drug-related crimes when there is drug-dependency, and for possessing drugs.

An impression confirmed by various speakers was that the number of psychologically disturbed imprisoned girls was definitely higher than for boys (which confirms the theory the criminality is more contrary to female than to male socialisation and that female criminality involves higher levels of psychological stress – cf. Interview Evaluations). Girls also treat their experience of abuse and violence in a less aggressive way than boys, cope with it more by themselves. A revealing point in this context: the girls more often see themselves as culprits than as victims and often feel guilty towards their mothers or their whole families. Prostitution is also a result of this experience.

The imprisoned girls demand more attention and, in comparison with young male offenders, more "closeness" , more contact and discussion.

Youth detention

Conflict concerning minimum standards

There is currently a lively discussion in Germany concerning the subject of youth detention. The Federal Constitutional Court issued a judgement on 31 May 2006 requiring that the

legislative introduce a law regulating youth detention – as it had already done in 1972. In its judgement the Constitutional Court outlines the framework it considers necessary for the treatment of young offenders and until today the federal *Länder* have refused to accept the financial consequences that this implies. The binding obligation of minimum conditions laid down by statute has blocked the passing of a youth prisons law for more than three decades. According to the Court, young offenders serving a prison sentence must be given opportunities appropriate to their age in matters of contacts, legal protection, accommodation and resocialisation. The chances offered by open prisons should be utilised, social learning is to be supported in order to learn how to regulate conflicts in a constructive way, more frequent contact with the young offender's family – as long as this is sensible and wished for – should be allowed. Parallel to this, there should be a greater degree of security to protect offenders from attack by others serving a sentence.

Since low levels of formal education are often a barrier to resocialisation, special efforts must be undertaken here. The Constitutional Court declared: "It is the responsibility of the legislator to develop an effective resocialisation concept and to develop the detention system on the basis of this." Additional funding and personnel should be made available to develop training opportunities during and after detention and comprehensive preparation before and supervision after release.

The central aim of youth detention is already education in its broadest meaning (par. 91 section 1 JGG) and resocialisation, with the intention of allowing the young people to lead a life free of crime in freedom. The legal demands made on youth detention are extremely high in Germany – even without a law regulating it. However, until now there is no gender perspective in the legal framework.

On the basis of their years of experience, those involved in the practical reality of youth detention have a sceptical attitude towards this renewed discussion following the court decision. They point to the trend towards cutting costs in the public sector and the tendency to reduce rather than extend prevention and resocialisation programmes both within and outside the youth detention system.

Evaluation: Gaps in information

A further problematical aspect is the lack of cooperation between the *Land* level (youth detention centre, juvenile courts, probation officers) and local authorities (youth welfare offices). A central point of criticism is the lack of interconnection with other institutions which have supervised the young women before they were imprisoned or which will supervise them when they are released. "There is no organised coordination before imprisonment with the youth welfare or probation offices." The prison supervisory staff find out information on their own initiative – if they have time. "A few years ago it was easier, because we had more staff and more money and so fewer cases per employee." For example, the probation officers are no

longer paid their travel expenses to Vechta for release preparation meetings. The financial and personnel situation is similar in the youth welfare offices – with problematical results for the young people being supervised.

Evaluation: Gaps in supervision

A contradiction between legal practise and legal theory is gradually having an increasingly harmful effect here. The Juvenile Courts Act makes it possible for young adults (18 – 21) to be convicted as minors as long as their offence is one typical for juveniles or if the young offenders correspond to a minor in their development. This option was intended to be the exception but has in fact become the rule. Most supervisory and therapeutic institutions are funded by the youth welfare offices – and so by the local authorities. If probation officers (*Land*) want to place one of their clients in one of these institutions, the youth welfare offices (local authority) *can* reject this if the client is over the age of 18. This option – i.e. refusing to take the client - is increasingly being made use of in the experience of those involved in practice, in particular if the person involved has already been through various programmes before being convicted. Also, as a result of the fact that the law intended such convictions to remain exceptions, hardly any funding or special programmes are available for such young offenders. Thus, an increasing number of young adults are being convicted according to juvenile law but there is increasingly less supervision etc. available for them. The probation service of the federal state involved is responsible for them but can only offer supervisory perspectives for them by accessing communal budgets.

This situation is particularly precarious for the girls and young women because there are in any case not so many opportunities for them as there are for boys. The organisations involved – charities, clubs or the self-employed – have to supply the market and that is dominated by boys. Thus, in the whole of Lower Saxony there is no Anti-Aggression Training (AAT) for girls. Supervision and treatment of young women in prison reach a dead end with no suitable follow-up measures. Many of the young women are not suitable cases for the limited number of places available in sheltered housing projects. "We hardly have any girls any more who are badly brought up and simply criminal. Most of the girls are disturbed in several ways. They are just not capable of sharing a flat.

Evaluation: Formal and social education

In the youth detention centre in Vechta the girls are supervised on the two different levels of *formal (school) education* and *social education (upbringing)*. A limited number can take their secondary school leaving certificate. There is also a course for a further qualification, but it is hardly used because the girls are generally not in the prison for long enough or because they lack the psychological or educational requirements. All that is then left is a three-month course funded by the Federal Employment Agency entitled Service and Building Cleaning. "Cleaning

woman! A typical female occupation!" However, all the girls are given schooling in basic skills – as long as their individual circumstances allow for this.

Due to the lack of adequate educational opportunities in Vechta the girls are sometimes given shorter prison sentences in order to allow them a chance to develop further outside prison.

"Otherwise they come out and are already too old and, basically, they then have nothing."

Education in the prison is primarily an attempt, by means of psychological supervision and social training, to make up for a lack of adequate socialisation. It concentrates both on the development of socially acceptable behaviour and the strengthening of self-esteem. "How do these young people feel? They have been cheated of their childhood and youth – by their parents and everybody else! They are people with feelings. Sometimes we here are the beginning of any kind of socialisation. They trust nobody. They know only hate and anger. They have only ever known people who couldn't be bothered to take them seriously."... "The girls feel like society's garbage. We have to teach them to respect themselves: 'I can respect myself. Others respect me as I am' Being locked up can help here. "Outside there is always the option of withdrawing. Not here. These personality disorders have taken years to develop. We basically need more time to have any influence – 1 to 2 years. But for that we need more staff and money. Not under these conditions."

The social training includes canoe or climbing trips or seminars for girls (financed by supporting organisations) and is based above all on influencing daily behaviour: How should doors be shut? How do we speak to people? The girls are encouraged to face up to their own deficits and problems within the framework of the psychological care which is available. This includes taking on the responsibility for their offences.

In spite of the confined space available – the young girls have cells in a 19th century listed building – the shortage of staff and funds, the employees try to see their situation objectively. "It is very important for us to keep our feet on the ground. We are not suffering, we like the girls and we accept them as they are. We have to give a lot of ourselves instead of passing them on to another person when problems arise. There comes a point when the girls realise this. The girls who stay here a bit longer profit from it."

Evaluation: Emancipation and Patriarchy

The aims of this social training can have very problematical results for some of the girls. In particular in families with a migration background emancipatory education towards independence can mean ensuing conflict since the girl has to fit into a context of patriarchal omnipotence again when she is released from prison.

"We would want to discuss what alternatives there are. But we can't say: Free yourself from it. We can't do that."

Finding contact to resettler families – and also to Turkish families – is also very difficult. "Superficially they do everything required, but they don't let us see anything, whether inside themselves nor their families."

Hopes and aims

Of course, the judgement of the Constitutional Court is a basis for hope for those working in youth detention. However, this optimism has been subdued by the transfer of the responsibility for prisons to the *Länder* as a result of Germany reforms to the federalist system. There is now a danger that the intentions and quality of the prison systems will drift apart from *Land* to *Land*. There are already considerable differences between the structure of prison programmes and their staffing between the *Länder*. The number of prisoners for whom a psychologist and a social worker are responsible varies very considerably between individual prisons. The treatment and educational opportunities also differ greatly.

Those involved in practice with the detention centre for young women hope to have a building separate from the women's prison. This would make the legal requirement of separating young offenders from adult prisoners also a practical reality. It would also mean that young women of 21 or 22 who have been convicted according to juvenile law would not be placed in the women's prison – as they are today because the required age differentiation is impossible in the youth detention centre. This is an option which never happens in the case of young male offenders.

Youth detention for young women and girls should always be based on social therapy in view of the number of psychologically disturbed and/or (hard) drug-dependent girls.

Furthermore, the members of the focus groups consider that it is essential to standardise channels of communication and cooperation between all the institutions and organisations responsible for the young people. This would involve a centralisation of competence and of the budgets available. It would create more transparency and a great sense of the binding character of planning. In this context they point out the lack of long-term economic thinking involved in the system and demand that future decisions should also be based on economic principles.

The speakers demanded programmes and ideas which, on the basis of Gender Mainstreaming, would open up equal opportunities for boys and girls on different paths – qualitatively equal and independent of how many cases were involved. "In contrast with the boys in Hameln, the girls here are not treated appropriately. And the girls here give birth to children and then they are also not able to bring them up!"

Additament

Resettler Girl

Family

This resettler (19), who was born in Poland and moved to Germany at the age of nine, grew up in an intact nuclear family: father, mother and two brothers (24 / 26) (*really I had everything with my parents*). Both parents had received vocational training (electrician / seamstress). In Poland the family lived in modest but comfortable circumstances. Father and mother were both in work. The family lived in their own house. The family moved to Peine, formerly a town with heavy industry situated between Hanover and Braunschweig. The girl's grandfather already lived there and the father visited him and – either planned or by coincidence – found a job with the steel company Salzgitter AG. After a few months the family followed the father. The result: the mother has remained a housewife to this day and is only now beginning to learn German. (*No, there was a time when I said if we had stayed in Poland I wouldn't have turned out like that. In Poland you have other things which are important. You're happy about small things ... I lost that feeling here in Germany.*) As well as the interviewee, her older brother also came into conflict with the law for a short time. (*He also had problems with the wrong friends.*) But now he is a professional soldier in the German army (Bundeswehr), as is the other brother. (*So I'm the only black sheep*). After repeated truancy she left secondary school (Hauptschule), whereby her father had regularly driven her to school beforehand. She gradually broke off contact with her family in favour of her clique and her boyfriend, but the family contact had become stable again during her time in prison. She sees her parents as role models (*... because they show you how to live*) and plans to move in with them again.

Peer group

She gave up her old group of friends (*... mostly German friends ... who had nothing to do with drugs and things like that*) in favour of a new group (*... they were foreigners – Tunisians, Lebanese, Turks*) whom she got to know through a female friend. They started meeting while she was still going to school (*Then there were drugs in the evenings when we were all together ... didn't do anything, just hung around, no daily routine, nothing ... It's not that I took hard drugs, not at all. But the ones I did take were enough to get me here ... Cannabis and cocaine, no alcohol – not me.*) The clique was made up of 25 members, five or six of them girls. The men were older than the girls.

Boyfriend

It was here that she got to know her boyfriend, a 23-year-old criminal Lebanese man. She moved in with him at the age of 16 and he demanded that she find money for them (*... said that we need money and told me that I have to do something and then I stole my granny's credit card – really*). This was followed by theft, burglaries, sometimes with him sometimes alone. Living with him was not as she wanted it to be (*...that I go to school and he to work, normal somehow – but it wasn't like that at all: I wasn't allowed to go out and he locked me in, then he hit me*). Her parents had to collect her from hospital on several occasions (among other things with concussion, a broken nose), but she always went back to him, she attempted

suicide (tablets) and has still not separated from him (um, really we're still together, but I can easily break it off: I know exactly that I won't be with him again when I'm out).

Criminality

She had to do work in the community (Caritas) because of her truancy, but she increasingly ignored this. She was also given a suspended sentence for theft. Her father reported her to the police for stealing her grandmother's credit card and she was arrested for theft or fraud (she cannot remember which) and given a three year prison sentence (two years for committing 83 cases of credit card fraud and one year for violating the terms of her probation order. *(I was punished for what I did. ... At the beginning I didn't think it was fair at all and also not appropriate. ... But with time you get used to the sentence. You think about what you've done and what the people felt about it).*

Youth detention

She has taken her secondary school leaving certificate (Hauptschulabschluss) and completed a three month course in cleaning services. Imprisonment gives her time to think. She has built up a relationship with her family again, is trying to free herself mentally from her relationship with her boyfriend, who is himself serving a five year prison sentence for armed robbery *(for a long time I always felt I owed him something, ... but it's my life. ... I definitely wouldn't let it break up my family again).*

Future

She wants to complete her middle school leaving certificate (Realschulabschluss), undertake vocational training and work (... in any case go on with school and keep to a steady daily routine ... Lots of them are scared that they won't make it outside ... I'm also a bit frightened. But I know that I'll make it and that my parents are behind me).

Half-Turkish Girl

Family

Her Turkish father (self-employed with a Turkish snack-bar) separated from his German wife (works as a telephone operator and in a video-games centre), his daughter who was a toddler (the interviewee) and his five-year-old son to live with a Turkish wife with whom he now has a son (13) and a daughter (11). He was in regular contact with his daughter from his first marriage until the start of her delinquent behaviour *(drugs, foreigners don't like that ... we didn't talk any more, even when we saw each other)*. The girl's brother has been working in the father's business for years *(he's more sensible, normal, you know, no drugs)*.

Her grandfather on her mother's side worked as a craftsman in the shipbuilding industry. Her father's Turkish family is important for her. As a child she always went to Turkey with her father's new family to stay with the extended family on the Mediterranean and can imagine going to live there when she leaves prison. *(With cousins and so it's all different from in Germany ... people aren't like they are here ... they treat each other much nicer. ... I've never*

heard or seen anything about drugs there. I don't think Germany is a nice place. The people are rude. They always look so bad-tempered). The mother gave up at some point in face of her criminality and drug addiction, but has always maintained contact. *(Sometime she just stopped seeing it, stopped seeing that I'd taken something. She didn't say anything any more at the end.)* As a result of her mother's mediation she has reassumed contact with her father during her time in prison *(I should write to my father again. Wrote to him and he sent me money ... And when I was outside for a month ... always blaming me: you don't change, whatever happens. Still hanging around with the same people).*

Peer Group

(I didn't use to have much to do with women, with girls. Always more with boys. Because they're not so bitchy. Girls are always jealous.) The clique was made up of her brother's former friends and she became a member when she was 13 (me and my best friend, we were always the only girls ... treated us quite normally, not somehow, because we're girls ... We smoked hash together, disco, always at the weekend ... Always causing trouble. Then I started stealing with my best friend. The boys had already stolen things ... stolen money from their parents, bought some hash to smoke, hung around doing nothing all day.) The clique was made up of Turks, Germans, Albanians and Philipppines, about 15 people. Some of them met daily, others who worked or went to school only at the weekends (...we were a group alright, but they went their way and we went our boring way). She met her boyfriend when she was 16, a Pole who was only there occasionally (because he was Polish and in the youth centre there were mostly only Turks, Kurds – Germans ... then we always went to his place and smoked hash and then it all started with heroin. From 16, when I met my ex, the clique started breaking up, with other old friends who you met in the disco or so. Really I didn't go out at all anymore). The clique parted company with the four who smoked heroin (at sometime they started saying 'junkies' ... because they didn't think heroin was good, because they knew what it is).

Boyfriend

She was with him for two and a half years (He's pretty down and out now. Injecting heroin a lot ... I'll be glad if I don't have to see him again. Embarrassing that I know something like that ... If I'd started that, it would have been the end of me. Bad enough that I was so hooked on smoking it).

Criminality

She started stealing at the age of 13, 14, when she met her best friend. First cigarettes, then clothes *(the things you want to have, you just take them if you haven't got any money)*. At that time the youth welfare office spoke to her parents and her friend's parents *(they talked about boarding school. But I turned that down straightaway. My mother would never have sent me to a Home anyway)*. Later she played truant regularly at the vocational college (domestic

science course) (*didn't use to be interested in anything, just tried to do the easiest thing*). At the age of 16 when she finished vocational school she was unemployed and made little effort to work, e.g. as a telephone operator with her mother (*couldn't keep to anything, always broke it off*). At 16 she met her boyfriend and heroin and supplied herself and others with heroin from Holland (*I sold drugs for over a year, but luckily I was never caught doing it*). After being arrested one attempt was made to send her for psychiatric help, but she fought against it with all her might so that the doctor refused to admit her to the clinic. Then there were futile appearances at the family court, where she was driven by the police. During this time she lived in a Russian family for eight months, where the head of the family was himself injecting and trafficking in heroin (*I smoked it, I didn't inject it ... I'm here because of stealing not dealing*). She gave that up for reasons no longer known and started financing her habit again by stealing (*Get up early in the morning, go and look in town how you can get money. I didn't want to do that anymore*), ignored an order to appear in court for some months and then gave herself up. When she was out of prison for one month during the course of her sentence, she immediately re-offended (*you think: ... I won't touch fucking drugs ... But no. The first thing you do again is run after heroin. ...When you're outside in your own town again ... And then you go soft again, because you know: there were good times too. That it's a great way to get high*).

Youth detention

She is not interested in any visitors apart from her mother and her brother (*That depresses me, ... At the weekends I always think: they're all having a party now*). In the first two months she had problems and was often locked in her cell (*also brought hash in with me, had a big mouth*), then things improved (*At some time I just didn't say anything anymore. Did what they wanted, then they leave you alone too. I got on with the people (fellow inmates – F.F.) ok right from the beginning*). She is the only one of the young offenders who is doing the work of screwing pipes together (*Work was great at the beginning, but now it's getting hard. 8 hour day. The people are getting right up my nose with all their scheming*).

Future

She would like to go to Turkey (*If I manage things here and don't make a mess of it all again*), but she is not completely sure of herself (*I'm also scared of leaving here because I don't know what I'll do at the beginning. First to my mother. But of sitting around there and getting all nervous again and then starting on the drugs again or so*).

Sinti Girl

Family

The family's great-grandparents came to Germany as Sinti from Hungary. 18-year-old Sinti Girl travelled until the age of 3 and, as the second oldest of nine children, four boys and five girls, lived in a wooden house in a suburb of Celle, for most of the time and also for some time

in Verden. The father left the family a few years ago, married again and now lives an orderly life with his wife and son (*... have a nice, ordered life, have their house, my father goes to work, my step-mother goes to work*). The mother was also in prison for a few months before the birth of her children, (*Problems with the police? No, no not so often...*) has/had serious alcohol problems, the children are too much for her and the interviewee partly took over their supervision (*I used to cry a lot too and tried to hide and I was 13 and sometimes I took cocaine because I was so frustrated, just to distract myself*). She also lived for a time with her father and his new wife in Uelzen (*school went well there again*). Her siblings (*... I don't want to be a role model for my brothers and sisters*) go to school and occasionally cause trouble (*They fight a bit every now and again, but not so often*). Her younger sister (15) (*she's already done a lot of things too*) had to answer charges of aggravated robbery with violence at the time of the interview (*...it was in the news ... that she was in a coma*) (*It was an older girl and my sister wanted her mobile phone and money ... I blame myself, it's all my fault*). The parents had laid the blame for their daughter's prison sentence with her boyfriend/husband and had temporarily broken off contact with her. However, they had now resumed contact (*I'm glad that my parents and my parents-in-law support me and that I have regular visits, I've got a television and my father brought me a music system*).

Peer Groups

She did not play with the neighbours' children as much as her siblings did, occasionally went to the youth centre with her girl-friends and vaguely joined a neighbourhood clique when she was 11 (*that's where I smoked my first joint ... they were a bit older: 13 or 14*). Peer groups are relatively unimportant for her. Her life takes place in the extended family.

Boyfriend/fiancé

When she was 15 the interviewee ran away with a Sinti man who was nine years older than her and since then lived with him in his parents' house. When they first met her boyfriend had just come out of prison after a 6-year sentence and his parents have also spent several years behind bars. Her fiancé is currently in prison, again for several years. She wants to marry him, something which is frowned upon in the young offenders section of the prison. For this reason she is thinking of transferring to the adult women section (*Scared? No, I know them all up there. My aunt is up there too – not my real aunt*). Her parents want her to separate from him, which she rejects, and he wants her to live with his parents when she leaves prison (*... he says: I don't want you to go to your family. They are welcome to come and visit, but he's frightened that I'll leave him*). She does not want to move to her future parents-in-law, because they feel she is responsible for his latest prison sentence (*they had to let their feelings out somewhere*).

Criminality

She explains her tendency to crime with the fact that her father spoiled her too much as a child (*and when you don't get what you want anymore you try to get it anyway, in other ways*). She did not want to earn money by working and just happened to be caught stealing with her cousin. She was reprimanded for this but the same day her father gave her a mobile phone as a present (*then I thought: ... I don't have to stop doing it and went on with it*). She got into trouble with the police for the first time at the age of 12 because of grievous bodily harm (*where I attacked a girl with a wooden skittle because she called me a 'gypsy slut'. I wasn't putting up with that*). She justifies what she did and refers to her difficult childhood (*I watched ... how my father beat my mother and then my mother started to drink*) and her responsibility for the family (*... when I was 16 I took on a lot of the responsibility for my brothers and sisters, ... I neglected school because of it*). She stopped going to school when she was 15 (*I was just a housewife instead*) and gradually her contacts with the law added up (*It was always little things, but they add up too and then at last the judge said: It can't go on like this any longer ... bodily injury, theft, blackmail, even slander*). When she moved in with her drug-addicted fiancé she became involved in drug-related crimes, among others (*If you are on drugs you need them ... I felt sorry for him and ... of course tried to do everything so that he got his drugs*). She was convicted of mail-order and credit card fraud, robbery and bodily injury (*I wanted to have money and a mobile. She didn't want to give it to me. So I beat her up*).

Youth detention

Sentence: one year and 10 months. She wants to take her secondary school leaving certificate (Hauptschulabschluss) (*I can achieve something in the time I'm here and I think I can only make everything better*). She needed six months in prison to move from the Integration Group to the more independent, more socially stable group (*I'm someone who has to prove themselves, I don't put up with anything from anyone ... Then someone stole something from me and so that they can all see what they can't do with me she got her punishment, I beat her up and then I was locked up for two weeks ... I've become a completely different person ... the psychologist said to me ... that some of the others could take me as an example. I help others too*). Her restrictions have now been relaxed and she is allowed to go into town with her family.

Future

Her parents are against her relationship with her fiancé, he is against her moving in with her parents and she does not want to live with her future parents-in-law. The relationship is at the centre of her plans. Only when the subject turns to children is there any kind of distancing from her criminal family ties (*I'll certainly do all I can so that they don't turn out as badly as my family ... maybe move away a bit, so that I can first of all build up my own life, from the beginning ... I'm scared that it won't work out how I want it to ... But you can gradually work*

up small things, if you keep out of the way of hard drugs and alcohol and the offences, if you try to go to school and do some training. You can achieve a lot if you really want to).

Grafschaft Girl

Family

This girl is 19 and was born and grew up in Nordhorn-Blanke (economically and socially deprived area). She has six brothers and one sister, aged between 1 and 23, from four different fathers. They are all her half-siblings, with the exception of one brother (22). When she was 13 she learned that her step-father was not her father (*they just told me, so by the way ... then I ran away from home for a week until they found me again*) and she searched for her own father until she was 16 and found him. She knew him only as a drinking companion (*was with some friends with a bottle of beer and my father told me not to: 'What are you doing telling me not to drink? You can't tell me anything.' 'Oh yes I can. I'm your father.' ... He's not interested in his children anyway. He's not interested that I'm in prison*). Her step-father is a doctor in early retirement (*as far as I know*), spent 13 months in a psychiatric clinic and preaches to her for hours about playing truant from school etc. The mother is a housewife and the interviewee helped her a great deal with her younger brothers and sisters (*And then at vocational school my mother's little one was born and then I was only in school for about three months a year ... he was often in hospital and he's the only one in the family who I really miss*). Her brother has absconded from prison (*he's stupid, can go home every weekend and runs away*) and she has received no visits although she has filled out a visit request for her mother three times (*She doesn't want to have anything more to do with me because I'm in prison*).

Peer Groups

She found it difficult to make contact with the other children at school (*they just didn't like me ... there were others too who they always got on at*). When they played truant the children often went to a man who lived opposite the school, who listened to them and sometimes tried to help out when there were problems with their parents (*didn't take drugs, smoked cigarettes ... he was really ok and you could talk to him about everything*) until the police broke off the contact. In her first clique she felt she was exploited and they spoke badly about her so she moved into her brother's clique which met at the bus station and where they took drugs – Ecstasy and cocaine – drank alcohol and stole (*I was with boys more because I only grew up with boys*). In addition, her class at school did not like her girlfriend (*because she was so ugly but I didn't care about anything like that*).

Boyfriend

Her first boyfriend had his own flat at the age of 16 and had left home because he was beaten by his parents. The youth welfare department was informed and had helped him furnish the flat. She did not stay with him for long because he beat her. She met her current boyfriend

(went to Hameln two weeks after me and he's got two years for burglary) in the clique and they are back in touch with each other again, after separating, through letters in prison.

Criminality

She played truant regularly from the age of 13 *(they all got on at me, beat me up)* and had her first contacts with the police when she was 14 because of theft and because the ex-girlfriend of her ex-boyfriend informed on her. As a result she had to go to the youth welfare offices *(I listened to what they said and left)*, was given an order to do work in the community which she gradually fulfilled less and less and was then given a weekend detention order by the Magistrates Court because she could not pay the fine. She claimed that a girlfriend gave her the idea to try credit card fraud (paying with an uncovered credit card) and went shopping for herself and her mother. She wanted to stop this fraud but was forced to continue with it because her former boyfriend blackmailed her *(at that time my family was very important for me and I went on with it so that nothing happened to any of them)*. She was given an 18-month suspended sentence and 100 hours of work in the community. Since she violated the probationary order she has had to serve the prison sentence *(If only I had put a stop to it all earlier, but I'm stupid, stupid, stupid, because the alcohol and friends were more important to me)*.

Youth detention

At the beginning things did not go so well *(I didn't care about anything)*, but now she spends her time drawing and writing and gets on with some of the girls. She accepts the supervisors *(... really they help me a lot, with things to do with the court – I even got some clothes from them)*. She plays volleyball in prison, as she sometimes used to do in the past and wants to start drug therapy *(then I at least know that I've achieved something, even without my family)*.

Future

She wants to move away from Nordhorn to a town in the area (then I'll build a new life for myself ... school, take exams, do some training, start everything again from the beginning ... something with children ... but first of all do the therapy, then we'll see ... It'll be difficult, but I'll make it). She had thought of moving in with her brother who even had a job as an open prisoner but by absconding he had probably put an end to this possibility both for her and himself.

Waldorf Girl

Family

She was born in Hanover in 1987, has a brother (23) and a sister (21). After separating from the girl's father, the mother (training to be a masseuse) moved to a farm in a village near Greifswald with her new husband (teacher) and his disabled son in 1994. The interviewee's father died of cancer in 1995 without seeing his children again. The mother left her new

husband because he beat her two older children when they did something wrong on the farm. They moved to another farm, saved the step-father's stubborn horse from the abattoir, thus laying the basis for an animal recovery home, but they were unable to support it financially for very long. In 2000 they moved to Hanover, where the mother works in an old people's home. The mother grew up in a children's home and when visiting her home town found out by chance that her mother – i.e. the grandmother of the interviewee – had committed suicide two years' earlier (*Her mother didn't want her. Her father always said, when she was little, that she wasn't his daughter ... she was badly fed as a child and ill, until her step-mother fed her up again*). The interviewee keeps in touch with her mother's step-mother and her father's grandmother. Her brother (*he was my role model*) has been given a three-year prison sentence for armed robbery and is in the Youth Detention Centre in Hameln. He has a three-year-old son. Her sister, with whom she has hardly any contact, has a three-year-old daughter. Her mother sent her to the Waldorf school (Steiner school) (*my mother said I shouldn't go to a state school because there were so many foreigners there*). Currently her relationship with her mother is good (*it's never been so good, since I've been here ... now I really look forward to seeing her ... I don't want to cause her any more worry ... I don't blame her for anything anymore*).

Peer Groups

She went to the Waldorf school in Greifswald and Hanover (*I took hard drugs, they would never have done that*) and then, at her own request, moved to a secondary school because her friends were there. After a few months she was suspended for her own protection after an argument with two Albanian girls (*the argument just proved what my mother had said. The argument was just about my flared trousers and the colour of my hair. ... It wasn't like that at the Waldorf School*). Her clique was made up of seven or eight girls and a few boys in her part of town who smoked hash and drank alcohol. Her mother sent her to a Waldorf boarding school in Stuttgart (sends her child away just as her mother had sent her away) because of the drugs (*I took Ecstasy for the second time in my life and met my mother*). Here she took part in social projects in Romania and Kenya (*the time abroad was the best time in my life*), met her boyfriend, was expelled because of drugs and then spent a few months helping her sister-in-law with her child because her brother is in prison. Then she found a flat of her own, that of her godmother (*that was a childhood dream*) and moved in with her boyfriend who came to Hanover after spending some time in a psychiatric clinic.

Boyfriend

Her boyfriend and accomplice already had a criminal record for selling weapons, narcotics abuse, armed extortion (He was always difficult and once attacked his mother with a knife ... he always had violent fantasies ... I've had no contact with him since I told him to go after what we did). A short time after her accomplice moved out a new boyfriend moved in who was

being sought by the police because of grievous bodily harm (he was then arrested with me because he happened to be there).

Criminality

She smoked hash, drank alcohol and took Ecstasy, but claims that she committed no crimes. She worked in pubs (*because I like doing that sort of thing and to earn some money*) and went to courses for her secondary school leaving certificate at evening school. Her boyfriend did nothing (*he didn't even ask for the child allowance from his mother*) and then the crime just happened (*and then he said ... something has to happen. Are you coming with me? And then I went with him. I don't know why. ... Really everything was ok. I don't think I was really satisfied. ... Then we saw a taxi and got in. He hadn't done anything to us. It just happened. No criminal record beforehand. ... The taxi driver was strangled and stabbed a few times and they said that I did it. I don't know. I had a knife in my hand, I hit him at the beginning on the head.)*

Youth detention

Sentence for attempted murder: six years imprisonment. Her boyfriend received the same sentence (*That was the worst thing for me. That I got exactly the same as he did*). She had hoped for a more lenient sentence (*That was bad enough, having a previous conviction. I wanted to join the police or work in forensic medicine ...But on the day when we did it, I knew that I'd spoiled everything.*) At the beginning she acknowledges that the judge passed a just sentence (*I probably would have given myself the same*), but then she attacks him personally (*The judge is the biggest arsehole I know. Not just because of the sentence, but because of the way he is. I don't think he liked me*). At first she had problems in prison then began to see reason (*the first half year was bad because I just couldn't get used to it, to being locked in here. But I've thought about it, that when I cause trouble I'm the only one who has to pay*). She gets on well with the other inmates.

Future

First of all she is in therapy in prison and if her restrictions are relaxed she hopes to take further school qualifications and then go abroad (*as soon as my probationary officer lets me*). She plans to live with her sister to begin with. Then she has debts to pay: loans for lawyers, damages (*I like working, I think I'll manage that*). In the medium term she would like to go to Romania with her supervisor from the Waldorf boarding school, his four and seven-year-old children and another pupil from the school who has just completed his training in agriculture (*We've got a lot of plans. Have to see with probation and how it all works out*).

Brunsviga

Family

Brunsviga is 18, was born in Braunschweig, grew up in a socially deprived area (it was more like a ghetto there... that was a part of town where it was easy to get drugs), has three half-

sisters (there's no contact any more ... my family situation is really bad), two brothers (they don't do any kind of work at all) and a sister. One of the brothers has already spent two and a half years in the Youth Detention Centre in Hameln (he's going on living his life in just the same way). She had her first contact with her father when she was 17 when he wrote to her from prison (it's not important for me ... I'm not interested). Her grandparents on her father's side of the family are butchers and sell 'Heideschinken' a bacon speciality. Her mother trained to be a housekeeper (was there just for us children) and is an alcoholic (my mother also has an addiction problem). Her brothers were put into a children's home at the ages of seven and nine (broke into cars and so ... it was too much for my mother). When she was 13 she also spent a year in a home (My mother always threatened that I'd be put in a home), ran away from there, returned to Braunschweig, lived with her brother or rough on the streets and finally moved into a flat of her own (that was a really bad part of town. The youth welfare office said I'd have to move away from there). She has a bad relationship with her mother (I can go there, then my mother would take drugs with me, smoke hash and drink alcohol, and then we'd argue).

Peer Groups

She is sceptical when it comes to talking about friends (Friends are only there when you have money: if you've got money, you're important; if you haven't, you're nothing. That's the way the people are who I've known ... I've never had anything to do with other sorts of people when I was on the outside. Only with my ex-boyfriend). She occasionally looked after the children of her alcoholic neighbour and cooked for them.

Boyfriend

When she was 13 she had a four-month relationship with a 28-year-old man (he was also involved with hard drugs. I was in love with him and he loved me too. After four months he went to prison and since then I haven't done anything anymore ... three years ago it was really bad for me ... I really couldn't get my head round it ... then he threw me away like an old potato ... first of all it was all true love and I'll do anything for you and then that was it). She got to know her next boyfriend, with whom she had a three and a half year relationship, when she was 15. He grew up in a children's home, his mother died (that's why he's a sad kid. I had to look after him more than he looked after me ... we used to hit each other). It was a relationship at subsistence level (We had some hard times, when we had nothing to eat, we were hungry and we used the last money we had to buy beer ... and then we were angry with ourselves afterwards that we had spent the money on a lot of alcohol and not much food. I don't want to do something like that again. And not with this man either). She has written to him from prison because she needs money, he lives in their flat and is waiting for her but she sees a chance of living together yet separately in the flat for a short time before looking for a flat of her own.

Delinquency

She made contact with drugs early on (when I was small my brother always took me with him to see his friends and I sat there surrounded by clouds of smoke and then I wanted to try it out for myself and did it too ... and then I tried this drug and another drug... I tried everything: alcohol, tablets, everything that makes you high ... so that I wouldn't see all that misery around me ... when I was 12, 13 I started taking hard drugs, cocaine ... when I was 15 I started injecting heroin, was in a psychiatric clinic more than 20 times, detoxed myself three times, tried to commit suicide – here you can see it on my arms ... 've had 6 fits ... 've drunk a lot of alcohol and then gone berserk ... wrecked my flat ... I used the drugs to try and get my mother to love me again). She broke off a course of therapy (I've got borderline syndrome and get depressed when I have to consider the details of all these things ... I'm just not up to it psychologically). The Youth Welfare Office visited the family regularly (for assistance talks ... already because of my brother). She left school at the age of 15 (My teacher said she wasn't putting up with any junkies at school ... then I came to school ... laughed at the teacher ... did whatever I wanted to ... I was thrown out and then had to do community work as a punishment for truancy). When she was 15 she was given a flat of her own, a guardian was appointed for her until the age of 18 and a course of therapy with supervision, which involved visits to her twice a week (and then I couldn't keep up with it ... after 4 weeks I broke it off). When she was 18 the Youth Welfare Office refused to deal with her any longer (that was it, because I didn't cooperate. They want to see results). At some point she changed from heroin to THC (tetrahydrocannabinol, a medically prescribed drug substitute). After she had been given suspended sentences several times for possessing drugs and had broken off the course of therapy, she ultimately had to serve the sentence and went to prison for a year. However, she emphasizes the nature of her offence (I'm only here in prison because of consumption [of drugs – F.F.]. I have never done anything to anyone else. I've only hurt myself.).

Youth detention

She considers her sentence to be just (It's illegal and I have to accept the responsibility for that. In any case it's my own fault ... you have to learn from these things, that you end up in here), but she doubts that the judge really knows all the facts (he doesn't really know what's going on). She is getting on well in prison, on the one hand, (I sometimes feel better in here than I do outside ... when I was in the psychiatric clinics I was also locked in, was always on locked wards) and left the Integration Group for the Advanced Group after only two weeks. On the other hand she points out the stresses of prison (being in here leaves scars ... it's certainly not good for anybody being in here. It doesn't make anything better).

Future

She hopes her sentence will be halved, that she will then be able to go to vocational college and return to her old flat. For this reason she wants to keep the flat on since everything she

owns is there and a fixed address is an advantage when being released on probation (*But I'll certainly go back to my old environment, that's where my roots are, that's where I'll go back to. If I moved somewhere else now I wouldn't know the people there. But if I want to take drugs I can take drugs there too*). She refers to her age (*I always say: I'm still quite young. I can still achieve everything that I want to*).

4.3 Italian Field Research

Desk research on the analysis of the connection between young girls and crime has put evidence on the scarce bibliography on this issue. Results of the field research are therefore interesting in order to collect information on gender perspective and young girls in conflict with law thanks to qualitative and quantitative elements that have been gathered and on information from practitioners and social workers of the Juvenile Justice system gathered through semi-structured interviews and focus groups. Field research has been implemented in Roma and Naples.

Interviews with young girl offenders

Eleven girls involved in the juvenile justice system, seven of them in IPM, the structure where custodial measures are enforced while four of them in educational communities.

Field research was initially oriented to be implemented in IPM. Due to the fact that Italian girls are rarely involved in the IPM while the majority of girls in IPM are foreign girls, particularly Roma girls, the need to focus field research on the Italian girls resulted in widening field research in Educational Communities. Based on statistical data, Italian girls resulted to be mainly took on by the USSM and Educational communities. This difference among Italian and Roma girls is mainly based on the lack of a social and family protective network Roma girls suffer of.

To limit field research on IPM could have lead to a coherent image of IPM population but not a coherent image of the young female criminality in Italy. Four of the girls who have been interviewed are Italian while three are foreign girls and four are born in Italy but they do not have the Italian citizenship. Girls who are involved in the juvenile justice system are mainly girls born in Italy *belonging* to foreign families (*ius sanguinis* principle) with different cultural and social background. Moreover non Italian girls show a double identity separated between two different cultures, the culture of origin and the culture of the country they are born and live in that are mainly in opposition.

Even though field research was initially based on the involvement of girls between 14 and 18 years old (the period of criminal responsibility) due to the above mentioned difficulties in involving Italian girls it has been decided to interview girls under 18 years old.

The composition of families of the interviewed girls range from 2 to 8 people mainly in relation to their origin: Italian families are mainly less numerous than the foreign one. Foreign and mainly Roma girls have a large number of brothers and sisters (from three to eight). Almost all the foreign girls live with their parents while two of them have had problems with their families (parents of the first one had problems with alcohol and the second one had been sold by her parents at the age of 7). The three Italian girls live in mono - parental families and reported of a dramatic family context. Five of the girls who have been involved in the field research have been married or are married and four of them are foreigners. Two of them have children (one Italian girl and one foreign girl).

Context of origin and family relationships: The group of the subjects who is been involved in the field research is mainly constituted on non Italian girls, mainly Roma girls, that enter the IPM for crimes against property and mainly thefts. Italian girls, who are a minority group and who are mainly taken on by Educational Communities or IPM, are mostly convicted for crimes against persons. That means outcomes of field research resulted in two main areas based on the differences reported by girls.

Roma girls depict their family relationships as good based on love and empathy. All of them underline disappointment of their family for the crime they have committed. Only one girl, who have been sold by their natural parents, reported of violence she lives in the new family as they constrict her to rubber. Italian girls report of their difficulties in family relationships mainly characterised by the scarce involvement of parents in their lives.

Relationship with the peer group and emotional sphere: Girls do not seem to have any problem in social relationships. All of them describe the importance of relationships within the peer group. Nevertheless they are mainly involved in peer groups characterised by the same origin. Foreign girls do not show difficulties in being integrated in Italian cultural context even though only two of them have Italian friends. Almost all girls affirm that boys support them in being involved in criminality. Mainly foreign girls commit crimes against property, theft mainly, along with boys. Almost all of girls recognise that they could have been chosen not to commit such crimes. Moreover they affirm that if they were born in a different social and family context they would have different opportunities and a different way of life.

Italian girls prove more carefulness in a such analysis showing deeper difficulties in family and social relationships as well as more complex personalities. They affirm that boys have played an important role but it could not be considered as the only reason for being convicted in crimes.

Self image: Roma girls mainly show a submissive self image as they consider themselves as victims of contexts they live in. On the one hand they affirm they have not been forced in making their choices but at the same time they declare they have taken compulsory choices. Others admit their responsibility in the actions they went through showing a more active

attitude stating they could change their lives if they want to. Some of them have already started in changing the way of life also by implementing choices that are mainly in contrast with their cultural origin and family values. Often they seem not to be able to analyse themselves and their life.

Italian girls have demonstrated differences: one of them has shown a good ability in self analysis mainly due to the work she has done in the juvenile justice system. The others has show they do not have developed a critic approach to their lives and their stories. Indeed they have denied any responsibility in the fact.

Their personal history: Main aspects of personal history before being in conflict with law is shared by all girls: both Italian and foreign girls have ended their educational career, some of them have never attended schools. Their lives are characterised by the absence the lack of rules, they do not shoe respect for social rules. Almost all foreign girls live in Roma camps while Italian girls underline the absence of strong references in their lives mainly their parents.

The experience in the Juvenile Justice System: Differences among the two typologies of girls have consequences in this area as well. Italian girls are mainly at their first experience in the JJS and the crime they have been convicted for is the single crime they have never committed, even though in one case the crime is quite serious. On the contrary foreign girls have a long story of crimes so they have been in educational communities and IPM.

The very first period in the IPM is described by almost all girls as a very difficult period even though their relationships with social workers are good and they could lead to an affective relation. Roma girls describe their life in IPM better than the life in camps as it is clam, quite and mostly a normal life. They recognise that being arrested is a way out to escape street life and non accepted marriages.

Criminality: The path to criminality is basically different based on the country of origin of girls. Roma girls are denounced mainly for crimes against property and their enter in criminality happen at a very early age, from eight to 12 years old. They affirm they are not forced to make thefts and at the same time they admit they do not want to make it but they have to due to the pressure coming from friends, the context of origin and the *need* of money to spend in amusements and buy clothes. Almost all of they seem to be aware of crimes they committed and they seem to have elaborated a deep analysis on the crime and on the consequences of the crime on other people: nevertheless it seems difficult to trust in girls' declarations as there are functional to the possibility of gaining benefices. Almost all of them state that do not intend to commit a crime again but they are aware of the difficulties that will meet in order to follow a way of life differing from the family one. Some girls have already changed their way of life by cutting relationships with their family.

Italian girls in the JJS commit more severe crimes, mainly crimes against persons (murders, attempted murders) and their entering in the criminal circle happen not an early stage as for

the foreigners. Moreover the crime there are reported to is the first crime they have ever committed. The entering in the JJS of Italian girls happen only in severe cases and they are reluctant in talking about the crime they committed. One Italian girl has stated the committing that crime was the only way to help out herself.

Focus groups

Focus groups have been implemented in Roma and Nisida involving practitioners and social workers. At least eight – ten people have been involved in each group. Focus groups have been focused on the gender dimension of young criminality in order to analyse projects, strategies, methodologies and tool used by different actors to prevent and improve the reintegration of young girls in conflict with law. Focus groups aimed at two main objectives: to analyse perception of social workers and practitioners on gender crime and to identify practical prevention and reintegration strategies from a gender perspective in order to define common guidelines.

Girls in conflict with law :

In Italy young girls in conflict with law are mainly young Roma girls, girls coming from eastern countries and some Italian girls. (the rate is one Italian girl to ten foreigners).

The girls' entering in a criminal path changes based on different factors, mainly the ethnic origin. Roma girls have a low level of education and in some cases they have never attended schools or they have abandoned schools in at early stage. Girls coming from Rumania have attended lower and in some cases upper secondary school.

As for Italian girls they have abandoned school at an early stage.

Ethnic differences: To this factors are related the typology of crimes, the age of entering the crime, reintegration and rehabilitation strategies and the consequences of such strategies.

The experiences of Roma girls are characterised by:

an early entering in criminality

a family and friend context facilitating a simple approach to criminality;

the meaning of the crime: Roma girls define the crime they have committed as a joke, an act they are forced to, a job, a tool to access to some goods such clothes in order to be coherent with our social model.

All these elements play an important role in recidivism of such girls.

All these elements seem to have a strong connection with a difficult path of self identification Roma girls are exposed to due to the fact they are born in Italy they feel themselves Italian but their bring about a double identity: on the one hand values of the Roma community and on the other values of the Italian context.

Girls coming from Rumania have different experiences. They usually arrived alone in Italy with a personal project of life mainly with the aim of making money and come back in their country

of origin. It means that they have a deep consciousness of what they are going through. As for the ability in managing such choices they show a deep ingenuity and a feeling of *omnipotence*. It shows a lack of values these girls have experienced in Rumania a country where dramatic changes have been occurred in the last few years.

Italian girls have different experiences. When entering the JJS Italian girls are mainly involved in educational communities and USSM. They enter criminal path lately (sixteen - seventeen years old). Nevertheless they show more difficult problems in their family and personal lives. They have experienced intra familiar violence, psycho - pathological problems and drug addiction. They have already been involved in the local social prevention services. A particular aspect of Italian girls is the emotional feature that mainly characterised Italian girls' crimes. Frequently indeed the reason why girls are involved in crimes is the sentimental relation they have with a boy already involved in criminality.

The number of Italian pregnant girls is growing more and more as they try to balance the vacuum in the family of origin.

Nevertheless the main difference is the typology Italian and foreign girls are involved in.

Crime typologies : Roma girls are mainly denounced for crimes against property. Differences could be underlined among Christians and Muslim girls mainly based on the type of crime they are convicted for that is hardly explained. Christian girls are mainly denounced for robbery while Muslim girls are convicted for thefts in apartments. In the last few years the phenomenon of prostitution and paedophilia is increasing more and more.

Italian girls are mostly denounced for crimes against persons, drug related crimes. One main characteristic is the violence of crimes realised by Italian girls as well as the presence of an affective elements: Italian girls are mainly convicted with their boyfriends.

Gender differences: The first difference is the quantitative aspect: the number of boys involved in the JJS is pretty higher than the number of girls. Other differences come out when talking with social workers and practitioners. Girls show following characteristics:

- enter in the JJS on the bases of more severe crimes;
- show difficult family context and complicated emotional relationships;
- show psycho - pathological problems and a strongly structured personality, a deep consciousness and capacity of self analysis;
- show a strong resistance to changes and encounter difficulties in finding out their personal way of life;
- show different personalities: Roma girls are more passive and submissive, they lie and are able to manipulate people while Italian girls are more arrogant;
- react more positively to socialisation activities within the JJS;
- show a more coherent programme for their future live;

- frequently use non expressed psychological violence taking form of marginalisation and exclusion in the peer group;
- they are less involved in family dynamics: male are often involved in emotional dynamics as they should substitute the father and they are involved in extraordinary relation with their mothers .
- they are more vulnerable to violence and at risk of abuses and prostitution.

The role of family is pretty important. While for Italian girls family plays a protective role that support them in not being involved anymore, dynamics of Roma families are pretty different.

Prevention and reintegration policies: Actual institutional and legislative policies and strategies seem not to take into consideration the gender perspective, mainly in preventive and educative policies while it could be underlined that at practical level gender differences play an important role. The Italian justice system show a protective strategy toward Italian minors particularly towards girls while gender sensitive policies hardly are taken into consideration and show an actual valorisation.

At the practical level social workers and practitioners tend to propose modalities of intervention aiming at stimulate girls to join a cultural model based on traditional values such as family, job, home. If the girl accepts such *new* status that means she accepts to initiate her difficult path towards the change. Often the decision to join such a model and the overall path of reintegration is functional to obtain benefices and it is not a structural change. Therefore the change will not be followed anymore once such benefices have been obtained. This difficulty is experienced both by Italian and foreign girls, particularly for Italians who came from difficult socio-cultural contexts. The possibility for girls to join such model depends on the ability of social workers to access the relational and emotional area of girls and on the possibility that he can represent the *alter ego* as well as the reference for the girl herself. Often it depends on the personal initiative lacking of a strong structure supporting the girl once she is out.

An important variable is the time of the permanence within the IPM or in educational communities.

Prevention : Almost all the social workers have put evidence on the importance of preventive measures to be adopted both at a primary level (in the compulsory school system) and at territorial level, in the field of secondary and tertiary prevention by building up a network of services integrating both civil and criminal areas.

The link between civil and criminal area seem to be one important critical point in the preventive strategies: indeed numerous civil denounces in civil areas are not followed by local social services and therefore they arrived unsolved in the criminal area. More and more often histories of minors entering criminal circle is characterised by numerous signal of uneasiness in competence of civil law. Criminal area represent therefore the final stage of an uneasiness that had already emerged in civil area: one of the main sign of such an uneasiness is the school

drop out. The JJS works in the field of secondary and tertiary prevention area in connection with young people who are already in conflict with law. During the next few years the Ministry has analysed the phenomenon from a quantitative and qualitative point of view and protocols and agreement have already been signed with the main institutional actors as well as with the third sector. An important experience is the office for social mediation in Naples.

Reintegration: Reintegration programmes show that the majority of success involves Italian girls who live deep difficulties and uneasiness while showing easiness in rehabilitation. Roma girls hardly attend alternative measures due to the lack of family relationships able in supporting them in their path to reintegration. They are mainly involved in educational communities. For these girls crime is a good job so other jobs are not attractive. This is the reason why the variable *time* is pretty important for the reintegration of those girls: the long stay help social workers in teaching them the respect for rules and the need of joining different values. The relationship with family is important in the area of reintegration as well and the role the family play in checking the behaviour of girls. When family shares the aims of the reintegration programme, recidivism results to be more difficult. This is the reason why the IPM represents the only tool to support girl in walking out fro criminal circle. Indeed girls often want to be denounced and arrested in order to escape from difficult family situations. If girls want to initiate a new path they have to cut all the links with their culture of origin, with their families: these choices are difficult based on obstacles and renounces. Moreover families hardly accept such choices and try to convince the girl to go back on her choices as she earn for the all family. It is pretty crucial an exchange with the culture of the country where the girl live in. Particularly Roma girls, they show a strong link with their culture of origin, they want to be similar to the other Roma girls but when meeting other values and a different way of life they could be prepared to define their reintegration programme based on different values.

IPM are the main tool to support them in finding a way out of the criminal circle as the only place where they are offered a different social model of life.

Crime is a joke or a job for Roma girls. It has consequences on the way they join reintegration programmes: in such cases girls experience difficulties in reading critically, from a different perspective what they have experienced. The consciousness of the responsibility, that is a key factor culturally determined, is shown mostly by Italian girls and hardly belong to Roma girls: they consider theft a joke or a *normal* job.

Focus groups have shown absence of specific gendered oriented reintegration programmes while girls are involved in activities that traditionally belong to the female role in the traditional model of society (hairstylist, tailors, ecc.) as well as workshops on health education, maternity. In analysing such issues boys should be involved: it has been underlined in the last few years the need of sharing such information with boys particularly health education.

The analysis of female identity has resulted to be an interesting issue for both girls and boys mostly due to differences among Roma and Italian girls.

Suggestions and proposals: Suggestions and proposal are mainly focused on critical points underlined by practitioners of the JJS.

The main critical point is the lack of a net of services (in civil and criminal area) aiming at implementing alternative measures and prevention and reintegration programme. A good practice is the social mediation centre in Naples with the participation of local centre of Juvenile Justice and the Municipality. At the national level there are numerous experiences on social network but they should be enforced through protocols and agreements. Such net should guarantee the implementation of gradual reintegration programme with the possibility to continue supporting girls in such programme even when they are out of the IPM and educational communities.

It could be important to define a *tutor* supporting girls even when they come back in their family and social context. It should be important to have a *follow up* at the short, medium and long period in order to monitor the success of such personal reintegration programmes.

A critical point is the lack of connection between Roma girls and Italian culture: it should be important to improve information and raising awareness activities in Roma areas. Prevention activities should involve both girls and their families and even their communities.

Moreover prejudices could affect practitioners and social workers working in the JJS and a lack of an overall integrated reintegration programme. It could be important to improve the collaboration among all different areas through integrated training programmes where different actors could exchange experiences and different points of view.

Finally prevention and reintegration strategies seem to be defined from the *above*, at the institutional level and not defined in collaboration with social workers and practitioners.

As for the gender perspective it is important to provide girls with positive models they could interact with, paying attention not to provide predefined model. Practitioners and social workers could not play such a role due to the distance among their values, culture and way of life and those of Roma girls. For this reason it is important to involve cultural mediators, mainly women coming from the same cultural background and have experienced a positive interaction with the Italian culture so that they could support girls in the definition and implementation of their reintegration programme.

4.4 Rumanian Field Research

Interviews with young female offenders

We have interviewed 11 young female offenders, convicted for theft and/or robbery; they are residents of the Gaesti Reeducation Center. Typical convictions are for property crimes.

The substance of all the interviews data was synthesized and the results are here down presented.

Age: the majority of young female offenders are between the ages 16-17.

Personal and family background: all the girls' families were aware of their involvement in illegal operations. But, the family members and especially their parents covered their acts to strangers. Usually, at least one member of the family – mother or an elder brother - tried to stop the girl - or even beating her for not repeating the crime. Although, some of their relatives (mothers, elder brothers) blamed them for their acts, they are in good terms and connection with the family, receiving packages with cloths and food and personal things which they ask for. Generally, these young girls have no children (there is only one exception; one of them is a mother of a two years old boy). They are issued from very poor families, having very low income or larger family social support, unemployment allowances; to some of these families the mendicancy, "to take from other" and "to be regularly convoked to the police" is an ordinary lifestyle. Their families have usually numerous members, including at least three and no more thirteen children), concubinages offsprings, mother's relations with different men; some of these girls coming from a monoparental family (because of the father's death or abandon). The girls' parents are either illiterate or finished only a few grades or, at the most, ten grades. Because of the lack of schooling, the majority of their parents are land cultivators, peasants, unqualified worker or unemployed. The relation between parents is usually tensed, in many times violent, because of the alcohol consumption or of lack of money.

The relation between the young girl offenders and their parents are in many cases tensed, too, even violent (especially with the father). There are cases of neglecting, the parents being not interested to look after the girls, they did not pay them attention, security, emotional support and education specific to their age. Some of these offender girls' relatives – father, brother – are either in penitentiary or in the evidences of the juvenile delinquency services for antisocial acts, mendicancy and vagrancy.

The families of these girls spent their free time going out in the town, drinking in restaurants or visiting some friends or relatives. Sometimes, they watched to the TV or went to a kind of balls. The girls have no clear definition of what is suppose to understand by free time; for one of them "working in the field, in the open air" means the free time. Many of the young offender girls' parents or family members are ill enough: they suffer from epilepsy, heart or lung diseases, psychiatric illness, cancer.

The girls, also, show a precarious health and need for medical assistance: in their medical recordings are mentioned a wide range of diseases, usually lungs illness, neurosis, headaches of unknown etiology, depression. Some of them attempted suicide. They are characterized by social conduct disorders and low intellectual abilities.

Self image/self esteem. In speaking of themselves, the girls used very few self-descriptors, which mean that they do not analyze themselves and have a limited/elementary vocabulary of personality traits. Therefore, they display a very poor self-image, but unrealistically positive: most of them describes themselves as follows: "understanding, sympathetic, beautiful, merry, sincere, emotional or sentimental, good girl, caring/loving person, compassionate, respectful, trustworthy, smart, sharp, daring or detached, in a good way, cool". But, some girls describe themselves mostly in negative terms: "nervous, reticent/solitary, capricious, bad-tempered, annoyed, foul-mouthed, impulsive, sad, shy, laughing to much, egoistic, fat, short, insignificant/humble".

School and vocational training. Most of the girls did not attended compulsory school, having only a few primary grades and only some of them finished a part of the gymnasium grades. They are nearly illiterate, filling up the next grades at the reeducation centre. Their intellectual abilities are extremely undeveloped and thus, limited. Only one of these girls shows an interest in learning and wishes to accomplish her studies, beyond the compulsory courses. All of them are unqualified, unskilled or have no marketable abilities. But, some of them wish to be helped to get some qualification, being aware of its necessity to be successful in life. Finding a good job means to avoid the temptation of an easy life, the risk of relapsing.

Friends, peer relationships. Most of these girls said that they were involved in friendship in the past and nowadays. In fact, their friends are either the former partners in infringements perpetration or young delinquents who train them to steal, "to become a thief". The girls believe that the entourage, the peer group has to be mainly considered responsible of their delinquency. The girls belonged to quite unorganized group. Some of these girls declared that they played an executive role, or "to say nix", claiming their passivity. Most of them do not even know what friendship means, one of them considering her lover/concubine as her friend. Another girl thinks that her relatives, offense partners were her real friends. The girls and their friends spent the free time in clubs, entertainments/parties, drinking, and having casual love affairs. Some acted out in male-female teams - the boys organized the task force - or in exclusively female teams - girls assuming the leadership (they established the acting places, the target and modus operandi e.g.) while some initiated crimes on their own. There are cases when the girls declared they did not belong to any group, that they had no friends "because friends incite to do wrong". It seems that they know enough how important it is to learn the right way of thinking to avoid being among those who recidivate. Those who confessed their group affiliation declared that the relations among group members were rather good "because they had common interests". But, they feel that they were used, the friendship means money to spend with. Almost all these girls state - probably, after discussions with the psychologist of the centre, that the friends had a destructive role in their life, but all recognize that they enjoyed friendship and how they feel together. At the center, the girls have usually the

inmates as friends. Some of them get involved with men in center, being affected positively by newfound friend convicted for similar crimes; the confusion between lover and friend was almost always easily noticed.

Media influence The girls prefer watching TV movies – most frequently, soap operas - or Indian romance movies. Before their conviction, some of them liked the character of Xena from a serial with women fighters or cartoons. The musical preference of the most of girls is *maneaua* (a composition of mixed oriental and gipsy melodies). Because of the lack of instruction and their poverty, almost all girls have no computer competency, even elementary one, and those who have user limited knowledge spend the time with ordinary, childish computer games, and card or car games.

Role models/idols. When asked about their role models or life idols, the most girls do not even know what the matter with these terms was. But when they refer to the influence of some significant others, they refer either to few relatives, the grandmother or to a movie star, Thalia, to a famous *manele* singer, to Romanian comics. They identify themselves with these models/idols (one of them truly believes that she looks as Shakira).

History of previous institutionalization/ Experiences in the juvenile justice system. The majority had a prior career as offender, being many times admonished or fined by the police or convicted for theft or burglary with the suspension of penalty. The police is familiar with these girls' modus operandi and, facing many cases, it established some algorithmic rules. In some cases, the victims themselves knew the offenders, but they did not report the crime to police, because either they were neighbours or they retrieved the prejudice. One of the girls is still involved in ten court trials for theft. Stealing is her lifestyle of own.. Some girls began to steal in the early childhood, at about 9-10 years old. The most of girls compared forcefully many times in the court. Asked how they were treated by the judge/prosecutor/or other persons from the judicial system, the most of girls' answer were "correctly" or "according to the offender's adequate approach". Although they do not know their rights, while asked if their rights were respected in court, the girls responded undoubtedly "yes". They said there were no differences between boys and girls treatment in the justice system. Delinquents are of both sexes, finally.

Issues related to crime. Generally speaking, the young girl offenders do not deny the judgment correctness, easily admitting the crime. Nevertheless, some girls do not agree with the dimensions of penalty as related to the crime seriousness. Either they do not know or they ignore, that the sentence is dependent both on crime type and the offender's criminal history. This is a sequential perception of the crime, a "de-contextualized" approach, so frequent met in offender's account making. They believe that they are responsible of their crimes, but, at the same time, they strongly believe that the peer group, the parental indifference or abuse and the poverty might be at least important in explaining their delinquent behaviour. In their

opinion, they experience ambivalent feelings – they perceive themselves both as an offender and a victim –and the difficulty to put in words this ambivalence is an obstacle which they are aware of. They do not give any importance to the crime as such, but rather more to the crime consequences. The girls confess their deep interest in changing the habits and lifestyle, wishing to have a decent job, a normal family life. It is hard to say if they are really and sincerely interested in becoming an honest person or if these overtly expressed desires are the effect of the discussions with the centre staff (especially, during counseling session with the psychologist and social workers). It is also possible that they during these encounters internalized the socially desirable conduct. The girls describe quite in detail their crime context and modus operandi, proving that, in spite of the time, the facts is still fresh in their mind, haunting them. They feel unable to operate a rupture between the life before conviction and the life in the centre. None of them did confess being under the influence of drugs, alcohol or medicines, when they committed the crime; although they speak of themselves as alcohol regular consumers. Some of them are specialized in little girls earrings theft, children whom they cheated with fanciful stories, other used to steel alone, being tempted by the victims' negligence (unlocked doors, open windows, keys "hidden" in places easy to locate, attractive objects, money left at hand, neglecting sellers, unsafe cars with valuable objects in, persons who gone to buy in the store or in the market, inattentive with their wallet).

There were few girls who prepared the crime or had a plan/schedule. What means preparation for them is to make decisions on the role distribution or on the allocation of the theft tools to be used during the action. To most girls, decision making was spontaneous and passing to act immediate; many times they didn't hide their traces, trying to sell the stolen objects in public places (i.e. market, big store), in pawn shop through some acquaintances, adult persons who reported the theft many times to the police. When caught at the theft scene (one of them tried to intrude in an unlocked door apartment, without thinking that someone/the owner might be there), the girls apologized childishly ("I am looking for a woman wanting to buy flowers"; but the girl's justification of her presence was quite inadequate, she lacks flowers ("It was your little dog who opened the door, not me"). Girls usually stole what they found (picking up, being at hand): money, small amount cash, food, shoes, laptop, and even religious books, almost anything.

Coping strategies. There are only some of the girls who present self-confidence, trust their ability to rehabilitate. Most of them confess they wish to forget the past, but they are not sure to succeed in. The future looks uncertain, full of traps. They need to be supported, not by a specialist (psychologist, social assistant, medical staff), but by their own family (even those who never met family affection aspire to the family's emotional support). They are afraid of the community's reaction after leaving the centre, they are afraid of being stigmatized ("that who steals", "the convicted girl" "breaking law girl"). Illusion of a new and decent life, in another

country, where nobody knows them and their past life appears them as a salvation solution. They confess they will be happy if the family, at least one family member, would understand, support or accept them as they are. They are insecure, frightened, low self-confident, mistrustful or suspicious. When asked to imagine their life in freedom, the girls are doubtful, convinced that their hopes are in vain. Although the most of them declared that did not like to learn, they accomplish their studies at the centre, because they are told that it is the only way to have an honest and decent job. They qualify in tailoring, are trained to work, according to their abilities, at the centre's farm and motivate to enjoy artistic activities because the art is about sharing and creating connections. They use to go to the church even if they are not very faithful persons. They need for various activities at the centre, mostly manual ones. Also, they wish to be involved in other work fields than tailoring and would like to be involved in more recreational activities, such as city sighting, cultural tourism, shopping, all of these activities, suiting both for men and for women. In the Reeducation Center, they developed attachments bonds with roommates, who being involved in empathetic and emotional relationships which supply the personal indifference. They are not able to make suggestions or to have ideas either to gender related services or in arguing the need for special programs for girls.

General remarks.

After talking – interviews, informal conversations – with young female offenders in penitentiary, we found that they tended to fit into following categories:

Theft as experiential learning: acting out according to ritualistic “know how” abilities, acquired by experiential and/or self-discovery learning< girls clearly did not create the scenario in details and did not rationalize it by using cognitive tools;

Being the outlaw: they pursue crime by developing habits involved in a lifestyle, as skill life and an image that they perceive as cool or working outside social boundaries;

Substance abuse problems: they are not addicted to drugs or alcohol, but quite familiar to alcoholic drinks, however, when passing to act they are usually not under their influence;

Following role model: girls tend to have TV models (movie or serial characters, fashion singers);

Delinquency: many girls get involved in their criminal activities as a way to keep them ethically similar to their family members; antisocial behaviour is accepted by family members as a “normal” style of life;

Health: girls are issued from poor health family whose members suffer from chronic diseases; family members have bad habits as behavioural risk factors; the parents are much more likely to be heavy drinkers; stress of living without money, damages the health beyond the genetic condition

Education: parents are low educated persons and there is no parental educational project;

Socio-economic status: lower income families

Health problems: girls have sameness in terms of the body poor health condition;

Education: girls have low level of education, are unskilled and unfinished the compulsory schooling years;

Children: girls are childless.

Two case studies

Rodica-Ecaterina T., born in Cluj-Napoca County.

She is 16 years and a half old, being convicted for theft and passing a year in the Gaesti Reeducation Centre. Her family knew about the girl's deviant behaviour: the mother tried to stop her daughter, even beating her, but covering her acts to strangers. Both the father and the elder brother were convicted for theft. She has good relations with her family; her mother visits her in the Centre and supports her.

Family background She is born in a four children family, as a concubinage child. Her mother looked alone after her, as her father did not recognize the child. The father spent some time with the family but later on left the family, being convicted for pockets theft.

The mother has only eight grades; she was employed as a cleaning woman, but the last years she is unemployed; the father finished a professional school, working temporarily as a mason. Rodica has three brothers: the elder finished only six grades, has no qualification, being at the present in penitentiary, convicted for theft, and the two younger are pupils in the III and IV grades. The family had not a constant gain, the parents having occasionally a paid activity.

She cannot say anything about the family and her health. When they were together, Rodica says that she, her brothers and her parents used to listen to music, to visit some acquaintances or relatives. But usually the atmosphere in the family was stressed; there were frequent quarrels, beatings because of father's jealousy. The girl had good relations with her mother, but bad relation with the father, a very violent person.

Self-esteem Rodica thinks she is a good person, dedicated body and soul, and ambitious, but sometimes aggressive. She thinks that the others have a good impression concerning her person

School and vocational training She finished only four grades, dropping out after she starting to steel.

Friends, peer relationship She had friends, mostly girls. They steeled, they enjoyed together, accosted adolescent boys. She was found of the group, of the "kit". At that time, she felt to live "at rack and manager". The group's relations were good; she did not like to have a leader position. She and her friends used to go in clubs, to organize some feasts (libations). Now she thinks that her friends had a bad influence on her behavior, being mostly responsible for her acts. She has good relations with the colleagues from the Reeducation Center. However, there were some episodes of her aggression towards the colleagues and the staff. She has one girl friend, which paradoxically is her former partner in the theft infringement,

and a boy that she considers as a nice, respectful, sincere and sympathetic person. In fact, the boy is her lover; she met some difficulties in seeing a difference between boyfriend and lover.

Pleasures, enjoyment She likes romance and Indian movies, *manele* (mixing of oriental and gipsy melodies). She used to play computer games as "Hercules", "Diamantes". Now, she likes very much to play sports. During her life she had not models or idols. Having someone as a life model was not important for her.

Personal criminal history Starting with 14 years old, she committed many thefts of jewellery, usually earrings from little girls, being many times reprovved or fined by the police. She was even convicted with suspension of penalty. In her opinion, she was correctly treated by the police and prosecutors/judges, but didn't understand if and how her rights were respected. She was not aware of a difference in girls or boys treatment, both being considered as delinquents. Also, she could not say if and what services are particularly addressed to young girls offenders. She considers that it is equally difficult to handle with penitentiary life both for girls and for boys.

Crime context One evening, she and her friend noticed a little girl who was playing in front of the house. They decided to steel her earrings, inveigling the little girl in a dark place. She told the little girl to come with them for giving her some dolls. On the road, Rodica and her friend tried to frighten the little girl, telling her that some gypsies steel children's earrings. So, it is better for the little girl to give them her earrings to be kept. A day after, they intended to sell the earrings to a woman in a market. The woman hearing the rumours about the theft so quickly spread in the little town like theirs, denounced the both girls to the police. Being arrested for theft, the girls declared they do not know the little girl.

Issues related to crime When arrested, Rodica tried firstly to disclaim the charge, and she did eventually recognize the facts. She confessed that she was penniless and needed for money to buy clothes, candies and to go to entertainment clubs. She did not consider herself entirely guilty, blaming also her friends. She shows self-confidence, and convinced that she would ever not steel again. She thinks that the others have a good impression of her. Rodica wants to leave behind her past style life, but she confesses being afraid, because she does not know how her life will look in the near future. She believes that after leaving the reeducation centre, she will renew the relation with her boyfriend, to enjoy and to regain the time lost, her family missing her very much. She thinks that the world is a just world and she needs not to much for being happy. But she confesses the need to be supported by her family. In the Gaesti Centre she learns, practices sports, and works in the centre vegetables garden. She follows training in tailoring, and prepares herself being prepared for the free life, when she hopes to have a good job.

Ronela-Otilia P., born in Petrosani town

She is 17 years old, convicted for theft and passing two years in Gaesti Reeducation Center.

Her family was familiar with her deviant behaviour, but hid her acts to strangers. Her father raped her, and was convicted for incest. A brother of hers and a sister, both pupils, are in the services of juvenile delinquency recordings for antisocial acts, mendicancy and vagabondage. Having good relations with her mother, she is visited by her in the centre.

Family background She is born in a five children family. Her parents were married and both looked after her. The father finished 10 grades, worked as a house painter; the mother, finishing 9 grades, worked a short time as a tailor. The family was quite poor; the parents did not gain enough money to raise their children in a decent way. When she was 8 years old, her father raped her, and was convicted for 8 years. Just before her conviction Ronela lived with her unemployed mother, and her brothers and sister in a small flat composed of a room and a kitchen, poorly furnished and in a small way kept in repair. Family climate was rather bad, because the father drunk very much, and usually aggressive. He committed the incest, being drunk. She hates her father, but loves her mother and her siblings. The members of Ronela family did not spend the free time together; the girl does not even know what free time means.

Self-esteem Ronela considers herself as an ambitious girl, body and soul dedicated to other, understanding, a good person, but easily to excite. She is not self confident in herself. She thinks that the others do not see her in a good light, labelling her as a thief girl, "the one who is steeling". She is sad, apathetic, with a low self-esteem.

School and vocational training She finished only four grades, attending the fifth grades at the centre. Because of her poor instruction, dropping out the school before 12 years old, she is unskilled, but confesses that she has no motivation to learn.

Friends, peer relationship Ronela was rather a lonely person, without any friends before her conviction. Now, she believes that a girl from the same town, a roommate, understands her and is her "real friend". She was not affiliated to any group, but she used to go in clubs. She says that she does not really need for friends. All she needs for is her mother.

Pleasures, enjoyment Ronela has no preferences of movies or music, but she likes both, regardless of their kind. She does not know to use the computer. She confesses that she did not meet anyone to be considered as a model or an idol.

Personal criminal history When she was 12 years old, she begun to steel to have anything one can wish for. The police arrested her many times, being even convicted when aged 14 years old with suspension of penalty.

She thinks that the police and prosecutors/judges treated her correctly, but she is not able to say about if and how her rights were respected. She cannot say anything about an eventual difference between the girl or boys treatment. She says only that "boys or girls we are all delinquents and the community labels us like that".

Crime context One day, she entered in a block of flats from V. town. She tried many doors to find one unlocked. Finding one door unlocked, she entered the apartment, but the owner was in. When he asked her what was she looking for and why did she open the door, she said that there was his little dog (a Pekingese) that opened it, and she tried only to shut it. Then, she repeated the maneuver in other buildings, founding again one door unlocked. She tried to enter, but the owner gripped her. She said she looked for a woman who wanted to buy some flowers. Then, she took to go away, but she was caught and arrested. She succeeded in stealing some money from a wallet, not a big amount, which was otherwise recovered by the owner. She testified that she did not know the victim; she entered for the first time that block of flats; she proceeded at random, imagining that she will be not caught.

Issues related to crime She did not try to deny. She said when committed the crime, she was alone. She confessed other thefts committed before in the same and in other town (P.). She said that she stole to have much money. She does not admit full responsibility for her acts. Her part of blame is only 25%. But her father is author as far being mostly responsible, because he "put her in shame, raping and abusing her". She is afraid that when free she will again commit crimes, confessing that she "has no will, she is not prepared for the life after the centre", and is not a strong person at all. She does not foresee her future, and she is fearful. She does not dare to hope and think the people are evil.

Ronela tries to accommodate at the centre, she learns, qualifying as a tailor, participating in artistic and cultural activities, proving quite a real talent for singing.

Focus groups

A total number of 13 practitioners, judicial authorities and legal practitioners as well as specialists from civil society (NGO) participated in focus groups and interviews.

All the data obtained is structured in two main topics:

- Perception of the juvenile justice system and gender influence on juvenile delinquency.
- Political strategies, programs and services, tools, model of intervention from a gender perspective.

The first part of this analysis refers mainly to how the educational workers and experts who work on juvenile delinquency perceive and think about delinquency phenomenon from a gender viewpoint; the input of them may be easily used to understand their professional attitudes and options as regards to a gender-responsive perspective in criminal justice system. The second part refers strictly to the gender-oriented prevention and rehabilitation from a practical perspective.

Perception of the juvenile justice system and gender influence on juvenile delinquency

While the criminologists and police statistics insist that female offenders represent only a fraction of the crime perpetrated in our society, the numbers of female criminals appear to be growing and some alarming tendencies are emphasized.

Acknowledge that gender makes a difference means the following:

- The number of young girls in conflict with law increases;
- Crime rates for young girls are lower than for boys, and their crimes tend to be less serious and significantly less violent;
- The age of girls committing offences decreases;
- Young girls' participation in crime differs from that of boys in motivation for committing crimes and the degree of harm caused by their criminal behavior;
- Some types of criminal behaviour – drug selling, prostitution, infantile pornography – have higher rates;
- The number of young girls committing offences in participation increases;
- Family violence, trauma and drugs play a significant role in girls delinquency and influence their offending patterns more than for boys;
- Addiction to drugs was an amplifier rather than the cause of girls' criminal lifestyle.
- Girls respond to treatment differently.

General findings in research on criminal behaviour in Romania remain, for sure, constant: more male offenders than female offenders, more young boys in conflict with law than young girls, and fewer girls involved in violent crimes.

The data resulting from the participants' perception that work with girls in conflict with law - and/or based on information put in evidence basic demographic, perception of family and neighbourhood characteristics, school experiences, official and self-reported crime, personal victimization, alcohol and drug use, and involvement in drug selling.

In many ways, the choice of theft and robbery as a means of obtaining money fits in with the deviant personality of these girls' social lives. Their motivation is taken from the deviant culture that portrays crime as a routine similar to going working or shopping.

The girls in conflict with law live in a socializing context that values antisocial acts, so it is not surprising to notice that criminal activity is a normative part of the overlapping social networks in which they participate. Readiness to use violence and to break the law is a daily routine.

The information grounded in focus group/interviews results structures three main issues:

Characteristics/profiles of girls and pathway perspective

The differences in which boys and girls enter criminal justice system are highly recognized.

Girls develop in a different way and this affects who they become as future adults.

Insights into the lives and characteristics of girls give to the educational workers elements that shape their criminal behaviour, facilitating a better understanding of the juvenile delinquency.

Young girls committing property crimes share common characteristics: poor or very poor educational level – sometimes, leaving school very early or being illiterate -, issued from and raised in large and poor or fragmented families. Their family members or friends are often drug consumers, solve the conflicts in a violent way and enmesh in the criminal justice system. Members of their families have a common perspective on “reality” and share certain experiences, motivations and lifestyle habits. Their primary reference group is involved in illicit behaviours and unconventional life. In a way, they are caught up in a deviant role; their life and their personal values are organized around this role.

Making connections with others in their social world is dependent on how they learn to communicate. Often, they grow up in families that do not promote healthy relationships with others, influencing and drawing them eventually into criminal activity, sometimes by teaming up with other criminal actors.

Girls have developed inappropriate communication skills and establish dysfunctional relationships with other girls and staff.

Girls commit theft and robbery; as instrumental offences, similar to other property crimes, obtaining money or other desired valuable being their principal motive. The overwhelming majority of those seeking money wanted it for drugs. Other girls reported an economic motivation saying that they need money for commodities such as cloths, jewellery or for payment in restaurants, clubs and entertainment places.

The role that alcohol and drug abuse play in changing the personality of girls’ involvement in criminal activity is rather underestimated in Romania. Drug use and selling are offences with a rather short history, but recent statistics on drugs put in evidence a growing increase in adolescents and young persons. Therefore, girl’s crimes are now increasing at an alarming rate fuelled by a drastic increase in drug use and prostitution.

The girls have histories of sexual and/or physical abuse and substance abuse and face serious medical and mental health problems.

Robbery and assault remain primarily a young male phenomenon; girls are less likely to participate in situations conducive to violent offending or harmful behaviour.

Young girls are less motivated to commit a violent crime, are not as readily exposed to attractive targets and are more likely to be supervised in terms of their routine activities. The girls and females who commit violent offences are likely to be a special set of type of offenders, thus needing a special explanation.

When speaking about girls in conflict with laws, psychologists and educators refer more to their psychological traits, motive, accomplices, precipitating circumstances, preparation and

criminal roles in mixed teams, emphasizing their vulnerability. The girls are more likely to be submissive, expressing low self-esteem and self-reliance, lacking future plans and are unable to describe themselves in terms of future expectations.

There are two main reasons of their option to take often a higher or full responsibility of criminal behavior: in freedom, men are better to make money, to go on with their heavy tasks and to economically support families and, at the same time, if they are recidivists they receive a stronger punishment. Girls are, to some extent, rational in crime planning and executing. Sometimes, they have a limited rationality. They have neither a careful and planned behavior, nor a hierarchical decision making, relying on their immediate perception of the risk and gains. Exploitation certain opportunities, selection of the "right" victim - vulnerable persons, children or elderly, attractive targets -, use of strategies choices concerning targets and escape, does not mean a lack of rationality, but a limited one.

Relational aspects of girls' s lives

Some young girls act out in male/female teams while many initiate crimes on their own. Based on information related to the situational context of the thefts and robberies, the experts analyzed the roles that young girls played vis-à-vis accomplices. Sometimes, the young girls acted out of self- determination, but there are many cases when they acted out in concert with or for boyfriends. In mixed teams, they are secondary actors in the crime event. There are three basic ways of young girls' participation in criminal networks which express the gender stereotypes:

- Acting as look-outs: while their male partners do heavy and sometimes violent work
- Passive role of holders and/or users of illegally obtained property or drugs
- Brow-wipers, offering aid services to men: a large repertoire of sub-roles includes frauds, prostitution, providers of sex and food, helping/caring family members while male members are busy with criminal activities.

Some girls clearly did not create the scenario on their own, did not initiate and might never have instigated such a behaviour had she not met their boyfriends. Sometimes, they fit into the category of keeping someone's attention or affection. This means that acting out in team with men they get involved in criminal activities as a way to keep them romantically involved. They end up in re-education centres for crimes they might not otherwise have done. They are sentimental and the love produces them confusion and imitation - they mimic the offences of the men -, so they pursue crime to develop an image that they perceive as cool or working outside social boundaries, just to be similar to their boyfriends and to gain men's attachment. They are duped by boyfriends or spouses to become part of an illegal operation and they unwittingly participate and get arrested. Girls and young teenagers who are victims of physical and sexual abuse turn to drugs and alcohol to hide their trauma and are vulnerable to bad influence of significant others with criminal histories. Violence in their lives is an unfortunate

and daily reality and often they are themselves abuse survivors. Sometimes, staff, due to lack of the training or personal experience is not able to assess what they are doing and how they communicate and label their behaviour as inadequate in terms of manipulation and challenge. Recognizing their post-trauma symptoms like PTSD is a difficult task especially when, except for psychologists, the staff is untrained or unprepared to do it. Awareness of young girls' pathways into criminal justice system is, in practitioner's opinion, a helping tool to consider how to adjust policies and procedures and how to assess and improve services addressed to them.

Embracing a gender-oriented perspective

To the question will people working with young girls in conflict with law accept a new vision that is different from past understanding and practice, educational workers and experts' answer is "yes", but some predications have to be mentioned.

There are few specific policies and procedures to manage female offenders – women or young girls - other than addressing basic issues such as educational programs, searches, housing, transportation, family visits. Also, few efforts to link inmates being released to community's programs and services that might help prevent and reduce recidivism. Acknowledging that gender makes a difference and designing/improving/adapting services for young girls offenders will improve the likelihood that these girls will be more successful following their release and might help prevent reoffending. The subjects of our inquiry share the opinion that young girl's pathway to crime, their programming and serviced needs while housed in the re-education centres and their needs when they reenter the community are significantly different than those of their male counterparts. Their arguments are mainly grounded in female development theory and identity building theory.

Their proposals related to a gender-oriented perspective put in evidence future tasks for the criminal justice system as follows:

- Better planning of gender-oriented services;
- Improving management through screening, medical and mental health, security, communication, housing, staff training;
- Acknowledging that the key-element is the staff;
- Support staff education and increasing human resources;
- Improve partnership with community (local authorities, governmental agencies, organizations, NGOs during custody and after release);
- Develop policies, practices, and programs that are relational and promote healthy connections to family, significant others and society, in general; provide young girls with opportunities to participate in educational and recreational programs, job training, basic skills training, and any other activities connected to real life need;

- Looking at the re-education center as a part of a continuum of services, implementing coordinated treatment plans and ensuring that all community resources are well-articulated in their efforts to achieve this task;
- Ensuring collaboration with local authorities and organizations/agencies already delivering services to staff or to this population or in the community.

Political strategies, programs and services, tools, model of intervention from a gender perspective.

In July 2005, UNICEF Romanian representative gave a press release entitled "Practices and standards in the system of juvenile justice in Romania", based on a study launched at the end of a Summer school organized in a partnership among the Ministry of Justice, UNICEF and the National Institute of Magistrates; 35 prosecutors and judges from all the country attended the Summer school. The analysis of the juvenile justice system in Romania ended up with a most critical remark of the study and debates: there no coherent justice system for juveniles in Romania. Statistical analysis on a sample of 522 sentences given to 701 children aged over 14 years (October 2003- March 2004) shows that 81% of crimes had a pecuniary motive, 66% of delinquents were aged 14-16 years and 94% were boys. The most surprising fact was that from 522 sentences, 87% were for prison and 50% from these the freedom privation was between 1-5 years.

The UNICEF representative in Romania made an impressive statement: "Children should live within their families all the time, not in prison. Children should go to school. They should play and enjoy childhood. However, in Romania over 800 children are housed in prisons and re-education centres. Why? Because they are in conflict with law or because the law is in conflict with them? Because the parents are unable to care them or because the parents don't want to care them?". In Romania, the criminal justice system is more centred on punishment rather on re-education, neglecting the reality that shows that crime committing children are rather victims than criminals.

There are neither educational and treatment options that might be applied individualized to juvenile delinquents, nor sufficient human resources and logistics for alternative sanctions. Also, the lack of the exercise of partnership and coordination of different strategies and the difficulty in monitoring the young girl's criminality adds to the above mentioned shortcomings. Although the juvenile justice system is a part of the criminal justice system, it also may be deal with as an autonomous category in the classification of criminal activity. For the moment, all these difficulties make the gender-responsive strategy to not be seen as a priority, but rather than a particular aspect of juvenile delinquency that needs to be nuanced and approached in its diversity.

Thus, in consequence, the issues of young girls offenders are not taken into account in written policies, procedures, programs and operational practices in a specific way, but rather as a

component of issues related to juvenile delinquency in general and in its related aspects: violence, drugs, prostitution, trafficking in human beings. However, some programs are specifically designed for them especially when the risk factors are considered such as prostitution, pornography and trafficking in human beings. As such, there is neither a national strategy addressed to young girls in conflict with law based on partnerships at macro social level, nor a similar strategy addressed to juvenile offenders. Different ministries, inter-ministerial commission, governmental agencies, local authorities, nongovernmental organizations and associations initiated, developed and carried out programs more or less global, but they are working rather uncoordinated, lacking a national observatory on juvenile delinquency.

There are also many meetings on this topic and exchange of experiences among national and international institutions and/or experts working in criminal justice system; but most current staff training, pre-service and in-service does not contain relevant information or transfer the necessary skills for being more effective in working with these girls.

Prevention strategies include many social campaigns devoted to promote awareness to sensitive aspects of youth life and culture such as violence, drugs, extreme sports and sensation seeking, sex and other symptoms of youth subculture.

Prevention programs/projects are targeted regardless of gender factor and some of them developed in public schools, youth campuses and camps; they are included in operational plans of police, policy makers from education field, NGOs, women's and child's organizations and advocacy groups interested in specific areas of assistance, local authorities, agencies, many times in partnership

Violence prevention in everyday life is the most prominent topic in strategies of many institutions. Most programs are carried out in schools and universities, in partnership among several ministries, civil society organizations, international organizations and local authorities' institutions or in private-public partnerships: "Be smart, not violent", "Measure your lifestyle", "Don't beat!", "The alcohol does not make you bigger!", "Stop violence! Etc.

TV social campaigns against child abuse, prostitution, trafficking in human beings, domestic violence, drug use and substance abuse, alcohol, some of them having as targets the juvenile population are regularly diffused in prime time.

In 2004, the Institute of Prevention and Research in Criminality (Ministry of Administration and Internal Affairs) developed with the aid of UNICEF and National broadcasting a program devoted to prevent and fight against trafficking in human beings that mobilize many students during summer holiday at sea-side, on the beach.. Using billboards and finding an attractive logo ("Anti-traffic passport"), the youngsters assumed an active role, participating in debates and in the dissemination of leaflets and brochures – similar to a real passport -, containing all the risks of exposing to trafficking.

When successful, the rehabilitation strategies have preventing effects, but the key element both of the effectiveness of the prevention and rehabilitation strategies remains the staff quality, namely its knowledge, abilities and motivation. In order to serve the needs of girls effectively, a program must first have as its base solid programming techniques. This means that effective programs share many basic whoever their targets may be.

Creating, conceptualizing a program, making it operational, implementing it and evaluating its outcomes is not an easy thing at all.

One of the most important needs that the focus group and interviews emphasize is the need for a well-trained and competent staff. The general opinion is that the staff, except for the some specialists, is unprepared to have a gender-responsive attitude toward what means the main professional attribute on working with girls. For programs and services to be effective staff competence is paramount. There are three aspects of the staff competence that promote positive development of juveniles:

- Knowledge: female development, personality approach; current adolescent theory;
- Skills;
- Abilities.

In practice, there are few opportunities to develop this competence for creating a good gender-specific programming that add specific components designed to serve the unique needs of girls and including highly structured activities with specific goals. However, if the basics are in place, some programs began to address specific components that may be affected by gender of the offenders.

Although, in Romanian re-education centres and penitentiaries there is a lack of trained professionals who work with juveniles, in some of them some local initiatives – often in partnership with nongovernmental organization or local delivering services – aiming to train the staff and to develop programs of designing and facilitating equitable and gender specific services and programs for girls are already on work. Staff training includes issues of adolescent development, counselling, psychotherapy techniques, occupational/art therapy and assistance of offenders and their families.

In common practice of re-education centres, the professionals implement gender free programs addressed to minors adding specific components designed to serve the unique needs of girls, dependent on pathway crime, type of crime – prostitution, drug selling, pornography, trafficking in human beings - and their previous experience in terms of trauma.

General emphasis is placed on programs that foster personal growth, accountability, self-reliance, education, workplace skills, basic life skills, communication skills and maintenance of family connections.

The methods used are interactive; role playing and discussion groups are successful work tools, mobilizing and developing their communication potential, self-expressing and empathy in their relationships with other girls, staff and families.

The programs are based on the knowledge of their personal lives by self-exploring experiences; they are only a part of a continuum that includes individual approach, too. To raise the self-esteem, to encourage the minors, including girls, to contemplate their own situations, to discuss their life stories in an intimate circle and to express their feelings, their growing self-awareness is a way of change their personality. Life story-telling is highly appreciated especially by girls who are very active in debates on destiny and luck, love and happiness and express whatever impact they feel on their own life. To articulate account making, formulate ideas and use self-descriptors bring a lot of progress in the dynamics of the identity change.

The programs curricula contain the following themes:

- Self-exploring and self-knowledge (Who am I?)
- Social and sexual roles and family values;
- Self-control and self-respect;
- Self responsibility versus collective responsibility;;
- Increasing empathy;
- Motivation and self-awareness;
- Needs and values;
- Time perspective and future expectations;
- Life style and change of habits;
- Communication and social skills.

Such programs have various names: "The time of change", "Working with myself", "Friendship", "Me, after release", "After five years" etc.

In many cases, programs devoted to improve their educational level are obligatory as a basic program, they addressed to juveniles who did not finish the compulsory school, sometimes being totally illiterate.

In Iasi county, effective programs developed in partnership between official authorities and local NGOs ("Catharsis", "Social Alternatives", "Save the children", "Mediation and Community Security Centre") framed the development of communication and relational skills focused on improving the relationships among the offenders and also the connections with their families and people outside. Also, some programs/interventions for improving the juvenile justice system and making it better-functioning, locally designed programs/interventions/newly created structures, physical facilities – videos, DVD, TVs, computers, auditory rooms etc. -, were financially supported by the United Kingdom Embassy and from Phare funds.

The re-education centres, and penitentiaries, have to develop operational plans for offenders, but sometimes their basic needs remain unmet due to lack of personnel; the serious medical and mental health cases are normally sent to hospitals in bigger towns.

Final remarks

The input given by the participants in focus group/interviews leads to the following conclusions:

- While there are similarities between the genders, there are also issues unique to the development in young females;
- Girls in conflict with law is not a homogeneous group;
- Girls' s patterns of offending are different in goal and motivation from those of their male counterparts;
- The approach of the girls in conflict with law has to take into consideration the age factor and female development.

Based on these considerations resulted from the educational workers and experts' s perception on gender perspective in criminal justice system , their opinions outline the need for basic programs with specific, gender-related components. This is in their opinion a realistic option, according to the financial resources allocated and to social costs of staff training. To educate staff about a variety of gender-responsive issues is critical and essential to develop successful strategies and programs and to implement good services. And, beyond this, examining responses to the question of whether the same programs must be offered to all girls remains open. Public judicial authorities and civil society organizations involved in juvenile justice system have the duty to promote change in strategies and operational plans that means firstly a change in vision. A better understanding of the gender perspective in juvenile delinquency needs a national task force for having a global and coherent image of the dimension of the girls committing crimes, knowing this phenomenon and developing effective programs, procedures and services. Coordination and dissemination information on programs on national level remain unsolved as a global image of the programs under development and the different types of statistics –national or local ones– are either unavailable or incomplete.

4.5 Spanish Field Research

Interviews with young female offenders

Although during the course of the program there has been a 10% increase in the number of reports filed on female minors compared with 2005, the number of reports filed on these minors remains lower than for their male contemporaries (52 female minors compared with

145 male minors reported, close to one-third of the number (around 37%)³³. Analysing the data derived from reports filed on the general population shows that the main reason for being reported is alleged damage to property. However, the pre-eminent reason for reporting female minors is their alleged aggressive behaviour, whereby their victim(s) also tend(s) to be female and with whom they were previously friendly. As a result, almost all of them demonstrate a lack of conflict resolution skills.

Below is an analysis of the situation of 5 female minors who participated in the mediation program in June 2006. It is a small sample, selected at random, and studied in a non-systematic way, which has clear limitations. The results of this sample should not be considered anything more than a summary guide to important aspects that need to be investigated in depth at a future date.

SITUATION 1: A female minor aged 15 reported by another girl of the same age for alleged physical aggression and threatening her with a knife. J.P:CH:H, 15, the eldest of 3 children. Originally from Ecuador. Currently in the 2nd year of her ESO (educational level below the average level for students that age) and works in the afternoon all year round, with no employment contract. Lives in the family home. It is the first time she has participated in the mediation program and, according to her, it is the first time she has been reported. Her parents are aware of the reason why she has been reported but, according to the minor, they are not embarrassed by it. They arrived in the area in which they live 4 years ago, and she feels she has fitted in perfectly.

A family described by the minor as "large, happy and pleasant"; however, from her account it is clear that she shoulders responsibilities that are excessive for a minor. In addition to studying and working, she says that she looks after the house, her siblings and her own child, which, in her own words, was the outcome of a non-consensual sexual relationship. J.P. says that, with the exception of her family and close friends, everyone around her thinks that this sexual relationship was consensual and that she has not wanted to clarify this misunderstanding, since she is embarrassed by the truth. She says that this situation was the beginning of the dispute with the minor who reported the crime, who, on finding out that she had a child, passed judgement on her sexual conduct using inappropriate names: "She began with insults and laughed at me on the bus, and I waited for her outside and I was violent and we fought because I wanted her to stop laughing at me". It is clear that J.P. lacks the skills required to deal with conflicts that result from her situation. It is her lack of skills in this area that had a major influence on the reported events; therefore, it is safe to assume that if she does not acquire these necessary skills, such situations will be repeated in the future.

J.P. has little spare time; nevertheless, she has a number of hobbies (she dances reguetón, plays soccer, enjoys action films and soaps and her idols are contemporary singers).

³³ Data for period ending 31 July 2006

SITUATION 2: A 15 year-old girl reported for exchanging insults with a girl of 13. B. P. C., 15, the elder of 2 sisters. Originally from Spain. In the 3rd year of her ESO. She lives in the family home, and this is the first time she has participated in the legal mediation program. She is part of a stable family unit, and lives with her parents and younger sister. They are a very close family and live in an atmosphere of trust, where she finds balance, stability and security. Her parents enjoy a high standard of living, and have a strong interest in culture that has been passed on to their daughters.

Her level of education attainment is adequate; she is at the suitable level for children of her age, she is studious and fits in well at school (she is a delegate in the school's students' association, where she has a leadership role of sorts).

Her hobbies include a wide range of leisure activities. Her favourite hobbies including going to the cinema and reading, indicating a great interest in culture.

The minor has healthy self-esteem and adequate ability to manage her frustration. She considers herself a responsible person.

It appears that the reported event was a one-off. She accepts her share of responsibility for the event, and expresses empathy with the person affected; however, she also says that the reported events have been exaggerated. She says that both her character and academic performance have been noticeably affected during the course of the report and everything it involves.

SITUATION 3: A 15 year-old girl reported for assaulting a girl of 14. L.G.G., 15, the youngest of 6 children. Originally from Spain. In the 3rd year of her ESO, which is appropriate for someone of her age. She lives in the family home, and this is the first time she has participated in the legal mediation program. Her parents are aware of the reason why she has been reported but, according to the minor, are not embarrassed by it. She lives alone with her mother. With regard to this arrangement, she adds: "Living with men is terrible; you have to be on their backs all the time". The fact that Leticia's father is unaware of her legal situation shows that she does not have sufficient faith in her father. She sees herself as fitting in well in her peers, and as someone that is not easily manipulated ("in my circle of friends I do not have a specific role, rather, I am a bit of everything", "I do not idolise anyone, because I believe that everyone should be their own person"). She participates in a number of leisure activities (she plays various sports, enjoys reguetón, watches a little television and reads every night). It appears that the reported events were a one-off. She says that she had an argument with her friend and, when she tried to talk it over with her, she became more nervous than usual, without becoming violent as stated in the report (which, indeed, has been withdrawn by the person making the report).

SITUATION 4: A 15 year-old girl reported for threatening a girl of her own age, a cousin.

R. is 15 years' old, the second of 3 children. Originally from Spain. In the 2nd year of her ESO (one year behind the level she should be at). She lives in the family home ("there are 5 of us, we get along well but we don't see much of each other because of work). Her parents are aware of the reason why she has been reported but, according to the minor, they are not embarrassed by it. She sees herself as fitting in well in her peers and has a relationship with them she describes as "stable". She describes herself as "very honest and straight", and has no shortage of leisure activities in which she participates in her spare time ("I dance at an academy, sing or go out with my boyfriend").

The person who reported her is her cousin. According to the minor, the two had a discussion ("I'm not saying I am an angel, but it was a case of me insulting her or being insulted"), which has been exaggerated by the person filing the report. During the interview with her parents, it became clear that this difficult relationship with her cousin is the product of a pre-existing troubled relationship between the parents of both children, who are themselves involved in a court case. During the intervention, the parents made no attempt at rational analysis or at toning down the dispute or, failing this, at toning it down in the presence of their daughters. On the contrary, it is clear that this dispute has become firmly entrenched in the family; as a result, it is unlikely that the girls will be able to get over it.

SITUATION 5: A 16 year-old girl reported for insulting the 41 year-old mother of one of her friends. V., 16, is the elder of 2 children. Originally from Spain. In the 3rd year of her ESO (one year behind the level she should be at). She lives in the family home. Her parents are aware of the reason for her being reported but are embarrassed, not by the part that relates to their daughter, but by the part that relates to the person filing the report. The younger child considers her parents as role models (when asked if she has any idols, she mentions them).

The minor has many spare time activities (she does not watch much television, apart from films, she likes music and plays a number of sports). She says that she used to see herself as fitting in well with her peers, but says that events relating to the report are changing things in this respect ("I was hanging out with Nuria and the others for a year, but since this happened I have been almost on my own and without much company, and as a result I am feeling upset"). The minor sees herself as a victim of the reported situation, given that it relates to a dispute between her and the mother of one of her friends, living in the same area, which began when she suspected she was ill-treating her daughter. She was reported following the most recent encounter with her friend's mother, but does not think that the report is well founded. On the contrary, the minor believes that it is a defensive reaction from the mother in light of the various reports filed by her against the mother, who, according to the minor, has continually harassed her since she notified the teachers of her suspicions about ill-treatment.

From the interview with the mother of the minor, it is clear that the mother is overwhelmed by the situation, which compounds a stressful personal situation currently being experienced by the family following a recent death in the family.

Focus groups

Today there are increasing numbers of young people who have committed some kind of crime. They are young people belonging to different social groups, living with their family or in sheltered housing. Confronted as we are with this situation we may well ask ourselves what is happening.

Juvenile delinquency is currently on the increase, and the types of crime are changing. We have seen a change from the usual forms of crime, such as robberies, attacks, assaults, murders and/or rapes, to more direct attacks against the person, involving domestic violence, gang rituals, school bullying, etc. The number of complaints is also on the rise. Minors used to see a complaint as a negative thing which was not "cool" but now the word complaint forms part of the vocabulary commonly used by minors involved in conflict.

We are increasingly seeing a low tolerance of frustration, low self-esteem and peer pressure, which, combined with initiations into alcohol and other drugs (mainly pills and hashish), are damaging our young people. Various anthropological studies have highlighted a cultural change in our recent history. At the beginning of the 20th century sexuality was very repressed, resulting in many psychiatric consultations with women suffering from conversion disorders that expressed their repressed sexual impulses (the birth of psychoanalysis). What we are currently seeing expressed is the repression and criticism of violence, which means that we are seeing a growing number of symptoms of aggression in social exchanges. In other words, if what caused most concern in homes at the beginning of the 20th century was children's sexuality, today the major concern is aggressiveness. This means that, whereas attacking and rebelling against the home took the form of living sexuality to the full or generating sexually determined symptoms at that time, today the fight against home conventions is focused on the use of violence against the various forms of authority, in some cases even leading to attacks against the home. Although it may be inappropriate to compare different violent actions, a boy who destroys objects in the street (skips, public telephones, etc.), that is to say, who commits acts of vandalism, is not the same as another boy who vents his rebellious and aggressive impulses by making his parents the target of his attacks.

The leap from assaulting an object that symbolises anger or frustration to attacking the real object of frustration, in other words, the parents as the agents of authority, serves to show that there is some level of disruption. The response to crimes committed by young people should have an educational content, as these young people are going through a process of

physical and psychological development, and society has established a whole range of training processes for them.

Concerning the specific role of girls within a pair group, we could say that they often have a very well defined feminine role. Most of the time they are not known by their own name but as the girlfriend of someone else; if a girl attracts too much attention, her partner of the moment will reproach her, telling her to keep a low profile, and will always assume that she has no rights. She cannot play, or talk about certain topics, she must accompany her partner and only him, and if he is not there the girl should not be seen in the group either, etc.

Changes of partners among group members often occur, but always with the approval of the ex-boyfriend. Even when committing a crime the girls have very often a specific role: for the theft, for example, if the victims are other minors, the female accomplices are generally the ones who act as bait, asking questions, creating confusion and making a lot of noise around the group of children, while the boys come up behind them to commit the theft. If, on the other hand, the theft takes place in department stores, clothes shops, etc., the girls take the lead, hiding the garments among their own clothes and belongings, refusing to get undressed if they are caught. For the theft of mobiles, wallets, etc., inside or outside of bars, the girls again take the lead as they are able to make fun of the victim. However, in gangs of pickpockets, the boys commit the crime, with the girls following behind to take the stolen goods from them. If there are only women in the gangs they will carry out the whole operation. Concerning the drug dealing the girls are usually the ones who carry the merchandise in order to pass it on at discos or meeting points, but the men make the sale.

Models of intervention

The current models come into effect once the crime has occurred, and depending on the seriousness of the offence, the minor can be sent to an open, semi-open and closed centre. There is also the possibility of weekend imprisonment for minor misdemeanours. However, work should really be focused on workshops and activities aimed at modifying learnt behaviour (socio-educational workshops). An alternative approach for this type of minor would be legal mediation, attempting to deal with the crime before a complaint is made, and working on guidelines for behaviour and modification of conduct with both the victim and the delinquent.

Work should be focused on prevention, through street educators and socio-cultural mediators in the gangs' neighbourhoods and meeting places. Women should be provided with the necessary skills to enable them to say no to men and not see themselves as the victims of their situation, offering them positive leisure alternatives, with monitoring undertaken by educators, experts, schools and, in short, society as a whole.

5 For a gender perspective in the Juvenile Justice System

The growing attention to gender perspective in our contemporary societies moves along several lines of actions, from aid to first employment to the right to education, in view of reaffirming that the principle, the value, and especially the right to equal opportunities, still need to be secured in our Western societies, from mainstream to specific actions.

In this process of extended gender perspectives, one field of actions is that of young female offenders, not a thoroughly explored one yet, maybe because of its small numbers; our project aims at filling this gap by proposing the draft of a final document shared by all partners.

These Guidelines mainly aim at highlighting the peculiarities of this phenomenon, focusing on it within the institutional context of the Juvenile Justice System. Their recipients shall be involved at different levels and competence. A technical-operational level particularly addressed to the actors of the Juvenile Penal System: magistrates, practitioners, staff from justice services and local bodies as well as penitentiary police. But we must not forget the political and administrative perspective involving decision-makers, both at a central and local level, who also determine the allocation of resources. A third level of recipients, less directly but pervasively involved, is community as a whole, which all too often takes for granted the gender perspective approach, but much less follows it as a praxis.

Our Guidelines essentially call for re-thinking the places where to develop girl-oriented educational actions, educational approaches free from cultural and sexist stereotypes as well as the role of trainers in view of understanding young girls' peculiarities. The development of adequate opportunities is also strongly encouraged in our Guidelines, allowing girls to experience relations and learn abilities to actually build a project for their future life once they are out of the penal system.

5.1 Guidelines for a gender perspective in young female delinquency

Female young offenders should be offered educational projects adequate to their own gender peculiarities. The definition of socio-educational programmes and assistance should then avoid using standard gender roles and gender stereotypes.

It is essential to develop customized training and educational projects and promote the right to self determination. The old pattern "woman = mother and spouse" as well as traditional "female" courses should no longer be considered as the most appropriate. Girls should on the contrary be supported in developing their own identity, recognizing their aptitudes and be offered actual chances of social and professional inclusion.

Working with adolescents requests to privilege their hearing, as provided by under Article 12 of the Convention on the Rights of the Child, and to secure as a way to self determination and understanding of gender differences. This could be done by means of discussion groups

involving both girls and boys, separately or in the same group, as well as targeted actions to enhance their reflection and upbringing.

It is strongly recommended the re-thinking of all places and premises accommodating girls in view of promoting a gender sensitive culture and fostering the implementation of equal opportunities, thus avoiding sexist cultural models and restricting the institutional intrusion and violence which could indirectly be perceived as successful cultural models to imitate.

Girls should be offered courses/patterns helping them develop individual skills to counter violence as well as their health, social health/maternity/family planning awareness.

National and local political economy by justice services should invest in gender sensitive activities to avoid the assimilation of the needs of minorities to those of the majorities (i.e. the needs of young girls to those of the boys), mainly due to either oversimplification or economizing reasons. Deviant or distressed girls are indeed the most exposed within other groups at risk (victimisation, abusing families, ethnic minorities, etc.).

Public administrators should encourage and implement awareness-arising activities and training addressed to practitioners as well as call for the active involvement of academicians in research on these issues. Each State should promulgate adequate domestic legislations and policies stressing the respect of equal opportunities in special settings such as juvenile delinquency.

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