CHRONICLE CHRONIQUE CRÓNICA

Editorial   Avril Calder

Third Optional Protocol to the CRC

As you know every edition of the Chronicle has references to or articles about the Convention on the Rights of the Child (CRC). This edition is no exception. **Professor Charlotte Phillips** eruditely sets out for us the development, content and ratification by States of the third Optional Protocol which provides, for children deprived of their rights, a communications procedure with the Committee on the Rights of the Child. While 35 States have signed the Protocol, only two have ratified it: ten countries must ratify it for it to come into force. Let us hope that this happens sooner rather than later.

Gangs

It is very pleasing that, for the first time in my years as Editor in Chief, most of the articles that follow are devoted to a single subject which frequently crops up in discussions with members. That subject is gangs.

To begin with, sociologist **Marwan Mohammed** from France writes an overview of the changed and changing forces (family, school, work, drugs and ethnicity) that have a marked impact on social structures and how those forces affect the transition to adulthood of young people.

These forces are echoed in **New Zealand** whence **Dr Julia Carr and Harry Tam** inform us of the *'Hard to Reach'* project for young people at risk and of its successful multi-agency approach involving *inter alia* the young developing their own interventions and services.

Tomas Alvå, a judge in **Sweden**, reflects on youth offending both in the small city where he sits and in bigger cities where gangs are much more prevalent. He poses the questions *'how can gangs be made less attractive'* to the young and what effect does known membership of a gang have on judicial decisions?

Detective Chief Inspector Petrina Cribb of London's Metropolitan Police Service has wide experience of gangs in **London** and in addition to telling us about the response to gangs following the London riots in August 2011, draws attention to the role of girls and gangs (the *HEART* project). **Andy Newsam** is much involved with serious youth and gang violence in **England and Wales**, being the Senior Development Advisor for the Youth Justice Board. His article elaborates on the 2011 riots in which, according to the report *'Ending gang and Youth Violence'* one in five of those arrested during and following the riots were known gang members.

Central America

Gang activities are seen in many Central American countries. Academics **Adam Baird**, **Lirio Gutiérrez Rivera** and **José Luis Rocha** report on the positions in Columbia, Honduras and Nicaragua respectively.

Dr Baird, echoing Marwan Mohammed, asks *'how do boys become men' and why do some adolescents not join gangs'?*

Dr Gutiérrez Rivera raises the common situation of marginalised youth and the security policies adopted in Honduras.

In Nicaragua, gangs have not taken hold in quite the same way as in Columbia and Honduras. **Dr Rocha** tells us the reasons for this difference.

Professor James Diego Vigil describes the situation, well-known to all of us and evident in the articles in this edition, of the multiple ways in which youth are marginalised in society.

Gangs in Asia

Dr Hirosue Noboru carried out research among the yakuza (gangs) in Japan and found too that 'multiple marginality' characterised their members. In Pakistan, researcher **Abdulla Khoso** acknowledges similar factors but emphasises the the vulnerability of children—often very young— who are 'useful' to the purposes of organised crime.

The final article on gangs is contributed by **'Reece'** who has moved on from his association with a gang and successfully made the transition to manhood. I am very grateful to him for agreeing to write an article.

Youth Court proceedings

Are gang members stereotyped in court? **Professor John Hagedorn** has spent many years giving expert evidence about gang members to courts so I am especially pleased to be able to publish his account of how gangs are viewed in judicial proceedings.

Youth court process is examined by **Professor Ido Weijers** and **Stephanie Rap** of Utrecht University, the Netherlands They remind us that the process should be adapted to the age and level of maturity of young defendants. Research carried out in Wales by **Sue Thomas** of the National Association for the Care and Resettlement of the Offender also relates to the court process, in particular why some courts make greater use of custodial sentences than others. Again, disparate levels of deprivation, generational unemployment, a lack of positive role models and a prevalence of drug and alcohol misuse bear out Professor Vigil's model of 'multiple marginality'.

Call for articles

You will remember that in the July 2012 edition I called for articles on the relationship between the courts and the media. So please would you contact me as soon as possible if you would like to contribute on this theme. And, of course articles on other topics are also welcome.

Thank you

In producing this Chronicle I have been greatly helped, once again, by **Anaëlle Van de Steen**. I am deeply grateful to her for her assistance without which the focus on gangs would not have been possible. Thank you Anaëlle.

Congratulations

My final words in this editorial are to congratulate our immediate past President, **Justice Renate Winter,** on her election to the Committee on the Convention for the Rights of the Child. Well done Renate and very best wishes for your mandate.

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Child Friendly Justice
XIX World Congress

The Argentinean, Brazilian, Paraguayan Associations and the Mercosur Association of South America

will host the next IAYFJM World Congress in 8-12 April 2014

in the Region of the Iguazu Falls.

The main theme is Child Friendly Justice.

Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure   Professor Charlotte Phillips

Introduction

In 2011, the UN General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure[1]. This third Optional Protocol provides for a communications procedure with the Committee on the Rights of the Child, by means of which both children and their legal representatives may submit communications concerning violation of children's rights by a Member State.

In this article the history, development and content of the third Optional Protocol will be discussed and its wider implications for States Parties be held to closer scrutiny.

1. Convention on the Rights of the Child

After ten years of negotiations, the Convention on the Rights of the Child (hereinafter: CRC) was adopted by the UN General Assembly on 20 November 1989[2]. To date, with a near-universal ratification status, the CRC is the most widely ratified human rights treaty; the only countries that have not ratified the Convention thus far are the United States of America, Somalia and South-Sudan[3].

The CRC is generally considered to be one of the most important human rights instruments, encompassing as it does all aspects of children's rights. As a complement to the CRC, the following optional protocols were adopted by the UN General Assembly in 2000[4]:

- the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

- the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

In accordance with article 43 CRC, the Committee on the Rights of the Child (hereinafter: CRC Committee) was established in 1991. The Committee's primary objective is to promote and protect the rights enshrined in the CRC and the subsequent Optional Protocols, as well as to examine and monitor the progress made by States Parties in achieving the realisation of their obligations derived from said instruments. Article 44 CRC outlines States Parties' obligation to submit five-yearly reports to the CRC Committee on the status of the protection of children's rights and the progress made on the implementation of the principles of the CRC. Furthermore, States Parties are required to inform the CRC Committee on the measures taken with regard to the Committee's recommendations based on previous reports. In addition to reports from governments, the CRC Committee is authorised to receive shadow reports from UNICEF, NGOs and other competent bodies[5].

In marked contrast to other human rights instruments containing reporting procedures, the CRC does not provide for individuals, children or their representatives to communicate with the CRC Committee in relation to violations of rights embodied in the Convention, which is considered by many – including several members of the Committee – to be a serious lacuna[6].

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[1] UN General Assembly, GA/11198, 19 December 2011.

[2] UN General Assembly, A/RES/44/25, 20 November 1989.

[3] Status of ratification, accessed on 7 November 2012.

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[4] UN General Assembly, A/RES/54/263, 25 May 2000.

[5] Article 45 CRC.

[6] Y. Lee, 'Celebrating important milestones for children and their rights', in: *The International Journal of Children's Rights*, Volume 18, p. 480, The Hague: Kluwer Law International 2010.

In this regard, it is perhaps worth noting the differences between the CRC and its African equivalent, the African Charter on the Rights and Welfare of the Child (hereinafter: ACRWC). In the ACRWC, provisions for communications are explicitly laid down. Article 44 ACRWC empowers the African Committee of Experts on the Rights and Welfare of the Child (hereinafter: ACERWC) to receive communications relating to violations of the rights enshrined in the ACRWC from any individual, including the victimised child and/or its parents or (legal) representatives, witnesses, a group of individuals or NGOs recognised by the African Union, by a State Party or by any other institution within the United Nations system. The Committee may resort to any appropriate form of investigation it deems expedient and may request the State Party concerned to supply all relevant information in order to examine the case to its full extent[7]. In relation to the communications procedure, the ACERWC has issued detailed guidelines, containing, *inter alia*, stipulations on conditions of admissibility of communications and the procedure for the consideration of communications, including provisional measures to prevent any harm to the child or children involved[8].

In March 2011, the ACERWC took its first decision on the communication submitted by the Institute for Human Rights and Development in Africa (based in the Republic of The Gambia) and the New York-based Open Society Justice Initiative, on behalf of children of Nubian descent in Kenya and against the Kenyan Government. The communication appertained to the violation of a number of rights of Nubian children, namely: the right to birth registration, the right to acquire a nationality at birth, unlawful/unfair discrimination, equal access to education and the right to health and healthcare, including adequate nutrition and safe drinking water. Due to the fact that the Government of Kenya refrained from responding – despite being repeatedly urged to present its viewpoint – the Committee relied on the information and sources provided by the complainants and others, such as the Kenya National Commission on Human Rights, the CRC Committee and the ACERWC itself. It is noteworthy that the ACERWC explicitly refers to the principle that the absence of the State Party in question should not hinder the consideration of a communication.

The Committee's decision reads as follows: "the African Committee finds multiple violations of Articles 6(2), (3) and (4); Article 3; Article 14(2) (b), (c) and (g); and Article 11(3) of the African Children's Charter by the Government of Kenya" (these articles pertain to the aforementioned violations). The Committee recommends that the Kenyan Government takes all necessary measures, legal and otherwise, to bring to an end the violation of these rights and to guarantee the protection of all rights of children of Nubian descent in Kenya[9].

2. History Optional Protocol to the CRC on a Communications Procedure

During the drafting and negotiation process of the CRC, debate with regard to a communications procedure did take place, but failed to lead to any provisions in the final text of the Convention. The issue was broached again in 1999, once more without any result. At that stage, the focus lay on defining children's rights, rather than on procedural matters[10].

The initiative for a third Optional Protocol to the CRC originates from a group of children's rights organisations. In 2008, this group called upon the UN General Assembly to establish an Open-Ended Working Group of States to draft a new Optional Protocol, enabling individuals and groups to communicate directly with the CRC Committee in cases of non-compliance with children's rights[11]. By means of a resolution of the Human Rights Council, the aforementioned Open-Ended Working Group was established in 2009; their brief was to explore the feasibility of a third Optional Protocol to the CRC to provide a communications procedure in addition to the existing reporting procedure under the Convention[12]. In December 2009, the Open-Ended Working Group held its first meeting over a period of three days, during which the viability of a communication procedure was elaborated on. Representatives of various countries (both members and non-members of the Human Rights Council), intergovernmental organisations, NGOs and UNICEF were present to discuss contributions from a number of children's rights experts, NGO representatives and the Chair and Vice-Chair of the CRC Committee[13].

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[7] Article 45 ACRWC.

[8] African Union, ACERWC/8/4, *Guidelines for the Consideration of Communications provided for in Article 44 of the African Charter on the Rights and Welfare of the Child.*

[9] African Committee on the Rights and Welfare of the Child, Decision: No 002/Com/002/2009, 22 March 2011.

[10] UN General Assembly, A/HRC/13/43, 21 January 2010, p. 7.

[11] UN General Assembly, A/HRC/8/NGO/6, 26 May 2008.

[12] Human Rights Council, Resolution 11/1. Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure, 17 June 2009.

[13] UN General Assembly, A/HRC/13/43, 21 January 2010.

A resolution was passed by the Human Rights Council in March 2010, extending the mandate of the Open-Ended Working Group as well as authorising it to work on a new protocol and to prepare a proposal for a draft text[14]. After completion, the Open-Ended Working Group met for a second time in order to discuss the draft protocol, which contained provisions for both individual and collective communications. A Joint NGO Submission to the Open-Ended Working Group expanded on the significance of collective communications procedures. One of the essential aspects of collective communications was considered to be the fact that the identification of an individual victim is not a prerequisite, offering victimised children extra protection. In addition, collective communications were acknowledged as providing the CRC Committee the possibility to receive accumulated victim evidence; a method which enables the Committee to respond more efficaciously than when utilising the periodic reporting procedure[15]. The CRC Committee explicitly expressed its support for both the individual and the collective communications procedure[16].

A second draft of the new Optional Protocol was prepared for further deliberations in February 2011. It is noteworthy that with regard to the collective communications, an opt-in clause was added, providing States Parties with the option to declare their recognition of the competence of the Committee to receive and consider collective communications[17]. The addition of this opt-in clause was openly criticised by various parties and experts, primarily on the grounds that this would lead to the collective communications procedures not becoming an integral part of the Protocol, due to the fact that it requires an explicit declaration at the time of ratification; as a result it was deemed ineffective[18].

During the February 2011 session, the collective communications procedure was discussed extensively. A significant number of Member States openly opposed either the procedure and/or the omission of an opt-in clause, whereas NGOs, children's rights experts and members of the CRC Committee proclaimed their full support for a collective communication procedure without restrictions[19]. To the frustration of the proponents, this eventually led to the deletion of the article on collective communications and the final text of the new Optional Protocol provides solely for individual communications. The then Chair of the CRC Committee, Yanghee Lee, expressed her immense disappointment in a public apology, stating: "I am deeply sorry to every child that we have not succeeded in recognising them fully as rights holders"[20].

In June 2011, the new Optional Protocol was approved by the Human Rights Council[21] and was subsequently adopted by the UN General Assembly in December 2011[22]. On 28 February 2012 an official signing ceremony was held by the Human Rights Council, during which 20 countries signed the third Optional Protocol[23]. To date, 35 countries have signed and 2 countries have ratified the new Protocol[24].

3. Stipulations Optional Protocol
The third Optional Protocol contains a Preamble and 24 articles, divided into 4 different sections.

Part I
The first four articles cover the following aspects:

- The competence of the CRC Committee: the Committee takes cognisance of violations of rights set forth in instruments to which the State in question is party; the Committee does not receive communications with regard to countries which have not ratified the Protocol.

- General principles guiding the functions of the CRC Committee: the best interests of the child is the guiding principle of the Committee; in addition, the views of the child are to be given due weight.

- Rules of procedure: the Committee shall adopt rules of procedure; these rules must include safeguards to prevent manipulation of children by those acting for them.

- Protection measures: Member States are bound to provide protection for individuals in respect of violations of their rights.

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[14] UN General Assembly, A/HRC/RES/13/3, 14 April 2010.

[15] Joint NGO Submission to the Open-ended Working Group on an Optional Protocol to the Convention on the Rights of the Child to provide a communications procedure, October 2010, pp. 5, 6.

[16] UN General Assembly, A/HRC/WG.7/2/3, 13 October 2010, p. 4.

[17] UN General Assembly, A/HRC/WG.7/2/4, 13 January 2011, p. 4.

[18] P.S. Pinheiro, *Submission commenting on the revised proposal for a draft optional protocol to the CRC*, Inter-American Commission on Human Rights, 8 February 2011; M. Langford & S. Clark, *A Complaints Procedure for the Convention on the Rights of the Child: Commentary on the second Draft*, Norwegian Centre for Human Rights (University of Oslo), 7 February 2011; *Preliminary Joint NGO Submission to the Open-ended Working Group on an Optional Protocol to the Convention on the Rights of the Child to provide a communications procedure*, February 2011.

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[19] UN General Assembly, A/HRC/17/36, 16 May 2011, pp. 12, 13.

[20] Complaints Mechanism: Summary of Final Draft Meeting, find it here, accessed on 23/11/2012.

[21] UN General Assembly, A/HRC/RES/17/18, 14 July 2011.

[22] UN General Assembly, GA/11198, 19 December 2011.

[23] Find it here, accessed on 23/11/2012.

[24] Find it here, accessed on 23/11/2012.

Part II

The actual communications procedure is set out in articles 5 to 12.

Article 5 provides that individuals, groups of individuals or their representatives may submit communications to the CRC Committee relating to the violation of rights laid down in the CRC or the Optional Protocols to the CRC by States Parties.

According to article 6, the CRC Committee may urge the State Party in question to take interim measures in order to prevent possible irreparable damage to the child involved.

In article 7 the admissibility of communications is outlined. Communications are inadmissible when they are anonymous, not in writing or when they concern a right that is not covered by the CRC or by any of the Optional Protocols. A communication is also inadmissible when the Committee has already examined the matter, or when an issue has been examined in another international procedure. All available national legal remedies must have been exhausted, unless these remedies are unreasonably prolonged or when they are unlikely to lead to a solution. Furthermore, communications are inadmissible when they are considered to be unfounded or have been insufficiently substantiated. Communications should not concern violations that occurred prior to the Protocol taking effect, unless the violations continued subsequently. Finally, a communication should be submitted to the Committee no later than one year after national remedies have been exhausted, other than situations where submission within this time limit was demonstrably impossible.

Once the Committee has established that a communication is admissible, it is presented to the State Party concerned on the basis of article 8. The State Party must submit a written explanation to the Committee within six months.

Article 9 allows for a friendly settlement as a solution to a communication; the Committee facilitates such solutions wherever possible.

Article 10 prescribes the manner in which communications are dealt with by the CRC Committee. A communication received by the Committee is to be taken into consideration promptly; the examination of all documents takes place behind closed doors.

If interim measures have been taken, as provided for by the aforementioned article 6, the procedure shall be expedited. When confronted with communications relating to the violation of socio-economic or cultural rights, the CRC Committee shall take article 4 CRC into consideration[25]. After examination of the matter, the Committee shall communicate its views and recommendation(s) to the parties involved.

According to article 11, the Member State must respond within six months and include in its response any measures taken or envisaged. The Committee may request further information with regard to these measures.

Article 12 offers States Parties the possibility to recognise the Committee's competence in relation to inter-State communications, whereby a State may submit communications on the violation of a right laid down in the CRC or the Optional Protocols by another Member State, providing that both States have declared their recognition of inter-State communications.

Part III

Articles 13 and 14 deal with the inquiry procedure of the CRC Committee in cases where reliable information is received indicating grave or systematic violations of children's rights. With regard to such violations, the Committee requests the State's full cooperation in the examination of the communication. One or more members of the Committee may conduct an inquiry both in and outside the borders of the Member State in question, the results of which shall be submitted to the Committee. The findings of the inquiry, together with any comments or recommendations, shall be communicated to the Member State, which is required to respond within six months. If deemed necessary, the Committee will request that the State inform it on the measures taken and envisaged in relation to the inquiry.

At the time of signature or ratification of the Protocol, States are given the option to declare non-recognition of the aforementioned competence of the Committee.

Part IV

Articles 15 to 24 contain procedural provisions, covering – *inter alia* – international assistance and cooperation; dissemination of and information on the Optional Protocol; signature, ratification and accession; amendments.

The third Optional Protocol shall enter into force after ratification by ten States Parties.

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[25] Article 4 CRC: States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

4. Significance of the Optional Protocol

At this point in time, the true significance of the new Optional Protocol for both children and the international community is unclear, as the minimum requirement of ten ratifications has yet to be met. Given that to date 2 countries have ratified and 35 countries have signed the new Protocol, it is impossible to predict the time frame for the required number of countries to ratify the Protocol. To illustrate this point: in December 2008, the UN General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. To date, that Protocol has not yet entered into force due to the fact that although 41 countries have signed, only 8 countries have ratified it[26].

The factual import of the third Optional Protocol also depends on whether States recognise the competence of the CRC Committee concerning inter-State communications (article 12) and whether States utilise the opt-out possibility with regard to the inquiry procedure for grave or systematic violations under articles 13 and 14. For Member States which do not recognise the aforementioned competence of the Committee, the new Protocol only has bearing on communications submitted by a child or its representatives as stipulated by article 5. Whether communications are submitted by the child, its parents or other representatives, such as an NGO, the identity of the child concerned must be disclosed under all circumstances. However, when States do recognise the Committee's competence pertaining to the aforementioned inquiry procedure, the Committee is able to start investigations as soon as reliable information has been brought to its attention and revelation of the child's identity may be omitted.

The Committee's future jurisprudence will play an important role in elucidating the intention of a number of concepts and provisions. For instance: how should "grave or systematic violations" be defined, or when should national legal remedies considered to be exhausted?

With regard to the Committee, it should be noted that recommendations resulting from a communications procedure – as indeed is the case with all recommendations – are not legally binding; an aspect of the Committee's competence that is widely criticised. Nonetheless the value of the Committee's recommendations should not be underestimated as Member States are chary of negative publicity at international level as a result of non-conformity[27].

5. Conclusion

The lack of a communication procedure was viewed as a considerable breach in the CRC, which led to the drafting and subsequent adoption of the Optional Protocol to the CRC on a Communications Procedure. Initially the new Protocol was meant to provide for both individual and collective communications; after strong criticism from a significant number of countries, however, the stipulation on collective communication procedures was abolished and the adopted Protocol only contains provisions for individual communications.

The value of the Protocol and the manner in which the CRC Committee shall interpret its provisions will become clear in years to come; in this regard, NGOs, parents or other legal representatives and children themselves play a pivotal role. Last but by no means least: one should not overlook the crucial role of governments; not only is it of vital importance that countries ratify the new Protocol as soon as possible, governments should also display the political will to comply with the stipulations of the Protocol and act accordingly.

In the interim, the third Optional Protocol should be valued for what it is: a new instrument to expose violations of children's rights, with a view to phasing these out in future. The topicality of this issue is illustrated by the fact that as recently as 20 November 2012 – the 23rd anniversary of the CRC – the current Chair of the Committee, Jean Zermatten, urged governments to ratify the new Optional Protocol, stating: "Accessing to the third Protocol to the Convention on a complaints procedure is essential to strengthen child rights protection and to combat impunity for child rights violations."

The above is based on an article by the author in the Dutch Journal 'Tijdschrift voor Familie- en Jeugdrecht', published in 2012.

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[26] Find it here, accessed on 23/11/2012.

[27] J. Grass, *Monitoring the Convention on the Rights of the Child*, Helsinki: Forum Iuris 2001, p. 136.

Social change and youth gangs in France   Marwan Mohammed

In France there has always been a group aspect to the social and political problems posed by juvenile delinquency. For a century, groups such as "les apaches" (the apaches), "les blousons noirs" (the greasers), "les zoulous" (the zulus) and other more recent groups have embodied the delinquency of young and/or poor people. While some young people have always been feared—as leftists, rioters or more recently as converts to fundamentalism—gangs now occupy a key role in concerns about safety. Thinking about gang crime[1] brings both politicians and the public out in a rash.

However, this widespread discussion is uninformed by data capable of measuring and determining gangs' social geography. There are no statistics in France from which to make a proper evaluation of the extent of gangs or their contribution to offending. It is true that some estimates have been produced by the statistical office, but over the last twenty years the methods have changed and the estimates have been revised or suppressed several times and there is no way of verifying the method of compilation. On the other hand, enquiries among the general public have produced evidence of the effect that gangs have on the social aspects of life. Gangs inspire fear and anxiety in those who live in their neighbourhood. A victim survey conducted in 2009 revealed that 1 in 5 (20%) of those living in the Île-de-France (the region around Paris) were afraid of gangs, with a further 10 percentage points expressing fear of gangs in the local railway network (RER)[2]. This, in the most densely populated region of France, cannot be ignored—especially when these figures are set beside police estimates.

In fact, the main sources of knowledge about gangs in France are ethnographic surveys carried out by research workers in the social sciences. Over the last fifty years it is possible to point to no more than fifteen targeted, in-depth studies, to which should be added studies on working class youths or delinquency linked to gangs[3]. These sources form the basis for the description of the world of gangs in this article. Over the last half century, five underlying forces (family, school, work, drugs and ethnicity) have had an especial impact on social structures and the transition to adulthood—particularly on the most deprived margins of French society—and have changed the way in which gangs of young people operate and their social standing.

Family transformation

It is very difficult to associate the changes which have taken place within the family with the development of gangs. There are no longitudinal data on this issue, few studies and few accounts of the family-life of young gang members. This key institution, the family, has been at the centre of social change. Since the 1960s, the many, profound changes in family life that have occurred have been cited as explanations of juvenile delinquency. Families have been affected by an explosion in the number of separations and divorces, there has been a reduction in fertility, a delaying of births, a decline in the institution of marriage and an increase in the average age at which people get married[4]. In earlier days, marriage preceded the birth of the first child, but these two stages have become increasingly separate—with a growth in numbers of children born outside marriage, in childless marriages and in cohabitation outside marriage. These changes in family structure reflect a growth in individualism,

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[1] The expression *gang* refers to something which is varied and disputed—a vague term, used to cover a multiplicity of situations. In order to define 'gangs', one has to consider the range of forms that they take and the way they fluctuate. At a theoretical level, I define a *gang* as an informal, but enduring group of young people, distinguished by an ethos of law-breaking and a relationship in conflict with their immediate surroundings.

[2] 21.6% and 33% respectively. IAURIF, 2009, *Victimation et sentiment d'insécurité en Île-de-France. Enquête de 2009 : les premiers résultats.*

[3] Mohammed M., Mucchielli L., 2007, *Les bandes de jeunes, des Blousons Noirs à nos jours, La Découverte*

[4] Déchaux J.-H., 2007, *Sociologie de la famille*, Paris, La Découverte, p.11

the importing of psychology into social relationships and the new role played by women.

Women are experimenting with new forms of social integration—their social recognition no longer occurs through marriage, and their level of qualification and economic activity rate have grown strongly while, at the same time, the traditional model of the family (mother at home looking after the house and the upbringing of the children) has continued to decline[5]. The relationship between husband and wife has also changed dramatically. Individualism and looking after oneself have become the principal values within marriage. Apart from the effect on relationships, it is the internal workings of the family that seem to have been most affected by these changes, with the emergence of new ways of bringing up children. The intrusion of psychology into family relationships has led to the jettisoning of ideas of upbringing based on hierarchy and strict discipline with education by rote learning rather than through discussion.

Although still prevalent at the lower end of the social hierarchy, this approach has lost its legitimacy. The main approach to parenting now is to put children on a developmental springboard, respecting their personalities and their point of view within a framework of negotiation. Young people very quickly learn to negotiate in a society which encourages independence during growing up. The parents' role is no longer to explain the world, but to accompany their children in discovering it. To exercise authority parents need skill and experience in discussion, but above all they must derive their influence from their own reserves of character. Although they have their differences, sociologists concerned with the family agree that social origin and upbringing are linked[6]. This is particularly noticeable in the choice of where to live, in preparing for school, in following education through and in the parents' influence against the street's influence.

The expansion of schooling and the decline of wage-earning

The enormous increase in schooling has both changed social relationships within the family and views of the self. Over the last half century, the expansion of education has greatly altered the way of life of working class young people and the social ecology of gangs. School has increasingly become a major factor in the way young people spend their time and in the shaping of their characters. That became the norm for all teenagers in the 1970s.

In working class districts educational issues were quite important in the development of the *Blousons Noirs* gangs between 1959 and 1965. Working class children were less academic and they left school earlier. That generation saw and had to deal with this educational jamboree which it had not been invited to. In 1960 young gang members were not attracted to school, nor did they shine there. Basically, there seemed to be little point when it was possible to get a steady, secure job without academic qualifications.

The social impact of this development was important. Time spent at school and an awareness of society, albeit limited, to which this experience gave rise profoundly changed pupils' views of the future. Thus school became a medium of socializing on the same footing as the family and the street, an entirely separate part of life, a social melting pot which produced norms of social behaviour, and shaped social aims and age groupings[7]. The development of new aspirations among working class young people owes a great deal to the increasing emphasis on the link between academic qualifications and getting a job—leading, in other words, to a new *rite of passage* between childhood and the adult world.

Indeed, over the last fifty years, the issues surrounding social mobility of working class young people have been determined principally in the labour market. The *Blousons Noirs* gangs spoke about this during an economically benign period, when full employment, growth and improved living standards promoted a genuine social mobility. It was better to be twenty in 1968 when the unemployment rate for school-leavers was 4%, than in 1994 when it was 33%. Unemployment was unusual for young people in the '70s, which was a good thing, as having nothing to do breeds insecurity and idleness. Observers of gangs report that the proportion of members out of work is low, but changes of job are frequent as are switches between work and unemployment.

During the 1970s, there was world-wide research into new technologies which led to changes in the structure of jobs. The need for manual labour reduced, leading directly to a big rise in unemployment. Working class areas were disproportionately affected with young people and foreigners feeling the first effects of the crisis. Periods of unemployment lengthened and the rare chances of work were jobs for a fixed term with little security. A variety of technical changes limited the statistical measurement of unemployment, but hardly gave rise to steady jobs These changes affected young people's way of life by altering the transition to adulthood, refocusing the issues and the length of gang membership.

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[5] This model lives on among working class families and those of recent immigrants.

[6] Mohammed M., 2011, *La formation des bandes. Entre la famille, l'école et la rue*, Paris, PUF

[7] Chamboredon J.-C., 1966, La société française et sa jeunesse, *in* Darras (collectif), *Le partage des bénéfices,* Paris, Éditions de Minuit, 155-175.

During the time of the *Blousons Noirs,* gang membership was drawn from a narrow age range. The age distributions clearly reflect this. In a study carried out by Henri Michard and his team in 1963, the age of boy gang members was between 15 and 20[8]; in other studies the majority were between 14 and 20[9]. In all these studies, the age of 20 seems to have been a decisive threshold. Remember that in 1959, military service lasted 28 months, joining up marked a decisive break and the spirit and vigorousness of the gang were put to good use there. Then the factory replaced the military. Although not ideal, the prospect of life offered to the *Blousons Noirs* meant that in due course they could see themselves in a situation where steady employment, a relationship and independent living were all within their grasp. Neither lack of qualifications nor the strong resistance of some of them to the world of work put their social integration in jeopardy. Today's young people are more exposed to unemployment and uncertainty. They live with their parents for longer and form couples later. They stay at school a little longer, but find it harder to get work. As a result, mass unemployment has increased dependency on parents and welfare services.

The arrival of drugs and the structuring of gangs

The deprivation of a number of areas and populations forms the social backdrop against which drug trafficking got going. This is another ingredient in the changing world of gangs. Since the Second World War, the spread of narcotics has gone through several stages. Before they exploded into poorer districts, drugs were channelled to North America where the Hippy movement originated.

That source of consumption declined during the 1970s[10]. Drugs increasingly became part of working class culture. Like alcohol, they became a way of demonstrating manliness and they had several effects on working class districts and on gangs.

To see this, let us return to the historical comparison with the *Blousons Noirs* period. Then alcohol was drunk for enjoyment, frequently and by the great majority of gangs. Nowadays, the list of celebratory substances is much longer and, although alcohol consumption is still common, cannabis tops the bill. But, apart from consumption, the impact of drugs on gangs has been much deeper, because they affect everybody's life-courses, social relationships and the structure of the public space itself.

Drug trafficking has brought economic issues and important rituals into street life. The street has become an organisation with its own players, rules and social roles. This institutionalisation began because of the economic decline of the country during the 1970s. The drugs trade absorbed some of the shock of the crisis and the decline, acting as an '*alternative to alienation and dishonour*'[11]. Afterwards the system was maintained by an explosion in demand. Unlike other kinds of criminal behaviour that have an immediate but uncertain financial reward, drug trafficking is a long-term proposition. Breaks in the supply chain rarely happen, the demand is always there and the risk of punishment is slight.

The main impact of the drug trade on gangs is economic. It arises from the combination of the need of the drug suppliers for a reliable, focused workforce with adolescent gang members interested in their purchasing power and willing to cooperate with the 'big wheels' whom they hold in awe. It is not to do with getting better off by accumulating significant assets, but rather a change in the pattern of consumption against a background of insecurity. Money earned from drugs primarily provides a way out of insolvency. Apart from the economic aspects, drugs affect relationships within the organisation (roles and status), time-scales (length of delinquency) and rituals. The local drug economy is currently the main driver for young people's delinquency and is the mainstay of the hub of criminal behaviour. The dominant players in the trade present themselves as the most important people in the locality, examples of a way of life that is both profitable and achievable. They represent local success and enjoy a double power over others and through consumption. Their daily visibility and their way of life ensure that they will remain in the public eye.

For young people in gangs, this power is significant, above all in the way that delinquency appears to them. The *Blousons Noirs* had fairly short delinquent careers, centred around offences on public streets with military service ahead of them followed by the factory. But now, delay in attaining the status of an adult has opened up a time-gap for young people in gangs, during which integration into society is strongly retarded because of poor schooling and low chances of employment. Profitable criminality has to some extent filled this gap. In the public's perception, as is clear by the life paths of ex-gang members, dealing appears as a stage in life, a lengthening of delinquent careers that were previously anchored in an open, group criminality. Although in earlier times there was some one-off, limited collaboration between gangs and drug dealers, the last ten years have witnessed a much greater mutual involvement.

[8] Michard H., Sélosse J. (dir.), 1963, *La délinquance des jeunes en groupe*, Paris, Cujas.

[9] Robert Ph., Lascoumes P., 1974, *Les bandes d'adolescents*, Paris, Les éditions ouvrières.

[10] Duprez, Kokoreff, 2000 ; Mauger, 1984

[11] Kokoreff M., 2007, *Economies criminelles et mondes urbains*, Paris, PUF, p. 79.

The intensification of the economic crisis and the failure of schools (150,000 young people leave school each year without a diploma) provide an inexhaustible inflow to the drug dealers' workforce—susceptible to being dragooned and attracted by the properly paid 'jobs' that are on offer—for dealers whose potential profits are on the increase. Moreover, demand for drugs remains strong.

The ethnic dimension

In parallel to changes in the economy and education, as well as the decline of neighbourhoods, ethnicity has increasingly become a gang issue. In the 1960s there was no mention of skin colour in articles about the *Blousons Noirs* who embodied the working class world. Commentators and the press said nothing about race—the shirts were black, the faces white. Born at the end of the Second World War, these young people had no, or very little, experience of racial diversity. Ten years later, the 'Loubards' marked a clear transition from the working class world to that of the urban ghetto.

The question of ethnic gangs emerged at the beginning of the 1980s, peaked at the end of the 1990s and crops up frequently in the news these days. From this new perspective, a gang is defined through the origin or the skin colour of its members. The race label is used as an explanation—from now on gang membership, solidarity and group behaviour are supposed to have roots in ethnicity. The term 'ethnic gangs'—meaning essentially 'black gangs' and 'Maghreb gangs'—increasingly brings in a racial aspect to a phenomenon which, up until the end of the 1970s, was associated with working class young people and their spheres of activity. However, an approach which substitutes area and social class for ethnic origin does not get one very far. Just as with education issues, social and ethnic questions are intertwined.

Ethnicity became a factor in gangland in several stages. The end of the period of strong economic growth (1945-1975) and the rise in unemployment reawakened a latent working class nationalism[12] and made non-whites more visible. 1974 was marked officially by a transition from immigration for work purposes to immigration for repopulation. Being associated with the economic crisis, immigration was seen as a 'social problem', considered first of all from the perspective of public health—because of living conditions and problems with accommodation—and then from a security angle with a growth in racism and concerns about delinquency.

This led to a tightening of immigration law at the end of Valery Giscard d'Estaing's presidency. Incentives for immigrants to go home were increased (*loi Stoleru*) as did friction between immigrants and the police who were in the front line in dealing with the influx of migrants[13]. From the end of the 1970s urban working class districts were the scene of repeated clashes between the forces of law and order and young people, especially those from the Maghreb[14]. These young people increasingly came to see these riots as a means of group protest, which in turn had a profound effect on their perception by the general public.

News reports about gangs therefore became increasingly bound up with immigration issues. The traditional idea of the young working class rebel and street fighter gave way to the idea of a fringe distinguished by the strangeness of those belonging to it and of their habits. At the turn of the 1980s cultural differences were added to socio-economic ones. A fear of gangs, of strangers and of working class areas fed on each other and without ever being challenged. Linking territory and ethnicity has become the norm, especially in the press, reinforcing the contrast between the orderly civilised world of the republic and that of the suburban ghettos (banlieues).

How did this change in membership come about? The view that a progressively racial aspect entered social relationships in the poorer areas of France is borne out by empirical research on these areas and on gangs. The turning point at the start of the 1980s was not the result of the sudden appearance in gangs of a new non-white membership. Although this may not be representative, it is not widely known that the Blousons Noirs, especially in the Ile-de-France, already had young immigrant members, basically from North Africa[15] and media reporting at the time pooh-poohed racial aspects[16]. In the following decade the Loubards were the subject of an in-depth study by the sociologist Gérard Mauger. Although there had been a considerable increase in young Arabs belonging to gangs, the racial aspect was still secondary[17]. With some exceptions, the cohesion of the gang arose from a similarity in residential area and socio-economic and educational factors.

[12] Noiriel G., 2004, *Gens d'ici venus d'ailleurs,* Paris, Édirions du Chêne.

[13] A tougher perspective which was put into practice through the 'loi Bonnet' in 1980.

[14] Bachmann C., Leguennec N., 1996, *Violences urbaines. Ascension et chute des classes moyennes à travers cinquante ans de politique de la ville*, Paris, Albin Michel.

[15] Monod J. 1968, *Les Barjots*, Paris, Julliard.

[16] Bacher C., 2000, *Le phénomène « Blousons noirs » vu par la presse*, Clermont-Ferrand, Université de Clermont-Ferrand II, Mémoire de maîtrise.

[17] Mauger G., 2006, *Les bandes, le milieu et la bohème populaire*, Paris, Belin

During the 1980s this consensus among research workers broke down. François Dubet and his team wondered whether there was a racially marginalised group of young people. They identified two important aspects: first, 'there are not gangs made up of young immigrants and gangs made up of young French people'—whatever their origin, all the young people in the gang accept each other. Second, if there is a specifically racial aspect, it manifests itself in two ways. 'Young immigrants are more often involved in gangs than French boys, but pressure from their families to leave the gang is stronger and clearer'[18]. By way of contrast, in her doctoral research Maryse Esterle-Hedibel studied two gangs made up of young Algerians and emphasised the importance of the race aspect. The homogeneity of the gang members' origins is the result of their experience of stigmatisation and exclusion—in other words, a defensive ethnicity. On the other hand, she emphasised the breakdown of traditional upbringing in Algerian families[19]. Gradually however, this debate led to agreement that some young people defined their own ethnicity.

These changes can be traced back to a new development in the portrayal of gangs with the entry into the lists of a new generation—the Zulus. The Zulus emerged against a background of the ghettoisation of working class areas and at a time when rioting had returned to the forefront of public concern. The Zulu period is a turning point, as these gangs were the first to identify themselves by race, openly and aggressively, especially those consisting of young black people in the Paris region. The racial dimension in gangs was not in itself new, but flaunting it had a big effect in a situation where feelings of insecurity were feeding into a hardening of attitudes towards public safety. Three factors led to this new kind of gang—first, a movement brought over from North America with the cultural accoutrements of the black American ghettos, especially Hip-Hop; second, a reaction to the activity of skinhead groups particularly in the Paris area; and finally, it struck a chord with the young black 'minority within a minority' in the large conurbations.

At present the link between ethnicity and young gangs can be explained by two interdependent processes. To explain the first, we need to borrow Max Weber's concept of *communalization* to describe the feeling of belonging to a community of people like oneself (ethnic, regional, national, racial etc) and to be part of its networks.

This way of anchoring one's identity begins through inheritance—inheritance of traits typical of the group reinforcing classification and labelling, inheritance of values, codes of behaviour and affiliation transmitted through family or community. With young people in gangs ethnic pigeonholing and affiliation serve the purpose mainly of encouraging togetherness and instilling a kind of complicity, particularly in ritual and symbols.

The second reason is an expression of the negative fusion of racial experience with social and urban problems. This is primarily linked to experiencing—objectively and subjectively—racial divisions in society. The culmination of family, educational, economic and political difficulties connected to urban problems crystallizes into a limited number of explanations with race and racism playing a varying part. Having ethnicity at the heart of the gang's identity can therefore be a defensive reaction, brought about by a shared condition—social racism or, in other words, being discriminated against. It is hardly surprising that numbers of young people whose origins have been stigmatised over several decades act out hostility towards groups forming part of the majority population. There is a real possibility that gangs of young people derive their cohesiveness and define their enemies in terms of colour or ethnic origin. But racial conflict is not the main reason for belonging to a gang or the main driver for social relationships in the neighbourhood.

Conclusion

Currently gangs are concentrated in areas where the most vulnerable groups live. Minorities are sometimes over-represented in these areas and in gangs. Within these areas, gang membership, almost entirely male, is drawn from large families and burdened with the usual problems stemming from or reinforced by poor scholastic achievement, social exclusion and difficulty in finding work. Crimes most often associated with gangs are property damage or defacement, theft, confronting other gangs, periodic conflicts with the forces of law and order and involvement in drug dealing. This picture is the result of profound social changes which have affected the whole of society and especially its most vulnerable margins exposed to urban unrest.

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[18] Dubet F., 1987, *La galère. Jeunes en survie*, Paris, Fayard, p. 130

[19] Esterle-Hedibel M., 1997, *La bande, le risque et l'accident*, Paris, L'Harmattan

Changing the lens—positive developments from New Zealand

Dr Julia Carr & Harry Tam

Julia Carr

Harry Tam

Introduction

New Zealand is a small country, with 4.4 million people. Maori, the indigenous people of New Zealand, make up about 15% of the population, with a much younger age structure than the European population[1]. There are a variety of gangs in New Zealand, with indigenous ethnic gangs making up the majority in terms of membership. While there has been a growth in the number and visibility of 'youth gangs' over the past decade, these groups are generally part of a wider landscape of families and communities with intergenerational gang membership and high levels of poverty, unemployment, poor educational engagement and poorly resourced neighbourhoods.

International researchers note little reliable empirical data about 'gangs', who belongs to them, and what they do[2], and New Zealand is no exception[3]. The lack of quantifiable information arises from the well-recognized problem with defining a 'gang', the rapid change in levels of membership and activity particularly in youth gangs, and the lack of engagement with government agencies by families and communities associated with gangs - hence, limited administrative data.

Recognition of the intergenerational nature of gang formation and growth in New Zealand, particularly indigenous ethnic gangs, has been important in intervening effectively to reduce violence. This article describes social and historical drivers of gang growth in New Zealand, an approach to intervention and examples of successful mediation and pro-social change.

New Zealand experience

Research suggests that, while gangs are more likely to form during periods of economic growth, gang membership is likely to rise during periods of low economic growth and high unemployment[4]. A number of societal and structural drivers influence gang formation and gang membership. These include:

- structural inequalities: poverty, unemployment, absence of meaningful jobs and social disorganisation[5];

- barriers to resources (education, health, social services, employment etc)[6]; and

- processes of colonialism.[7]

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1 Statistics New Zealand. National ethnic population projections, find it here.

2 Howell J. Youth gang programs and strategies: summary. Washington DC: USA Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 2000.

3 Gilbert J, Newbold G. Youth Gangs: A review of the literature prepared for the Ministry of Social Development. Wellington: Ministry of Social Development. 2006.

4 Marsh E. Insight into Gang Dynamics, Masters Thesis. University of Waikato. 1982.

5 Curry G, Thomas R. Community organisation and gang policy response. Journal of Quantitative Criminology, 8(4): 357-374. 1992.

6 Fagan J. Social Processes of delinquency and drug use among urban gangs. in C. Huff (ed), Gangs in America: 183-219. Newbury Park (CA): Sage Publications. 1990.

Gangs have existed in New Zealand since the colonial period[8]. However, many of today's more established gangs evolved during the early 1950s through to the 1970s, a period of economic growth[9]. The periods of highest gang membership growth in New Zealand were the late 1970s to the early 1980s, and the late 1980s and early 1990s, periods of economic recession. Income inequality rose in New Zealand from the late 1980s so that New Zealand now has one of the highest levels of inequality in the OECD[10].

Gang membership is also influenced by a number of 'individual' risk factors, including:

- gender: gang members are typically male, although research shows significant increases in female gang membership and gang formation[11];
- geographical placement: more likely to live in urban contexts;
- ethnicity and class: likely to be member of a racial or ethnic minority or, more generally, from an 'underclass' population[12]; and
- educational attainment: restricted access to quality education, low education attainment.

Gang membership in New Zealand generally reflects these patterns, with the exception that gangs are less of a distinctly urban phenomenon. Provincial areas have some of the highest proportion of gang membership, reflecting a drift back from cities to ancestral lands and areas with a lower cost of living during times of high unemployment.

The 1981 Gang Report undertook a comprehensive review of the causes that lead to the proliferation of gangs in New Zealand and concluded that:

Gang membership was related to urbanisation and the breakdown or lack of extended family care for children. Both parents are often working or there is a solo parent only, and the local community may lack adequate advisory and support services for families. The child senses that the values in society are ones that his parents haven't succeeded at, and often the child's family

and neighbourhood background doesn't give access to legitimate channels of success, so that actual or anticipated failure in a conventionally valued area such as education leads to hostility to authority and control, potential for violence, and an exploitative attitude to social relations. A low educational and employment status will lead to low self-esteem[13].

Intervening to reduce the growth of gangs and gang-related crime

To date, the principal strategy employed by New Zealand Police and, arguably, a number of government agencies, has been 'zero tolerance' and suppression, reinforced by additional police powers to monitor, arrest and separate gang members and higher tariffs in sentencing[14]. However, there is a significant body of research to suggest that suppression tactics do not reduce gang offending[15], and there is little evidence of effectiveness in New Zealand

The research also demonstrates that the imprisonment of gang members enables gangs to recruit within prisons, dominate prison culture, dominate the contraband trade within prisons and run criminal activities within the community from prison[16]. There is evidence that this happened in New Zealand prisons during the 1980s when the traditional prison culture became dominated by gang prison culture[17,18]. In summary, much of the current literature has concluded that traditional law enforcement strategies alone will have little effect on reducing, managing, or suppressing gangs[19].

To curb the growth of gangs and reduce associated criminal activity, research supports a multi-modal approach with a strong emphasis on socio-economic drivers, social inclusion and community development in relevant communities, including efforts to reduce the barriers to alternative, pro-social options[20,21,22,23,24].

7 Jackson M. Māori and the Criminal Justice System. Wellington: Department of Justice. 1998.

8 Hill R. Policing the Colonial Frontier: The Theory and Practice of Coercive Social and Racial Control in New Zealand 1767-1867, Part One of Two. Wellington: Department of Internal Affairs.1986.

9 Centre for Social Research and Evaluation. Youth gangs in Counties Manukau. Wellington: Ministry of Social Development. 2008. Find it here.

10 OECD. Divided We Stand: Why Inequality Keeps Rising. Find it here.

11 Esbensen F, Winfree L. Race and gender differences between gang and non-gang youth: results from a multisite survey. Justice Quarterly, 15(3): 505-526. 1998.

12 Curry G, Ball R, Decker S. Estimating the national scope of gang crime from law enforcement data. Washington D.C: National Institute of Justice. 1996.

13 Comber K. Report of the Committee on Gangs. Wellington 1981.

14 New Zealand Parliament. Parliamentary Support Research Papers. Young People and Gangs in New Zealand. 2009. Find it here.

15 Green J, Pranis K. Gang Wars - The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies. Justice Policy Institute. 2007. Find it here.

16 Ibid.

17 Meek, J. Paremoremo: New Zealand's Maximum Security Prison. Wellington: Department of Justice. 1986.

18 Ministerial Committee of Inquiry into the Prison System: Prison Review – Te Ara Hou: The New Way. Ministry of Justice. 1989.

19 Huff R, McBride W. Gangs and the Police. in Goldstein A, Huff R. The Gang Intervention Handbook: 401-416. Research Press, Champaign, Ill. 1993.

20 Lafontaine T, Ferguson M, Wormith J. Street Gangs: A review of the empirical literature on community and Corrections-based prevention, intervention and suppression strategies. University of Saskatchewan. 2005. Find it here.

Reducing youth gangs and youth gang-related crime

Arresting youth and gang related offending requires a multi-dimensional, long term response that promotes social inclusion. This differs from a common response to youth gangs that predominantly focuses on preventing young people joining gangs.

Rather than focus on 'gangs', it is more helpful, in our view, to use the term 'hard to reach' groups and communities. The hard to reach definition is preferred because it describes groups that are socially excluded. Through this social exclusion process, individuals and groups lose some of their rights as citizens, and become disengaged from services, opportunities and responsibilities. The term also recognises that members of these groups are citizens, community members, and have and are part of families. The hard to reach definition allows interventions to tackle issues and behaviours without exacerbating the problem through further marginalisation.

When considering how to intervene with hard to reach youth, it is useful to reflect on four characteristics identified by international research[25] that young people need to ensure that they are resilient to adverse conditions and to thrive. The four characteristics are:

- a sense of industry and competency[26,27] – developing a sense of self belief, confidence in their own abilities through succeeding in engaged activities and obtaining recognition for productivity. This can be achieved through activities such as sports, hobbies, school or employment;

- a feeling of connectedness to others and to society[28] – building empathy with others by knowing that others care for them. This can be achieved by increasing the positive connections with community, government and business networks through pro social activities;

- a sense of control over one's fate in life[29] – a person who has a sense of control over their fate in life believes that they can affect their future. This can be achieved through being engaged in interactions in which they can successfully predict the outcomes of their actions; and

- a stable identity[30] – the development of a stable identity is associated with positive interpersonal relationships, psychological and behavioural stability, and productive adulthood. This can be achieved by strengthening cultural identity and connectedness.

In New Zealand, this knowledge needs to be applied through an approach to youth that recognises whānau (extended family) as the core unit of Māori society and recognises Māori as a diverse, culturally distinct population who are capable of leading their own solutions.

However, in the absence of a strong connection to culture of origin, and with increasing disconnection from social environments associated with adults, (school, family, community), subcultures emerge. Whether it is gang subculture, street or youth culture, young people and their peers will create their own sense of belonging and identity. The desire to reconnect young people with their culture or 'identity' is often oversimplified, as seen in many programmes that attempt to replace gang or street culture with the dominant or desired culture of adults. However, reconnection is a subtle process and, in our experience, it is not helpful to present stark 'either/or' options. As work is undertaken to re-engage young people, different cultural connections and aspirations can be fostered, allowing links to traditional and pro-social values to develop in a way that resonates with hard to reach young people and their whānau.

The usual community development approaches to working with disadvantaged groups also lend themselves to interventions with hard to reach groups. There are two crucial principles that need to be applied in achieving change with these communities:

- there needs to be leadership within the community that is willing to lead change; and

[21] United States Department of Justice, Best practices to address community gang problems – OJJDP's Comprehensive Gang Model, June 2008. Find it here.

[22] White R. Police and community responses to youth gangs. Trends and Issues in Crime and Criminal Justice. 274. Canberra: Australian Institute of Criminology. 2004.

[23] Aldridge, J et al. Youth gangs in an English city: social exclusion, drugs and violence: Full Research Report ESRC End of Award Report, RES-000-23-0615. Swindon: ESRC. 2007.

[24] Workman K. Looking Back-Looking Beyond-Gang Strategies in the Wider Context. Local Government Forum on Gangs. Wellington. 2008. Find it here.

[25] U.S. Department of Health and Human Services. Understanding youth development: promoting positive pathways of growth. Developed by CSR, Incorporated, for the Family and Youth Services Bureau; Administration on Children, Youth and Families; Administration for Children and Families; U.S. Department of Health and Human Services.

[26] Erikson E. Identity: Youth and Crisis. New York: W.W. Norton and Company. 1968.

[27] Erikson E. Childhood and Society. New York: W.W. Norton and Company.1963.

[28] Gottfredson M, Hirschi T. A general theory of adolescent problem behavior. In Ketterlinus R, Lamb M. eds. Adolescent Problem Behaviors: Issues and Research. Hillsdale, NJ: Erlbaum, 41-56. 1994.

[29] Patterson G, Dishion T. Contributions of families and peers to delinquency. Criminology 23:63-79. 1985.

[30] Grotevant H. Adolescent development in family contexts. In Damon W, Eisenberg N. eds. Handbook of Child Psychology. Vol. 3, Social, Emotional and Personality Development. 5th ed. New York: Wiley. 1996.

- there needs to be some form of structure and organisation within the community around which information can be exchanged.

The challenge with hard to reach groups is penetration, to identify the leadership and capacity for change, and engagement. To achieve this penetration requires the right people. Many programmes work with 'at risk' youth or individuals, but these generally do not engage or achieve sustainable change in the hard to reach groups that are the focus of this article[31].

Working with indigenous ethnic gangs - principles
The approach that has shown promising results in New Zealand is underpinned by the following principles:

- a focus on the behaviours of individuals/whānau rather than on appearance or affiliation - the delivery of interventions and social services should be focused on changing behaviours rather than focussed on what the recipient(s) looks like or who they are affiliated to[32];

- building on the strengths of youth, their whānau and communities to address negative behaviours and promote positive behaviours;

- removing the labels – there is a propensity to label youth groups as youth gangs without recognising that young people need their peer support as part of a natural youth development process. Labelling theorists[33] argue that labelling can create a self-fulfilling prophecy situation where the young people's behaviours will be influenced by the label;

- recognising that there are opportunities for positive change in all youth, whānau and communities, regardless of how alienated or dysfunctional a young person, whānau or community may be;

- recognition of the diversity of leadership in communities;

- engaging whānau and community – recognition that young people are all part of whānau, and that whānau and community are not passive recipients, but are aspirational. They are capable of designing, developing and delivering their own interventions and services that will factor in their realities;

- people who have common experiences with hard to reach populations are the most appropriate people to design and deliver intervention projects because they can share their experiences of what has led them to make positive life choices[34];

- building capability and capacity – recognising youth, whānau and community leaders are often people with instinctive leadership qualities and may need support to develop their formal leadership acumen;

- mobilising whānau and community - changing criminal behaviours effectively requires the young people, whānau and community to accept the need to change; and

- supporting and resourcing youth, whānau and community initiatives, particularly Māori designed, developed and delivered 'bottom-up' initiatives to the stage that they can be robustly evaluated[35].

Positive examples
New Zealand has experimented with innovative approaches over the past four decades. The Detached Youth Worker Funding Scheme, established in 1977, arose out of concern for a section of youth who were alienated and not being reached by existing programmes. Evaluations noted positive outcomes for the client groups[36], including *"changes in group values and ideas about acceptable behaviour in the projects where the worker was involved with gangs or distinct groups of young people... a noticeable improvement in the way women were treated...and it became important to try and find work"*[37].

An initiative set up in response to the findings of the 1981 Gang Report[38], was the Group Employment Liaison Scheme (GELS). GELS was an interdepartmental unit supporting a network of 25 field officers - reflecting the fact that unemployment was considered to be a major factor in gang confrontations. A review found GELS to have been highly effective (and cost-effective) in facilitating access to employment and training by groups disadvantaged in the labour market. The benefits went beyond labour market outcomes, with an increased sense of self-worth and self-reliance amongst group members,

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31 Bocarro J, Witt P. Reaching out/reaching in: The long-term challenges and issues of outreach programs. CYC-ONLINE (75) 2005. Find it here.

32 Green J op cit.

33 Originating in sociology and criminology, labelling theory (also known as social reaction theory) was developed by sociologist Howard Becker. It focuses on the linguistic tendency of majorities to negatively label minorities or those seen as deviant from norms. The theory is concerned with how the self-identity and behavior of individuals may be determined or influenced by the terms used to describe or classify them, and is associated with the concept of a self-fulfilling prophecy and stereotyping.

34 Spee K. Evaluation Report: Hard to Reach Youth (CART). Wellington: Te Puni Kōkiri. 2011. Find it here.

35 Te Puni Kōkiri. Addressing the Drivers of Crime for Mâori. Unpublished. 2009.

36 The Detached Youth Worker Funding Scheme Evaluation Working Party. He Taanga Manawa. An evaluation of the Detached Youth Worker Funding Scheme. Wellington: Department of Internal Affairs. 1990.

37 Department of Internal Affairs. An Evaluation of the Detached Youth Worker Funding Scheme. Occasional Paper on Youth. (11) Wellington: Department of Internal Affairs. 1983

38 Comber K. Op cit.

increased awareness of cultural identity, and reductions in offending and imprisonment[39].

More recent examples include the South Auckland Hard to Reach Youth project[40] and work in smaller communities following gang-related violence.

South Auckland Hard to Reach Youth Project

Following escalating levels of violence between youth gangs in South Auckland in 2007, including several deaths, the Government funded Consultancy Advocacy and Research Trust (CART), an organization with experience in working with gang communities, to deliver the Hard to Reach Youth project. A multi-agency taskforce worked with 'at risk' youth in this area[41] but the CART project was to penetrate and engage with 'in risk' youth, involved in the violence. CART employed a community worker whose expertise and knowledge of established gangs was seen as crucial in accessing the youth crews, and promoting peaceful resolution to the disputes that were occurring on the streets of South Auckland.

Successful conflict resolution meetings were conducted during the months of September/October 2007, resulting in substantially less violence on the streets of South Auckland (and no further deaths) and an agreement between a number of youth crew leaders that they would communicate directly with each other in the future. The project successfully liaised with 65-80 hard to reach youth and family members and engaged them in activities, over a six month period. This included ten fortnightly workshops, a touch rugby module and cultural learning opportunities[42].

An independent evaluation noted:

- people who have common experiences with hard to reach populations are the most appropriate people to design and deliver intervention projects because they can share their experiences of what has led them to make positive life choices;
- initiatives that are driven from a need to engage with parts of the community that various agencies are unable to connect with will require innovative and unique responses. Open support from government agencies will assist in breaking down barriers between projects and communities which will lead to greater, positive impacts;
- projects designed for Māori need to take into account their contexts and needs, and provide opportunities for positive self-governance. The project is a good example of that and youth are involved in all aspects of the project including activity planning and ongoing development;
- although the project was initially designed to focus on hard to reach youth, whānau have become extensively involved in the project. The project encourages whānau involvement and acknowledges the whānau as a source of strength and facilitator for sustainable, positive life changes;
- the project provides an opportunity to be involved in activities which are not focused on negative perceptions of young people or on negative representations of established gang members; and
- the project believes in the youth and treats hard to reach youth gangs as potential contributing members of society. Taking the youth through a process of dream-building and creating a different vision of what their futures can hold, opens their eyes to the positive possibilities[43].

A year later, a second evaluation found a marked reduction in violence, arrests and alcohol use in the participating groups and commented:

Much of the initial crisis intervention success surrounding inter-gang violence was attributed to the Community Worker's ability to liaise and mediate between opposing crews. The longer-term cessation of street violence was attributed to [the worker's] strategy of breaking down stereotypes and misconceptions held by the various gangs that acted to fuel inter-gang rivalry, aggression and hate… Empathy development occurred through a number of opportunities created for the young people to interact in positive environments[44].

However, once the crisis was resolved, funding support was withdrawn for this project and, while some participants had transitioned into pro-social activity including employment, others returned to low level offending.

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[39] Plunkett P, Hynes J, Crossan D. Review of the Group Employment Liaison Service (GELS): Report of the Review Team. Wellington: Department of Labour. 1986.

[40] O'Reilly D. Consultancy Advocacy & Research Trust. In: Māori designed, developed, delivered initiatives to reduce Māori offending and re-offending. Wellington: Te Puni Kōkiri. 2011. Find it here.

[41] Auckland Youth Support Network. Improving Outcomes for Young People in Counties Manukau. Plan of Action 2006. Wellington: Ministry of Social Development. 2006. Find it here.

[42] Spee K. Op cit.

[43] Ibid.

[44] Roguski M. Evaluation Report 2: Hard to Reach Youth (CART). Wellington: Te Puni Kōkiri. 2011. Find it here.

This approach to intervention, utilising experienced, pro-social leaders from gang communities to engage with hard to reach groups where there are issues affecting community safety and wellbeing has been successfully applied in many other settings in New Zealand[45,46,47]. The key to success is the experience and credibility of the mediators, their ability to facilitate dialogue and to engender a sense of hope for a better future for themselves and their families. Having engaged and mobilised hard to reach groups, the challenge has often been to engage government agencies and services. Hard to reach groups are often actively excluded from funding, services and opportunities - to "legitimate channels of success." However, some agencies and organisations, including the philanthropic sector, have provided support for this work[48,49].

Often for youth the starting point is recreational activities and training, while with families and communities, health-related initiatives help focus on participatory, practical action. This 'changes the conversation around the dinner table', and begins a process of thinking and action that generates hope, expectations and pro-social participation. There are many examples in New Zealand where this approach is driving promising results[50,51,52,53].

Discussion

Youth gangs arise in conditions of exclusion, poverty and poverty of hope. While this article has focussed primarily on indigenous ethnic gangs, we believe that the principles for intervention can be applied more broadly. In particular, the need to understand the social context and drivers of gang formation; the need to focus on behaviours rather than affiliations; and most importantly the need to recognise that leadership, capacity and a potential for positive contribution exists in all hard to reach groups.

The challenge is to tap into that positive potential. To do this, penetration and engagement is critical and pro-social individuals from hard to reach communities are more likely to be successful because they have particular expertise, experience and credibility. The New Zealand experience echoes finding in recent reviews to support the involvement of gangs in solutions and the limitations of using programmes of in-reach where the workers have little connection with the target community[54,55].

As professionals in the justice sector, it is challenging to think beyond individuals and the prevailing intervention framework based on sanctions and treatment. However, even the best treatment programmes are unlikely to achieve sustained change if the person returns to the same family and neighbourhood conditions. Relapse is almost inevitable. It is our contention that hard to reach groups can be engaged and mobilised to change, and that this is good use of resources. By mobilising whole communities of hard to reach youth and their families, longer term, intergenerational change is possible. This creates an environment where youth can begin to feel a healthy sense of industry and competency, connectedness, a sense of control over their lives and a strong pro-social identity.

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Harry Tam is a Policy Manager at Te Puni Kōkiri, the Ministry of Māori Affairs in New Zealand. For nearly forty years he has worked with indigenous ethnic gangs and other hard to reach communities in particular with the Mongrel Mob throughout the country and within the prisons. In 1990 Harry was awarded a 1990 Commemoration Medal for services to New Zealand.

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[45] Bennett W. Ryder E, Governor M et al. Stories from people working with high needs populations. In Dew K, Matheson A (eds). Understanding health inequalities in Aotearoa New Zealand. Dunedin: University of Otago. 2008.

[46] O'Reilly D. Op cit.

[47] The Salvation Army. Notorious whānau continues to fight 'the P'. Find it here.

[48] J R McKenzie Trust. Annual Report. 2010. Better future for children a motivation for change. p7. Find it here.

[49] Titus P. Out of their comfort zones: Mongrel Mob and Methodist families strengthen ties. Touchstone. Find it here.

[50] Spee K. Op Cit.

[51] 2008NZ Drug Foundation. Mob Mumzys moving and Shaking. Matters of Substance. Wellington: NZ Drug Foundation. 2011. Find it here.

[52] O'Reilly D. Op Cit.

[53] J R McKenzie Trust. Wesley Community Action. Making positive connections in 'closed' communities. Find it here.

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[54] See for example, Westmacott R et al. Selected Annotated bibliography: Evaluations of Gang Intervention Programs Correctional Service of Canada. 2005. Find it here; and Canada's publication from the National Crime Prevention Centre: Addressing Youth Gang problems: An overview of programs and practices. Find it here.

[55] Klein W. Gang cohesiveness, delinquency, and a street-work program. Journal of Research in Crime and Delinquency, 6, 135-166. 1969.

Youth gangs – a Swedish perspective   Judge Tomas Alvå

I have been asked to contribute a Swedish perspective on youth gangs. The issue raises for me a few questions. What are the specific challenges in dealing with juvenile offenders belonging to youth gangs? How do you prevent kids from joining youth gangs and how do you get a gang member to leave that environment? From my point of view, how do I as a judge handle the information that someone is a member of an established youth gang? Is that information relevant to me? Will it affect the sentencing or the question of guilt?

First a word of warning: this is not a scholarly report! My insight into this subject is limited, being an ordinary judge in a relatively small district court in Sweden. However, it is from my experience as a judge with a certain affinity towards all matters juvenile that I draw the core of this report. I have also interviewed two policemen; one in Gothenburg (the second largest city in Sweden) and one in Uddevalla (a relatively small city and one where I happen to serve as a judge) about youth gangs and the way the Police deal with them. As for the rest of the report, such as it is, I have randomly borrowed information from various reports collected by BRÅ—the Swedish Council for Crime Prevention—and from recent news articles.

Youths nearly kill a sick elderly person

This summer (2012) a trial at the District Court in Gothenburg was temporarily the focus of the local media's attention. On March 18th the 62-year-old sickly Carl-Erik Cedvander had been shopping at his local supermarket in Kortedala, a part of Gothenburg. When he came out of the store, he was told that some kids had been harassing his dog, Barney, who was waiting outside. The kids, all seven of them aged between 14 and 15, were sitting on a bench nearby. Carl-Erik Cedvander approached the kids to talk to them.

The next thing he knew, he was lying face-down on the ground, with the young people on top of him, kicking and beating him. This was in broad daylight and people around shouted for the kids to stop, but to no avail. Then someone intervened and the kids ran away. But before they left, one of them turned back and kicked the by now unconscious Carl-Erik Cedvander in the head. He was rushed to the hospital with massive head injuries and severe bleeding. His cranium was crushed in several places. Carl-Erik Cedvander survived the incident, but is blind in one eye and has a complete loss of memory from the last two years.

All seven kids were quickly identified and taken to the police for questioning. At first they were all treated as suspects to the assault. After questioning, some of the kids were handed over to the social services, since they were not yet 15. In Sweden you cannot be convicted of crimes committed before the age of fifteen. Eventually, two of the kids were charged with aggravated assault and brought to trial before the District Court in Gothenburg. A few of the other children were no longer considered as suspects of the crime, but were instead called to the court as witnesses.

By the time of the trial, the kids had had a chance to talk to each other and – as it turned out – someone older had had a chance to talk to them. They had agreed on a common story to tell in court where Carl-Erik Cedvander had attacked *them* and had sustained his injuries when falling. It was obvious that the young people on the witness stand, who had radically altered their story from when they were heard by the police, were lying. The judge reminded them several times about the consequences of lying under oath. It became increasingly clear that someone (an adult family member or someone else with a heavy influence on the kids) had instructed them what to say at the trial. It didn't help, though. The two kids on trial were convicted for aggravated assault. They were sentenced to special youth programmes and mandatory youth labour. Two of the kids who were heard as witnesses have now been indicted for perjury.

What is the reason for the media's attention and why do I mention it? Of course, the public was alarmed at the brutality of the assault and the kids' lack of remorse. It was as if they were prepared to beat the old man to death over nothing. The lies told by witnesses were additional annoyances. And for people like us, sharing a strong belief that no juvenile offender is beyond help, it is worrying to encounter fourteen- or fifteen-years-old already behaving like hardened criminals.

How can you get to these children before it is too late? And for the sake of this report; all seven kids were members of an established youth gang in Gothenburg.

I have spoken to Even Magnusson, who is in charge of coordinating the police's efforts against juvenile offenders in Gothenburg, about the trial and about youth gangs in Gothenburg. He told me that the seven kids were members of an established youth gang called *Hammarkullen-gangsters,* consisting of nearly 30 juveniles from Hammarkullen, a north-eastern part of Gothenburg. In that part of town, there are a few largely segregated neighbourhoods. The majority of the population in Hammarkullen consists of first- and second-generation immigrants. In some parts of Hammarkullen, approximately 60 percent of the adults are unemployed and the percentage of the children failing to reach passing grades in school is almost as high. Obviously, the mistrust in the Establishment under such circumstances is strong. There have been times when social workers or fire-fighters have had to have police protection to work in these parts of Gothenburg. It is not uncommon that the people in such segregated environments establish their own set of rules and – in fact – their own legal system. According to Even Magnusson, the police got information that the families of the kids present at the assault already had settled the matter between them, and that the families of the kids that were not charged with the crime financially had to compensate the families of the kids who "took the fall". If that was indeed the case, it is easy to understand why the children (and their families) showed such a low regard for the formal legal system.

Youth gangs in Uddevalla?

The group Hammarkullen-gangsters is only one of a few established youth gangs in north-eastern Gothenburg. I will, later on, come back to those youth gangs and mention some of the strategies implemented to help those young people. However, my own perspective is different. I have for the last seven years worked as a judge in Uddevalla, a fairly small city with 30.000 inhabitants. The jurisdiction of the District Court of Uddevalla reaches from the Norwegian border, in the North, down to the coastal areas North of Gothenburg – all in all, 100.000 inhabitants, except in the summertime when that number multiplies. Even though unemployment is high in some parts, there is none of the segregation that is prominent in the major cities. From my experience, the crimes committed by juvenile offenders in Uddevalla have very rarely anything to do with the offenders being a gang member. I have spoken to Peter Svernling, the police officer who leads Uddevalla police's youth-team.

He told me that there are at present no established youth gangs in Uddevalla or elsewhere in the jurisdiction of the District Court of Uddevalla. From time to time, young people will gather in groups to fight or commit crimes, but these groups are spontaneous inventions. According to Peter Svernling, Uddevalla is too small to have any established youth gangs. No separate group of people is big enough to nourish more permanent gangs. This is also my experience. The District Court of Uddevalla has its fair share of returning juvenile offenders. It is common that they commit crimes together with other young people. However, the company seems to vary from time to time. There is really no discernible pattern, where you can tell that the youths have formed gangs. Statistically, Uddevalla is relatively spared from the kind of crimes that is associated with youth gangs. We have had very few street robberies and almost no brutal assaults, like the one committed against Carl-Erik Cedvander.

So, lucky Uddevalla indeed! However, some of the problems are the same regardless of whether the crimes are committed by gang members or not. I have come across quite a few juvenile offenders who start out as criminals at an alarmingly early age, associate with older criminals and often commit crime with other kids. Unfortunately, I have seen some of them reach adulthood imprisoned. These children can be frustratingly hard to help.

Besides, more and more kids act as if they were hardened gang members, even when they are not. Peter Svernling has told me about a change of attitude among young offenders in the last few years. Previously, it was easy to get the young offenders to talk when interrogated by the police. If you didn't rush the interrogation but gave the kids enough time, eventually they would give a detailed account of what had happened. Nowadays, many children say nothing at all. They do not admit to crimes even when their guilt is obvious, and they certainly never say anything about accomplices. According to Peter Svernling, there is a change of attitude among the parents as well. They will not or cannot understand that their children are involved in crimes, and do nothing that could help the investigation – such as motivating their son or daughter to "come clean".

It is also increasingly difficult to get other kids to come forward as witnesses against juvenile offenders. They are afraid of the consequences that could derive from their being witnesses. Even though it very seldom is brought to the Court's attention, it is not uncommon for witnesses to be threatened by a third party, especially on Facebook or by SMS.

Threats in the courtroom are nearly non-existent but I have sometimes found out after a trial that witnesses had been threatened outside the courthouse. So far, no such threats have been heard of in Uddevalla, but kids have been deterred from stepping up as witnesses. And those witnesses are very much needed. This is why the police and prosecutor's office in Uddevalla actively campaign in all the local schools about being witnesses in court. Sometimes, judges from the District Court of Uddevalla have been invited to talk to classes about the trials. We also encourage classes from a certain grade to attend trials.

This change of attitude among juvenile offenders and the difficulty in finding willing witnesses have made it increasingly hard to prosecute juveniles. That is not good from anyone's point of view. If the police cannot solve the crimes committed at an early age, it is not possible for the system to help those children in time.

Youth gangs in major cities and how to work with them

Perhaps I have in the last paragraph digressed from the subject, but that at present is my perspective on the subject. That is not to say that there aren't youth gangs in Sweden –they do exist and cause a lot of problems in all major cities of the country. In Stockholm, youth gangs were already so firmly established and organized ten years ago that they threatened to take over entire neighbourhoods in order to commit crimes unhindered. In Malmoe and Helsingborg, there are at least ten very active youth gangs and perhaps twenty youth groups at risk of becoming youth gangs. A high percentage of those young people are under 15 years old. In Gothenburg, there is a similar number of youth gangs, most of them concentrated to the very segregated north-eastern part of Gothenburg.

The gangs vary, but the build-up is mainly always the same. There is a fixed hierarchy, with older members who frequently commit heavy crimes at the core, then younger, less hardened criminals and finally even younger "hangers-on". Often, the youngest ones have to commit some crime to become members of the gang. Those youth groups have their own turf and tags. Some gangs specialize in certain crimes but street robbery and excessive assault are common for all youth gangs.

It is not a coincidence if the gangs only form and evolve in certain parts of the city. The north-eastern part of Gothenburg has the largest number of unemployed adults. Many are immigrants and rightly feel marginalized by society. Quite a large number of kids in these areas have difficulties at school. In these neighbourhoods, being part of a criminal organization can seem like the only attractive option available to the young people.

Youth gangs step in where society has failed, and at the same time take advantage of the lack of control of them (by parents, community or police) by organizing criminal activities.

Here, of course is the key in helping the children. Any effort by the police or the social services will fail if it is only aimed at breaking up the gangs. The efforts should also aim at lessening the attractiveness of being a gang member. Children who grow up in safe environments and who have realistic chances of being accepted as members of society will not – with very few exceptions – consider criminal gangs as an option.

Thus, helping kids who already are or are at risk of becoming youth gangs members cannot only be a job for the police or the social services. Their work is to keep a close eye on, patrol and identify the juvenile offenders, to prevent criminality and investigate crimes and to enforce judgements. But, in addition to their contribution, the local government must sponsor alternatives to youth gangs and volunteers must man such alternatives. Certainly, the families must be motivated and strengthened in taking charge of their children. Getting local businesses and sports institutes to commit is also important.

I have spoken to Even Magnusson at the Gothenburg police about how such efforts are coordinated in Gothenburg.

Around the Millennium, there was an escalating problem in Gothenburg with youth gangs fighting each other. These fights culminated in gangs shooting at each other on public beaches. In 2004, the local authorities initiated a programme called Ung och Trygg I Göteborg (Young and Safe in Gothenburg). The police, the city of Gothenburg, the prosecutor's office, the local department of education and a company called AB Framtiden (The Future, inc.) cooperated in this programme. The main targets were young people who risked being recruited by criminal gangs in certain parts of Gothenburg. The police and the prosecutor's office set up special units working with juvenile offenders, often in close cooperation with the social services. When a certain neighbourhood was targeted, the efforts of the police and the social services were coordinated with those of the school and other local institutes. By doing so, there were ready-made alternatives for the young people after those agencies' interventions. As part of the programme, the police and the social services would visit the children's homes and talk with their parents to strengthen them in their roles.

Exchanging vital information between the different authorities was a problem, though. Even if the schools or the social services had important information about specific children, they were not allowed to send this information to the Police.

That problem has now been overcome by the parents giving the schools and social services permission to show their children's files to the police. The different agencies' efforts can thus, nowadays, also target children under the age of fifteen or young people who have no criminal record.

Even Magnusson told me about one example where those efforts have been successful. During the last fifteen years, Backa – one of the north-eastern parts of Gothenburg – has had the worst problems with youth gangs. There have been several shootings and cars set on fire. In 1998 there was a tragic incident of catastrophic proportions when some kids started a fire at a disco which ultimately killed 63 young persons. About 20 or 25 of the kids who grew up as youth gang members in Backa are now hardened, grown up criminals, responsible for much crime in their neighbourhood. They have for some time terrorized people living there. Two years ago, the police caught quite a few of these criminals and they were sentenced to long terms of prison. This was the perfect time for a coordinated effort with the young people left behind. With the help of volunteers and thanks to the local authorities providing enough money to sponsor a newly formed football-club and other youth activities, the kids in Backa have been given an alternative to youth gangs. At least for now, Backa has become a much safer place. Of course, the efforts must go on with activities at school and with the involvement from local businesses. However, with such results, that should not be a problem.

How much information must the Court have about someone being a youth gang member?

It is important for the social services to identify a juvenile offender as part of a certain established gang or network in order to work with the kid. Information about youth gangs is also vital for the police, if they are to prevent and investigate crimes. However, is it equally important for the Court to know that the accused is a member of a youth gang? I would say both yes and no. The information is important for the presiding judge, to help them planning the trial. Such trials can be troublesome, and the Court must be prepared to take measures to protect witnesses from being harassed by friends of the accused. Sometimes, such planning must involve the police being present outside the courthouse.

However, when trying a particular case, the information can be both useful and harmful. In criminal cases the Court consists of a professional judge and three lay judges. The knowledge that someone is a gang member can be prejudicial. For instance, how many would, from this report, conclude that all seven children were involved in the assault on Carl-Erik Cedvander, even though only two of them eventually were charged with the crime? Seeing that they were all present at the scene and members of the same gang, they all had to be guilty, right? Well no, there is no evidence showing that more than four of the kids took part in the beating. The rest were innocent bystanders. Also, there is a risk that gang members, without it being justified, will get harsher sentences than other juvenile offenders. At least among the lay judges, there can be a feeling that these kids are beyond help and more hardened criminals than their records show. Being a member of a criminal youth gang is stigmatising. From my point of view, then, such information must be handled with care by the Court. The membership in a youth gang may indicate the risk of someone becoming a hardened criminal, but it is no evidence to the fact that they already are so. And it should certainly not be treated as evidence of guilt in the particular case.

Tomas Alvå* has been judge at the District Court of Uddevalla, Sweden since 2005 specialising in family and juveniles cases. For three years, he helped to lead a network of similar judges. He is the court's regional representative with the Police, the Prosecutor's Office, the Social Services and the Prison and Probation Service in matters concerning juvenile offenders.

Gangs in London	Detective Chief Inspector Petrina Cribb

Following major disorder in August 2011 across cities in England, the Prime Minister David Cameron asked the Home Secretary Theresa May to lead a review into the problem of gangs and gang violence.

The review identified that gangs and youth violence have been a blight on UK communities for years. The disorder in August 2011 was not caused solely by gangs but the violence seen on the streets revealed all too vividly the problems that sometimes lie below the surface and out of sight. The review delivered the Ending Gang and Youth Violence (EGYV) report, which highlighted several key messages:

1. The vast majority of young people are not involved in violence or gangs and want nothing to do with it.

2. The small numbers of young people who are involved have a disproportionately large impact on the communities around them in some parts of the UK. It is clear that gang membership increases the risk of falling victim to serious violence.

3. This small minority of violent young people is not randomly distributed. Some geographic areas suffer significantly greater levels of violence than others; some individual and family risk factors repeat themselves time and time again.

In particular, EGYV identified 30 boroughs disproportionately affected by gang crime, 18 of which were within London. The report also considered the factors leading young people to join gangs. Drivers for gang membership are a mixture of social and criminal factors[1]:

- Status and credibility
- Security and protection
- Family and peer involvement in gang culture
- A sense of belonging – gangs provide an alternative sense of family for young people who frequently come from broken homes
- Power and control
- The trappings of an extravagant lifestyle
- Identification and reinforcement of masculinity
- Victimisation leading to gang involvement for self-protection
- Exclusion and omission of individuals from the education system.

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[1] Crime Concern report "Risk and protective factors associated with gang involvement in Southwark 2005" & Jill Dando Institute of Security and Crime Science research.

The impact of gang crime in London
Gang criminality in London is responsible for a significant amount of London's recorded crime. Most recent figures from the Metropolitan Police Service Intelligence Bureau (MIB) indicate that gang members are responsible for:

- 22% of serious violence,
- 48% of shootings,
- 17% of personal robbery and
- 40% of cash in transit and commercial robbery,
- 26% of aggravated burglary,
- 14% of rape.

In line with the Government's Ending Gang and Youth Violence (EGYV) report the police and other agencies need the support and powers to protect communities affected by gangs and to bring the violence under control. However, gang and youth violence is not a problem that can be solved by enforcement alone. There needs to be a change in the life stories of young people at risk of serious violence on UK streets or locked into a cycle of re-offending. Only by encouraging every agency to join up and share information, resources and accountability can these problems be solved.

In London a range of agencies have specific roles, as part of their daily business, in managing individuals at risk of, and involved in gang and group offending. To support this multi-agency approach, the Metropolitan Police Service (MPS) expanded the portfolio of the Trident Gun Crime Command to become the lead unit responsible for coordinating activity against gang crime.

Trident: A brief history
In the mid-1990s London's black communities began experiencing a rise in drug-related violent crime, driven by an influx of violent criminals from Jamaica, self-defined as 'Yardies', a Jamaican term for a gang member. The new criminal threat was characterised by the ready use of firearms to intimidate second generation black Jamaican & African criminals already established in London's street drug trade. Investigations into this type of offence were seriously hampered as witnesses and victims were unwilling to engage with police either through fear of reprisals or mistrust of the authorities.

A new MPS approach to the problem followed two particularly brutal murders. In 1998, a young black woman, Avril Johnson, was tied up, beaten and shot dead by a gang of three so called 'Yardies'. Her husband, Kirk, was shot in the neck and left for dead during the attack, which took place whilst the couple's young children were asleep upstairs. Just five days later in Stratford, East London, another young black mother, Michelle Corby, was

at home with her young children when she suffered the same fate. These murders triggered the creation of Operation Trident, an MPS initiative to investigate firearms murders within the black community and intended to rebuild trust within these communities.

The term 'Operation' denoted a temporary police response to a serious threat of criminality in the capital. In recognition of the success of the initiative, the prefix 'Operation' was later dropped and Trident became a permanent Command within the MPS.

The Trident name reflects the three core principles of the Command's modus operandi:

- **Community Engagement:** Working closely with communities to build trust and confidence, with particular focus on victim and witness care;

- **Intelligence Collection:** As community trust and confidence increased, Trident was able to identify those responsible for gun crime for proactive enforcement;

- **Robust Enforcement:** Accurate and timely intelligence enabled Trident to investigate and prosecute those responsible for reported shootings, whilst proactively targeting all those involved in gun crime.

Trident worked tirelessly to develop meaningful engagement both at grass roots and strategic level with London's black communities, listening and reacting to the concerns of London's communities affected by serious gun criminality. In 2006 the remit of Trident was broadened to include all firearms discharges, fatal and non-fatal shootings within any community in London.

In 1998 detections for shooting murders in London were less than 17%, the work of Trident has increased this to 85%[2]. During the last financial year (April 2011-March 2012) Trident seized a firearm off the streets of London almost every other day. Shootings were reduced by 28% on the previous year and firearms murders were reduced by 15%. Almost 24,000 young people in primary and secondary schools in the capital have received advice on how to avoid becoming victim to gun and gang violence from Trident's Community Engagement Team.

Trident and Ending Gang and Youth Violence
In January 2012 the MPS Commissioner, Bernard Hogan-Howe, directed that the MPS should create a dedicated gang crime command. The Trident remit was broadened to become the Trident Gang Crime Command. The Command expanded to include a new team, designed to deliver specific support to the 18 London boroughs, identified by EGYV as being most affected by gang crime.

The new Trident team supports local borough police units in pursuing individuals determined to persist in gang related violence and associated criminality, while encouraging and enabling those who choose to leave gang lifestyles behind. For those who do not choose to engage with diversionary activities the full range of enforcement tactics are exploited, targeting gang members for fraud or traffic offences, using special gang injunctions or for dealing drugs or acquisitive crimes such as burglary and robbery.

However, police cannot tackle the issue of gang violence alone and Trident assists local police in establishing joint working with local schools and colleges, the local authority and other agencies, third party groups and faith communities to make sure that the most effective arrangements for delivering community safety are in place.

The objectives of this renewed approach are:

1. To build sustainable capability at local level by working with other agencies to identify, prioritise and risk assess the individuals causing most harm. The team establishes effective partnership models to manage such individuals, and utilise 'what works' within existing interventions, to reduce the number of gang-related violent incidents.

2. To carry out proactive work on the agreed, most high risk individuals on behalf of local areas. To work towards long-term prevention by using a problem solving process which encompasses a holistic range of tactics, and evidence-based knowledge to reduce the individuals' gang-related violence.

To support police within priority boroughs and other agencies who work with those involved in gang and group offending, the Metropolitan Police Specialist Crime Directorate produced the manual "Gang and Group Offenders, a practitioner's handbook of ideas and interventions"[3], on behalf of the London Criminal Justice Partnership.

This handbook is available for all agencies to use in their work with gang and group offenders. It has been produced using the knowledge and expertise of relevant London practitioners and shares ideas and current interventions being used across London. Tackling gang and group offending forms part of the anti-violence agenda, and in particular the handbook includes interventions for dealing with the growing concern of girls affiliated to gangs.

Girls and Gangs in London
Historically, it has been challenging for statutory services to understand the exact nature and extent of the relationship between girls and gangs in London. Where girls have been exploited by gangs, these are the sorts of incidents that go largely unreported to Police despite our best efforts to increase reporting. In terms of girls committing offences, and girl gangs per se, the

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[2] 2011/12 firearms murder detection rate.

[3] This handbook can be found here.

picture is much clearer. In essence, gangs made up of exclusively of girls do not generally exist in London, although a very small number have historically coalesced and then dissipated as a transient feature. Street gangs in London are overwhelmingly made up of men, and young men at that, although there may be a very few girls that do participate as full active gang members.

A number of voluntary sector organisations, such as the "Nia project" (an independent charity), have carried out work intended to support and empower gangs affected young women in London, but it is generally recognised that the issue has been largely invisible and a lack of front line support exists. Both the Greater London Authority and Home Office have convened panels to progress the agenda.

In 2010/11, qualitative work conducted by Race on the Agenda "Female Voice in Violence" considerably opened up the understanding of these issues, both in London and nationally. The report's author, Carlene Firmin, has almost single handled raised the issue on the political agenda. As a result, in 2012, the Office for the Children's Commissioner launched a major enquiry into the subject (reporting in October 2012).

HEART Programme summary
The HEART programme came about through a large consultation with practitioners in 2009, which was funded by the Home Office. Practitioners were raising concerns about girls and gangs, despite the fact that quantitative data on the extent of sexual exploitation by gangs did not exist.

The Healthy Relationships Training (HEART) programme consists of a number of complementary strands run over a two year pilot, focusing on London. It commenced in January 2011. HEART is designed to support vulnerable young people and improve their understanding of healthy relationships. Its particular focus is on young women at risk from gangs, and is designed as a preventative programme.

The overall aim is to reduce the risk of young people either committing or being subject to serious violence, particularly gang related and sexual violence. HEART is accompanied by an independent evaluation, by Catch 22 (an independent charity - formerly Crime Concern), which will report in autumn 2012.

The programme is fully funded by the partners and costs 830 000 Euros to be fully delivered, with 600 000 Euros provided by Daphne III European Union funding. Partners include the Metropolitan Police Service, Home Office and a number of London Boroughs.

The programme consists of four main strands:
Strand 1: Workshops
12 week intensive group work sessions with 10 young people (aged 11-16) in each group, targeted at young people referred as being particularly vulnerable at or at risk. The workshops cover healthy relationships, issues of consent in sexual relationships, impulse control, and emotional development. They also cover negotiation skills, respect for self and others, and gender specific issues. 360 young people will receive the workshop support over the course of the programme.

Strand 2: Helpline
A confidential helpline which works in two ways;

1) immediate support and advice, and the ability to set up a series of telephone mentoring sessions with young people that request support;

2) signposting to existing service provision, and for those most at risk (and where they agree) they are actively referred by helpline staff to existing case management provision. The number is the normal Childline number: 0800 1111.

Strand 3: Mentoring
Providing one-to-one mentoring over a period of 1 year to support and divert young people from violent offending and becoming involved in unhealthy relationships. 180 young people will receive the mentoring support over the course of the programme.

Strand 4: Websites
The youth website provides straightforward advice for young people, and signposts organisations and services available to support them, and their parents. The programme also provides a practitioners website with useful reports and research commissioned by the programme.

The programme workshops and mentoring is delivered by Foundation 4 Life, an independent charity. Many of the mentors and facilitators have real life experiences which ensure a credibility with the young people, and promotes their ability to establish meaningful rapports.

The websites and helpline are available pan London (and nationally). The mentoring and group work were implemented in four London Boroughs: Lewisham, Waltham Forest, Croydon and Newham (although the scheme is now fully subscribed).

Understanding of girls and gangs findings from HEART
Significant qualitative data has been amassed through the HEART programme on the relationships between girls and gangs.

Girls tend to be "associated" with gangs, rather than full gang members, and the relationship tends to be exploitative. Hence girls may form part of sexual initiation ceremonies for male gangs members, be passed round gangs sexually, or coerced into cutting up/conveying drugs between locations, and hiding firearms. Girls tend to have very gender defined and specific roles, although a very small number of girls portray a very masculine appearance and demeanour and can act as full gang members. Many of the girls have

particular risk factors in their personal history, such as lack of positive male and female role models, understanding of healthy relationships, and lack of parental supervision (although this is not always the case). A complex psychological/social/cultural dynamic surrounds girls' involvement with gangs, and the extent to which the girls feel that they are making a rational choice because of the pressures they are under should not be underestimated. Girls may feel that they are freely choosing to be associated with the gang and its activities because the gangs or particular individual claim they will provide them with the security and protection that is lacking in their lives. In these cases the girls may undergo significant personal harm before they realise that this is far from the case, and then find it difficult to exit. In other cases the girls may feel that they have no choice but to go along with the activities, particularly where the gangs are perceived to have territorial superiority in the area in which they live.

Any activities to support girls affected by gangs need to reflect an understanding of this psycho-social dynamic.

The role of the internet, social networking and mobile phones should not be under estimated both to facilitate the exploitation of young women, and the apparent normalisation of behaviours that would be considered generally culturally unacceptable. These would include very young girls posting naked or semi naked pictures of themselves on the internet, photographs of girls taken when they were being sexually assaulted being passed between mobile phones, and demonisation (by reference to past conduct) and bullying of girls to pressurise them into participating in unwanted sexual behaviour.

In many cases where the girls participate they are unaware of the potential consequences, and there is a general thread running through the findings of the need to raise awareness with both girls and boys of what healthy relationships look like (and in particular what they don't look like), issues of consent in sexual relationships and the law, and the potential serious consequences of certain activities.

Early findings from HEART evaluation

The HEART evaluation provides qualitative and quantitative data for the young people involved to assess their "distance travelled" after undertaking the programme. Areas measured include healthy relationships, self-respect, lifestyle choices, committing crime, dealing with others, and thinking about others' feelings.

The data taken together provides early indications that the programme is creating attitudinal and behavioural change in each area measured. The significance of this change is difficult to establish without a control group but the qualitative data does provide evidence that the programme is having a direct impact on the young people involved.

One clear message coming from teachers and young people is that they engage extremely well with this programme, often creating very strong attachments to the facilitators. The shared experiences and age of the facilitators are often referred to as the critical factors allowing a real bond to be created.

Another critical mechanism seems to be the confidential and intimate space provided for young people to open up and share their feelings and problems. This space, and the trust within the group, seems to be behind many of the attitudinal and behavioural changes seen in each outcome area.

Next steps

The final HEART evaluation will report in December, and this will form a critical element in determining future activity. The HEART programme is currently working closely with the Safer London Foundation in London to plan the succession of HEART, and they have their own programme "Empower" on healthy relationships which is being rolled out across London. The likelihood is that the websites will continue, and the syllabus for the HEART group work may be made available under certain circumstances to practitioners for them to progress. If you are interested in exploring whether the HEART group work is available please contact: Jackie Durman on +44 (0)207 230 3098.

The Office for Children's Commissioner's report is much anticipated and will undoubtedly shape development in this area for many years to come.

The HEART Programme had EU funding for an international Conference for 400 practitioners in London on the 7th December 2012. The event outlined the learning from HEART in a very practical way and was designed to assist others who may be setting up similar projects. It also provided an opportunity to describe support practitioners can find in this area, provided a strategic update to practitioners, and allowed practitioners to interactively input into a current needs analysis and next steps. For more information go to contact@coreplan.co.uk.

Detective Chief Inspector Cribb is a police officer with wide experience of serious crime. She has been responsible for the Network Alliance (gangs programme) and the HEART programme focussing on young women who are or may be sexually exploited.

Gang violence among young people— a view from the Youth Justice Board, England &Wales   Andy Newsam

Introduction

The Youth Justice Board for England and Wales (YJB) is an executive non-departmental public body that oversees the youth justice system in England and Wales. We work to prevent offending and reoffending in young people under the age of 18, and to ensure that for those young people sent to custody, their stay is safe and secure and addresses the causes of their offending behaviour. We work closely with local authority youth offending teams to ensure that services delivered to young people who offend are of a high standard.

Over the past several years the impact of serious youth and gang violence has been felt in many communities in inner city areas throughout England and Wales. Media reports concerning out of control youths terrorising communities increased and anti-social behaviour was high on the public's list of concerns about where they lived. Serious youth violence was firmly placed within the anti-social behaviour agenda. Many initiatives followed that gave new powers to local agencies, such as anti-social behaviour orders, curfews, which could be monitored electronically, and greater sentencing powers for the courts. However, the approach to tackling anti-social behaviour focused mainly on the behaviour rather than addressing the root cause of why youth violence was on the increase.

Alongside the realisation that young people were becoming more sophisticated in their approach to crime and saw gangs and violence as a means to either perpetuate crime and/or to prevent themselves from becoming victims of youth crime, youth justice practitioners came to recognise that to effectively tackle this issue, we needed a greater understanding of why young people join gangs and perpetrate violence in the first place.

The Police, health and social care agencies hold significant amounts of information on how young people are drawn into gang involvement. The challenge for youth justice services is to breakdown the cultural, professional and bureaucratic barriers to sharing information and making the best use of all the data and intelligence that is already available.

While the problem of gangs and serious youth violence seems to be increasing in regularity and seriousness, Youth Justice Board research 'Groups, Guns and Weapons'[1] concluded that only a small percentage of young people are involved in gangs, and fewer still, are involved in serious youth violence. However, where gangs exist, the impact on the local community and, particularly young people can be significant. This issue was widely debated following the serious disturbances in August 2011.

A recent cross-departmental government report 'Ending gang and Youth Violence' states that in London, one in five of those arrested in connection with the August 2011 riots were known gang members. It also stated that gang members were responsible for half of all shootings in London and 22 per cent of all serious violence. However, there were also many other young people involved in violent behaviour during the riots, that were not involved in gangs, which perhaps highlights the increase in youth violence as a youth cultural issue, with gang related activity at the extreme end of that spectrum.

Context

Gangs are not a new concept in England and Wales. When you find a stressful environment with poverty, poor housing, exclusion and inequality present, the capacity for gangs to flourish is significantly increased. In fact, for many generations, gangs of one sort or another have long been prevalent. From the highwaymen who robbed stage coaches on the solitary roads approaching London, to the Victorian Scuttlers in Manchester, who based their conflict on territory, much like the area code rivalry we see in London today.

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[1] Young et al 2007.

In the 1960s, the gang conflict between the 'Mods' and the 'Rockers' was well known, as was the organised crime gangs of London such as the Krays and the Richardsons. So, why are we concerned about gang violence now? What has changed?

There are a number of key incidents that have brought this issue to the forefront of our awareness requiring different sectors to work together to think about what we know about this issue and how we can respond effectively. First, the tragic murder of ten year old Damilola Taylor in December 2000. It is known that Damilola was killed by two brothers reported to have been involved in a street gang in South London. The murder of an innocent child brought home the reality that even very young children were at risk of serious youth violence in some inner city areas.

Second, on New Year's Eve 2003, two teenage girls Latisha Shakespear and Charlene Ellis were standing outside a party venue, when they were killed in a hail of machine gun fire, shot from a car. The girls were innocent victims of a conflict between two known criminal gangs in Birmingham. The incident brought the Birmingham gang conflict to national attention.

Third, on the 22nd August 2007, the murder of 11 year old Rhys Jones, shot in the back by a gang member, as he innocently returned home from Football training.

In London, during 2008, 28 young people (under 18) were murdered in youth violence related incidents, and during 2009, 29. These tragedies, compounded by the death toll, which peaked in 2009 shocked the nation and steadied the resolve of policy makers to find a solution to what seemed like an issue spiraling out of control.

The mainstream media has extensively reported on these and other high profile tragedies, and coupled with the development of new technology such as the internet and channels such as You Tube, a light has been shone on this issue in a way it hasn't done before. This has enabled practitioners, commentators and the general public to gain some valuable insight into why gangs form and perpetrate violence.

What do we mean by a gang?
The term 'gang' can be confusing and often widespread media reporting confuses groups of young people with gangs. Identifying young people involved in gangs has always been a challenge for youth justice services, and up until recently, services have adopted a myriad of definitions of what constitutes a 'street gang'. However, increasingly, services are now working to the definition from the Association of Chief Police Officers (ACPO):

A relatively durable, predominantly street-based group of young people who:
(1) See themselves (and are seen by others) as a discernible group, and
(2) Engage in a range of criminal activity and violence.

They may also have any or all of the following features:
(3) Identify with or lay claim over territory
(4) Have some form of identifying structural feature
(5) Are in conflict with other, similar, gangs.

It should be noted that a great deal of gang related activity goes unreported, or is not captured by our crime statistics. As stated in the summary findings of a conference organised by West Midlands Police Authority[2] 'membership is not a binary condition; one is not either "in or out" – it is not like counting the members of a formal club or association'. Young people associate with gangs for a myriad of reasons, and gangs undertake functions that extend beyond criminal activity. However, while the data is inconsistent, it can be coupled with local information to enable local areas to begin to understand the extent and nature of their gang and youth violence problem.

Working to a set definition ensures services target their resources at those most in need. However, definitions can also be misleading. For example, due to more effective policing gang members are no longer identifying themselves as such, and are beginning to drop their identifying features, and in many cases young people in gangs do not see themselves in this way, but will describe their structures as friend based or family. The real challenge is how can services know when a young person who may be part of an offending group, 'upgrades' to a street gang because they are interested in carrying out more sophisticated profit driven activity, and how we may understand what links the offending peer group has with street gangs and ultimately an organised criminal network.

Key issues
Gang activity can be found in most of the major cities in this country, and this problem can be exported to more suburban areas for a number of reasons. Crime reduction partnerships are becoming increasingly effective in their policing of gangs within the major cities, with an unintended consequence of forcing gang members to relocate to continue their activity. The relocation of a family or a child by children services can also lead to gang type activity developing in areas you wouldn't expect to find it, and gang members often form relationships with girls in suburban areas to enable them to 'disappear' when life becomes too dangerous and they need respite.

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[2] Amaan et al 2009.

The prevalence of knife carrying among young people received particular focus in 2008, and the 'Going Ballistic 'report [3] stated that interviews with members of the Police Federation, youth offending teams, and young offenders themselves, pointed to a trend of increased knife carrying out of fear, or the need for personal protection. Poignantly, the same report stated that more than half of young offenders they spoke to felt that the police were unable to protect them from violent crime in their area.

The increased fear young people are experiencing in their local community can be attributed in part to the increase in territoriality, and the concept of area code conflict. The report 'Territoriality in a British City'[4] found that territoriality was part of everyday life in the areas they examined, and it emerged, where young people's identity was closely associated with their neighbourhoods' and they gained respect from representing them

The report also found that young people often had positive motivations, such as developing their identity and friendships, for becoming involved in territorial behaviour, but these identities were frequently expressed in violent conflict with territorial groups from other areas. There was also evidence that low-level territorial behaviour could be the foundation of criminal gangs involved in drugs distribution and violent crime.

Territoriality can lead to lack of mobility, and it is not unusual to hear young people in some inner city areas say they do not feel safe travelling more than three or four streets from where they live. It can also impact on their access to amenities such as shops, colleges or transport links, if these utilities are in 'rival territory'. This can turn fairly simple tasks into complex issues, such as finding a safe route to and from school.

Research such as Professor John Pitts 'Reluctant Gangsters' report' (*2007*) suggested that many young people involved with gangs do so reluctantly in an attempt to remain safe in their local communities.

Although there is an absence of any reliable national data, local information from some affected areas tell us that boys between the ages of 15 and 18 are most likely to be affected by gang activity. However, it is known that the grooming of younger children to undertake activity such as the hiding and transportation of firearms or ammunition for the gang is fairly common. The Reluctant Gangsters report[5] suggests that its study into a London borough identified children as young as seven and eight affiliated to gangs.

The rise in offences committed by young women and the change in trend to more violent crime is provoking further exploration of the relationship between young women and group crime. As complex as it is for boys growing up in gang affected areas, the complexities are perhaps magnified where girls are concerned. Gang affected girls have been identified as falling into one of three main types: independently functioning units (girl gangs); members of mixed-sex gangs; or female auxiliaries to male gangs[6]. The Female Voice in Violence[7] report quotes:

'more often girls are subservient in the male gangs and even submissive – sometimes used to carry weapons or drugs, sometimes using their sexuality as a passport or being sexually exploited e.g. in initiation rituals in revenge by rival gangs or where a younger group of girls sexually service older male gang members.' [8]

The report further quotes:

'Young men are most likely to be the victims and perpetrators of most youth violence. However, there are certain forms of violence and abuse including sexual abuse, domestic violence and sexual assault that are associated with gender inequalities. [9]

The 'Female Voice in Violence report' states:

"the biggest barrier to girls seeking support to reduce the impact of criminal gangs is information sharing and the management of disclosure, with girls genuinely concerned that sharing their information would increase the risk to them, rather than protect them".

It can be safely stated that the complexities facing young people affected by gangs are significant and complex.

The 'Reluctant Gangster'[10] report' cites risk factors such as poor housing, poverty, exclusion from education, and a complex picture of community tensions that drive young people to join gangs. In some of the northern cities such as Manchester and Liverpool, drugs seem to be a major contributing factor. Gang practitioners report that in some areas children are mentored by older gang members who often provide them with the practical support they may not receive from their families.

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[3] Golding et al 2008.

[4] Kintrea et al 2008.

[5] Pitts 2007.

[6] Miller 1975, Campbell 1990.

[7] Firmin 2011.

[8] FVV/ DCSF 2008:9.

[9] FVV / DH 2008:33.

[10] Pitts 2007.

The strategic response

In March 2010, Her Majesty's Inspectorate of Prisons, Probation and Constabulary carried out a thematic review looking into the management of gang issues among young people in prison custody and the community. The report concluded that services were still falling short and there was not enough meaningful partnership work and no long-term strategy.

Another significant report from the Centre for Social Justice 'Dying to Belong'[11] suggested that more effective partnership working at central and local government level was needed to ensure a consistent policy approach to tackling gangs and serious youth violence, and that the entrenched social failures that drive gang violence should begin to be addressed

The disturbances of the summer of 2011 accelerated the thinking about this issue at a policy level, and in October 2011, 'The Ending Youth and Gang Violence' report was published. It was cited as "the first ever truly cross-government approach to tackling gang and youth violence". All the key governmental departments contributed to the delivery of the strategy. It is in essence a strategy containing a broad range of measures, some of which were already underway and have been scaled up and others that were new. The strategy was underpinned by three principles:

1. The vast majority of young people are not involved in violence or gangs;

2. Where young people are involved in gangs, the impact on those communities is significant;

3. This small minority of gangs are not randomly distributed and some areas suffer significantly greater levels of violence than others.

The report focused on five key areas:

- Prevention: targeting young children within problem families, from an early age.

- Pathways out: promoting and providing alternative lifestyle choices and safe exit strategies.

- Punishment: enhanced legislative powers for the police and local authority, alongside more dedicated policing.

- Partnership: the expectation that every arm of government will work together to tackle this issue.

- Provision: additional funding to support local projects.

The government provided £10million to 29 key areas to improve the way mainstream services identify, assess and work with young people who were involved in or at risk of serious youth and gang violence.

These areas were supported by a virtual peer review team of expert practitioners, drawn from a range of disciplines who visit local areas to capture good practice and support and assist where gaps have been identified. The good practice identified is beginning to be showcased on the Ending Gang and Serious Youth Violence Knowledge Hub, on the Home Office website.

The government also invested £1.2 million to improve services to young women suffering from sexual violence, with a focus on advocacy with girls sexually exploited by peers or through groups and gangs and a programme of training to increase the effectiveness of practitioners working with girls and young women.

New legislation such as 'Gang Injunctions' have been introduced to provide greater powers to engage gang members and provide more robust enforcement where engagement does not work. New offences of threatening with a knife in a public place or school have also been introduced.[12]

Local areas have also been supported to introduce a number of preventative and early intervention measures like mentoring for young people, support for parents and families, and raising awareness in schools about the risks of gang membership.

There is recognition that statutory agencies cannot provide all the answers and they are encouraged to partner with grassroots organisations within local communities. The Government has provided a 'communities against gangs fund' earmarked for the third sector to encourage partnership work at a local level.

The Youth Justice Board is committed to preventing offending and reducing re-offending. We are committed to working with our partners, stakeholders and our communities to develop strategies to make young people feel safer and reduce youth violence. We have been fully involved in both the development and delivery of the strategy and have contributed through a range of activity that locally based Youth Offending Teams and Young Offender Institutions can benefit from. The activity focuses on three key areas:

- sharing effective Practice,

- improving data recording and

- information sharing and work in the secure estate(custodial facilities).

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[11] Feb 2009.

[12] Legal Aid, Sentencing and Punishment of Offenders Act 2012, (Youth Provisions).

The YJB have a number of serious youth and gang violence forums where practitioners from a range of disciplines are encouraged to come together to share experiences, showcase innovative interventions and form more meaningful relationships which can only improve how case level information is shared. We have also worked with youth offending teams to develop testimony based Knife Crime Prevention Programmes, which uses testimony from victims, health workers, the police and ex-offenders to bring home the harsh reality of the dangers of carrying knives. We have also worked with Young Offender Institutions to develop specialised gang interventions suitable for delivery in a custodial setting.

Conclusion

We are now one year on from the launch of the 'Ending Gang and Youth Violence' strategy and there are signs that the programme is making a positive difference on the ground, helping local crime reduction partnerships to be more effective in:

- the identification of young people affected by gangs;
- the delivery of specialist interventions to help young people leave gangs; and
- preventing young people from joining gangs in the first place.

The Ending Gang and Youth Violence – one year on report, commits to working with local areas to sustain and build on the improvements already made, and to work across government to achieve the desirable broader social outcomes for young people affected by gang violence.

Next year (2013), and beyond, will bring a renewed focus on information sharing, including the development of some simple data sharing tools that all agencies can use to identify young people at risk of violence.

The Department of Health is working across government to understand the role that public health and other health partners can play in preventing youth violence, particularly in relation to the sharing of accident and emergency information; and how the right intervention in early childhood can prevent individuals from becoming violent, which will help to address violent behaviour in the long term.

The criminal justice response will look to: improve interventions for young people in custody, including programmes to

- address gang violence;
- explore the links between urban street gangs and organised crime; and
- improve the sharing of information between custody and community agencies.

Agencies are committed to improving the services for girls. We need to increase reporting, improve the targeting and quality of interventions for gang-associated girls and women, and reduce victimisation. And finally, to ensure that we can all learn from the good practice in local areas by disseminating the learning acquired through the peer review process.

Andy Newsam, Serious Youth and Gang Violence Senior Development Advisor for the Youth Justice Board for England and Wales.

Becoming Men, Rejecting Gangs: Negotiating violence and exclusion in Medellín, Colombia	Dr Adam Baird

Introduction

Almost a century ago literature began to emerge from the Chicago School where scholars such as Thrasher sought to understand the phenomenon of urban gangs[1]. Although the definition of gang has been contested[2] since then, substantial literature has been published on gangs worldwide including multi-country comparisons[3]. Over the last five years there has been a surge in policy-oriented publications as governments, particularly in Central America and the Caribbean region, scramble to control rising urban violence, which has become a major political issue[4].

Research on civil society responses to gangs and violence is less common than studies of the gang phenomenon itself. Since the mid-1990s in Medellín, Colombia, amongst civil society organisations there has been a generalised shift in violence reduction methods from direct intervention and conflict resolution with gangs, to prevention work with vulnerable youths living in socio-economically deprived contexts with abundant gang activity[5]. Despite significant levels of civil society activism in Medellín, few scholars focus either on the progress made by such activism or on non-violent youths there but rather, focus on belligerent groups[6].

Pertinently, Barker[7] argues that scholars need to ask why, even in the most violent urban contexts, *most youths do not* actually engage in systematic violence and join gangs. If we are to interrupt the continuum of gang membership – hence cycles of violence – it is crucial to understand why youths *do not* join gangs.

This article seeks to address this point by investigating a particular group of young men in the poor and violent Montecristo neighbourhood in Medellín. These youths not only avoided joining gangs, but came to work with the local community organisation, *Corporacion Vida para Todos* (Corporation Life for All) from now on *CoVida*, and developed values that strongly rejected violence and crime. It should be noted here that this group of youths was chosen in particular because of the *antithetical positions* they took towards gangs, crime and violence, with the intention of uncovering how such positions developed[8]. The wider intention of this paper is to contribute to debates around the prevention of gang membership and hence the reduction of urban violence.

Social context in Montecristo

Since the 1950s Medellín has been affected by urban violence, which became more intense from the late 1980s onwards[9]. Most of this violence occurs in poor neighbourhoods. In 1991 Medellín achieved the ignominious record of the highest per capita homicide rate in history for a city, at 381 per 100,000 inhabitants[10]. This violence is linked to the dynamics of the broader armed conflict in Colombia, and was brought about by a cocktail of gangs, youth assassins (*sicarios*), cartel violence, urban militias linked to left-wing guerrilla groups, paramilitary and state violence. This period coincided with the childhood of the young men interviewed for this paper. There were still large numbers of gangs and paramilitary groups in the neighbourhood in 2008 when the data was collected.

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[1] Thrasher, 1927; Cloward and Ohlin, 1960; Yablonsky, 1997.

[2] Pitts, 2008.

[3] Alexander, 2000; Klein et al., 2001; Bourgois, 2003; Covey, 2003; Rodgers, 2006; Jensen, 2008; Hagedorn, 2008; Pitts, 2011

[4] For example: Small Arms Survey, 2010; UNDP, 2011; OECD, 2011a; World Bank, 2011b; The Geneva Declaration on Armed Violence and Development, 2011; Costa, 2012.

[5] Baird, 2011: 125-8; Baird, 2012.

[6] For example Hylton, 2007; Rozema, 2008; Bedoya, 2010.

[7] 1998; 2005.

[8] When interviewed, these youths estimated that only a small minority – approximately 5% – of local young men work for community organisations. As such, this group can be described as an 'outlier' compared to the 'average' youth in the neighbourhood.

[9] Medina Franco, 2006.

[10] Suarez Rodriguez, 2005: 203. In a city of 1.6 million a staggering total of 6,349 homicides were recorded that year, and in total between 1986 and 1993 there were 33,546 homicides (Marquez Valderrama and Ospina, 1999: 14). For comparative purposes, Perlman refers to Rio de Janeiro being one of the most violent cities in the world in 2004. The homicide rate then was 37.7 per 100,000 (Perlman, 2008: 52), a tenth of the homicide rate in Medellin in 1991.

Montecristo is the last neighbourhood in north-western Medellín before the slopes become too steep for any dwelling to be built, and is classified as socio-economic strata one and two, the poorest on a scale of one to six. The location of CoVida, after a long, winding ride on the 247 bus from the city centre, is itself an indicator of the exclusion of the neighbourhood. Life history interviews were conducted with fifteen male youths with an average age of 23.4 years during a period of participant observation at the organisation in 2008[11].

Growing up in Montecristo is tough. Generalised poverty and socio-economic exclusion limit opportunities for young people. The ubiquity of the drugs trade and irregular armed groups spanning a number of generations has led to chronic violence, which promote social and family disorder with fatherless households the norm. Generalised police and institutional corruption at a local level and absence of the rule of law provided illegal armed actors with a space to proffer 'security services', which, although based on extortion[12], have gained local legitimacy. Sexual and domestic violence are pervasive in the community, as are levels of alcoholism and drug addiction – drug dealing being the principal economic pillar of local gangs. Whilst Montecristo is not in a Durkheimian anomic state, turf wars between rival gangs shaped the childhood experiences of the youths interviewed: *"In the 90s I watched my friends die, and even at school you weren't safe. I was there when they [a gang] came into school and grabbed a classmate of mine, dragged him off to the toilets and killed him… so we ended up spending our youth either locked up at home or at school, because that's what you had to do"*[13].

The gang male role model system and the reproduction of violence

Ninety-five percent of the 5,450 homicide victims in 1990 were men, and 65% were between the ages of 15 and 29[14]. Young men are also the main perpetrators of lethal urban violence – the human capital of insecurity. This male youth demographic rubric has remained remarkably constant over the last two decades[15]. At a global level, young men remain the protagonists of violence. In 2002, the World Health Organisation reported that "Males accounted for three-quarters of all victims of homicide, and had rates more than three times those among females: the highest homicide rates in the world – at 19.4 per 100,000 – were found among males aged 15-29 years"[16].

Given the overwhelming amount of youth male-on-male violence, it is logical to conclude that something about the construction of the male identity makes this possible. Despite increasing literature linking the urban periphery – namely inequality, poverty and exclusion – to violence, very little research brings these perspectives together to reveal how masculinities might interact with contexts of exclusion and poverty to generate violence[17]. Masculinities alone do not generate urban violence[18]; but rather, the way that deprived socio-economic conditions interact with masculinisation can cast light on the generation of violence. For this reason it is pertinent to ask how some youths become men, in contexts of exclusion, without joining gangs and engaging in violence.

Understanding how masculinity is reproduced can help us understand the reproduction of violence itself. Youths are *disposed* – that is, they have a less than conscious tendency – to reproduce existing versions of masculinity they are exposed to while growing up. This is understood here as masculine *habitus*[19], drawing on French sociologist Pierre Bourdieu's 'thinking tools' from his *Outline of a Theory of Practice*[20]. In short, boys are disposed to 'become men', or go through a process of masculinisation that reflects existing masculine identities. Whilst this reproduction of practice is imperfect, allowing for multiple identities, agency and social change, masculine *habitus* helps explain the generalised intergenerational transmission of masculine comportment. To understand how the reproduction of certain masculinities are related to the reproduction of violence let us consider the meanings of masculinity in peripheral Medellín, and in particular in relation to violent armed actors.

Masculinity can be employed in a variety of frameworks. In this paper it is understood from a sociological perspective as the cultural construction of the gendered self[21], an 'achieved' identity. Recognising that there are multiple masculinities[22], hegemonic masculinities[23] in particular have been related to violence. Basic hegemonic characteristics of becoming a man are: success, status, income, strength, confidence, independence, aggression, violence and daring[24].

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[11] For detailed methodology see Baird, 2009.

[12] Bedoya, 2010.

[13] Gabriel, 11/07/2008.

[14] Revista Planeacion Metropolitana, 1991: 3.

[15] Suarez Rodriguez, 2005; Hylton, 2010.

[16] Krug et al., 2002: 6.

[17] See also Barker, 2005; Jensen, 2008; and Pearce, 2006.

[18] Rodgers, 2006.

[19] Coles, 2009.

[20] Bourdieu, 1977.

[21] See Hearn, 1996: 203-4.

[22] Hearn, 2005: 61.

[23] Connell, 1987.

[24] Edley and Wetherell, 1996: 101.

A somewhat exaggerated form of hegemonic masculine identity is widespread in much of Latin America, and commonly referred to as *machismo*, although we should be careful not to essentialise concepts of masculinity in the Latin American region[25]. These masculinities are synonymous with social status, respect, money, sexual access to women and often violence, but there is contextual definition, or localised nuances, to masculine performance. The young men interviewed in this paper from a poor neighbourhood in Medellín were asked to outline what was locally understood as being a man.

'Here you notice particularly the strong difference between men and women. Being a man is to be strong, being a man is to be a brute, being a man means bringing home money, being a man means being a protector, being a man is being skilful, being a man is being a womaniser, being a man is being a chauvinist, being a man is being macho, being a man is being manly, being a man is to have power, being a man means being respected. Being a woman is the inverse of being a man… being weak, fragile, not having power, not having status, to be subordinated'…[26]

They go on to explain how gangs, particularly gang leaders, become strong symbols of male success, the standard bearers of masculinity for boys and young men, becoming localised models of hegemonic masculinity.

'Well, there is one stereotype of a man, which is the armed actor, the head of the gang, or the person who has been getting involved with armed groups, and has begun to rise through the ranks. The one that starts as a child who carries guns and then the next thing you know he has become the boss… They enjoy significant status and recognition.''[27]

Licit opportunities to secure desired, or dignified, livelihoods are scarce, leading to many 'frustrated dreams"[28]. A number of youths then search for other options through crime and gangs. These illicit options, by contrast, appear ubiquitous and accessible in the youths' immediate social world when presented with the imaginary or role model of the materially wealthy gang members and standard bearers of male success.

*'One of the reference points here that is latently constructed is that of the boss. Well of course, imagine during their whole life at home there's not enough food or basic utilities; there are no loving relationships but high levels of domestic violence; and the whole time they see this bloke who lives locally who enjoys strong economic solvency, who's got… I don't know what to call them, but accessories. He's got a motorbike, designer trainers, girls, expensive clothes, all that sort of stuff. But also he's got respect, recognition, power. So of course the young lads round here say "fuck me, this is the ticket!" It's also seen as the easy route… So they are given **a gun, and a gun is already a big deal**. I think that a gun is a very resounding symbol'.*[29]

Although multiple male role models exist at any one time for boys and young men growing up in these communities, it was common for gang members, particularly gang bosses, to occupy a significant ontological position in the field of masculinity, symbolised through the masculine capitals of power, respect, money, access to women and so on.[30] The gangs and their members can become powerful imaginaries and role models for impressionable boys, a mechanism to 'do masculinity', accumulate and show off such locally valued capitals. In addition, gangs' ontological significance in the field of masculinity is enhanced where young boys and youths have narrow perspectives of the world, due to stymied spatial and social mobility. "Four blocks" would become the youth's nation state from which they would rarely venture[31]. In the masculinisation process, youths would gain more esteem, status and masculine capital by joining a gang, than by working for a poverty wage in the informal sector. The gang therefore had the added incentive of catering for youths' need for respect or dignity.[32] As such, the meanings of masculinity for boys and young men in Montecristo were significantly shaped by what this paper calls the gang male role model system – *system* indicating reproductive capacity.

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[25] Gutmann, 1996: 245; see also Gutmann and Viveros Vigoya, 2005: 115.

[26] Sammy, 03/06/2008.

[27] Pepe, 11/04/2008.

[28] Pelicorto, 10/06/2008.

[29] Pepe, 11/04/2008.

[30] *Field* and *capital* after Bourdieu (1977).

[31] Hernando, 21/06/2008.

[32] See Bourgois, 2003; and Jensen, 2008.

Childhood upbringing and the role of the family

Whilst all of the youths interviewed suffered from social and family challenges caused by poverty and exclusion[33], they viewed their upbringings in a largely positive light. Eleven out of fifteen youths said they were taught good values, felt cared for in affectionate relationships and supportive homes, and in nine cases mentioned their parents' insistence on education. In general, they spoke of good communication with both mothers and fathers. Only Pepe and Pelicorto appeared to view their family upbringing in a predominantly negative light, and there was only one experience of significant domestic violence. Of course, there were some bad experiences and fractured relationships at home. In three cases the father was absent and in three other, the fathers had problems with alcoholism. However, these cases are not straightforward, for example absent, alcoholic or violent fathers could demonstrate both positive and negative facets of influence over their children.

As they grew up, each youth's decision-making and consequent social action was shaped by a complex of context, agency, opportunity and happenstance. However, their narratives suggest two factors that helped keep them out of gangs:

First, their families contributed to the emergence of a moral self that rejected violence, criminality and gangs in their neighbourhoods.

Second, youths were encouraged to participate in socialisation spaces that were alternatives to hanging out on the street corner, particularly after dark, or other places associated with gangs.

Here we should mention that these life experiences were nuanced and at times contradictory; even youths from the best families could join gangs[34] and single mothers do not always find it more difficult to deal with sons[35]. Hence, whilst some authors have made efforts to categorise resilience factors[36] we should caution against using them in a straightforward deterministic fashion.

'*The paternal figure in my life has never been present… Normally when mums say "don't get involved in drugs, don't join gangs" and all that, their sons don't pay any attention… So it depends on having a strong figure in the family. Probably that's the father but with me it was my mum. If I arrived home late she'd say "Hey dickhead! Where have you been! You son of a bitch, what are you thinking!" She'd speak like a bloke… she'd be tough as if she were a man… My mum's a real personality! I think she was the paternal figure as well'.*[37]

Alternative socialisation and joining the community organisation

Parental influence did have an impact on these youths' choice of socialisation space when they were growing up. In turn, socialisation spaces appeared particularly influential in shaping their identities and masculinisation processes.

These youths tended not to hang out on street corners at night getting up to no good, and avoided being *amurrao* – sad, bored and desperate[38]. *Amurrao* after dark was generally perceived as a precursor to gang exposure and potentially gang membership. The youths at CoVida tended to demonstrate alternative interests and pursuits, which led them to socialise in spaces away from the street corner. They were often studious, church-going, had strict parents, were members of youth groups or school clubs, or socialised with small peripheral peer groups who liked niche music such as rock, punk or reggae. Their upbringing was an influential precursor to the development of alternative socialisation spaces, except perhaps following 'niche' music tastes, which appeared more arbitrary.

'*When we were young, thirteen or fourteen years old, I wasn't allowed out later than 10 pm on the street… So at 10 pm I'd have to say to my mates "I'm going home, it's 10pm". So they would all say "Haaaaaaaaaa! Piss off then so [your parents] can put your nappy on!" It's easier to stay out than go home because of the pressure… If you don't have resilience… if you don't have those values, then you get sucked in really easily. It's a lot easier being accepted in these parts being a delinquent than being the goody-two-shoes of the neighbourhood'…*[39]

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[33] See Dowdney, 2007.

[34] Galán, 19/06/2008.

[35] See Moser, 2009: 239.

[36] See gang prevention theory around risk and resilience (Small Arms Survey, 2008: 229; Small Arms Survey, 2010: 234).

[37] Quien, 20/06/2008.

[38] See Henao Salazar and Castaneda Naranjo, 2001: 90.

[39] Galán, 19/06/2008.

Joining the community organisation CoVida involved elements of chance, agency and opportunity. Eighty percent of the male youths in Montecristo, as estimated by those interviewed, were not members of gangs, but only a small minority of local youths went on to join CoVida. Rejecting crime, violence and gangs made joining CoVida a possibility. Two factors stand out; first, a fundamental precursor for joining CoVida was that youths were not members of gangs. Furthermore, no 'reformed' gang member had ever joined, pointing to a strong organisational culture that rejected violent actors. Secondly, their socialisation spaces were crucial to staying out of gangs and joining CoVida. Church, youth or extra-curricular school groups acted as foundational processes to enter the organisation where several youths joined because they had friends there.

'I think that they are not conscious that they want to take part [at CoVida]. *They don't say "oh, I want to participate and I want to do that". I think their first organisations, like the youth group for example, are important factors that influence the development of youth towards social views and interest in doing something for the community… We worked on characterising these youth groups and found that, first of all, someone gets involved in a youth group because they can meet friends there, because they want to share, to find a socialisation space with peers, to hang out and have fun. But also with ideas about supporting the community, to take care of kids, clean the streets, celebrate Easter, things like that. Supporting the community themselves. This begins to develop another type of attitude and other types of public action by these youths, different from a youth that isn't in a youth group, one that simply hangs out on the corner doing nothing'…*[40]

These processes influenced youths' decision making when some of them were confronted by violence in their lives: they became tools with which to negotiate violence. However, this negotiation is complex and youths struggled to articulate why they followed one pathway and not another. For example, Pelicorto sought refuge in CoVida when a friend was murdered; he did not seek revenge but could not explain why. Gato's cousin was shot in gang-related activity; he reflected that it had pushed him closer to the church youth group. Sammy said he didn't join a gang like his older brothers because he had the opportunity to join a youth group which saved him.

Developing positive masculine identities at CoVida

In Montecristo in the early 1990s, at the height of the violence in Medellín, there were a number of community and youth groups struggling to survive. This was when CoVida was established, as a coordination of disparate local organisations, with the accompaniment of experienced NGOs, academics, and staff from the municipal welfare system Fundacion Social. CoVida aimed to organise local civil society organisations and give them a vision and strategy for the future. CoVida founder member Gabriel stated that "There were a lot of community groups but they weren't articulated and we didn't know how to work in a conflict context… so CoVida was formed with the Fundacion Social and Corporacion Region [NGO]. With community organisations we decided to form an organisation that would accompany us, make us more dynamic and help us form a mission and vision for the future"[41].

Self sustainability

Finance for this support had run out by 1999 and the adults left CoVida, so local youths stepped into the void taking over the organisation as volunteers. Remarkably, as Gabriel says,

"we produced results that the municipality, Fundacion Social, or even we didn't expect. We stayed open, became self-sustainable and gained respect for our work in the community… Youths began to join because they wanted to help the community to learn something"[42].

CoVida began to run workshops as a community centre and youth club, opened a public library, a kindergarten, as well as a small audio-visual business supplying PA services at local events, and later an Internet cafe. In recognition of their competence the municipality let them administer the funding for the local Social Action Plan welfare programme in 2006, and they became instrumental in the implementation of the Mayor's Participatory Budget in Montecristo between 2008 and 2011. Perhaps the most striking feature of CoVida is that in 2008 it was run almost entirely by youths with an average age of 23.

Given the influence of expert NGOs, academics, the Mayor's office and even the international donor community, not surprisingly, the youths running CoVida developed a different outlook on life from the average youth in their community. They had a strong ability to reflect critically and analytically upon the realities of violence and exclusion in their neighbourhood.

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[40] Pepe, 11/04/2008.

[41] Gabriel, 11/07/2008.

[42] Ibid.

They promoted nonviolence, participation, equality and inclusion, and politically, most could be considered liberal or left-wing and progressive. It was unsurprising that a former member of CoVida later became the director of Metrojuventud, the Mayor's Office on Youth, for the entire city.

As a workspace and socialisation area CoVida was significant for these youths in terms of the development of their identities and values. The organisation helped them expand their horizons despite the generalised lack of mobility in their community. CoVida also broadened the field of masculinities for these youths, that is, what it meant to be a man, by providing a number of alternative models of masculinity to the gang male role model system. The organisation also gave youths opportunities to replicate these models by working at the organisation and acquiring recognition, belonging and identity there.

'I looked up to Pelicorto [former Director of CoVida] *and we became good friends… He was a reference point for me because he had a different discourse with many people, a community discourse… I ended up coordinating a project… and became Director of CoVida and I got recognition from that'.*[43]

This process was not uniform or easy, and not all identity development can be attributed to CoVida alone, but the organisation did influence what it meant to be a man for these youths and then provided them with dignified possibilities to masculinise[44]. These were tied to developing self-esteem and importantly, a reputational project. They ran workshops on community development and human rights, organised local youth and sports events, helped run the audio-visual business and made video documentaries, participated in local and municipal level political debates, amongst other activities.

'I've also had the chance to get to know a lot of people [via CoVida]… to travel and get to know other spaces, other places in the world… This has helped me to see the world in a different light… That's basically down to my participation in CoVida… I've been linked to social processes… That has given me job opportunities, training, so I've been able to develop skills that other youths don't have… We have status and a position in the community; we're not always out with girls, showing off in an ostentatious way'…[45]

The organisational culture and maxims at CoVida had a strong influence on these youths. The environment facilitated personal development, broadening their horizons beyond just four blocks, contributing to these youths growing intellectually and becoming critical thinkers, particularly of violent groups. As these boys were coming of age, the organisation allowed them to forge identities with recognition and status, shaping what it meant to be a man, and simultaneously provided them with masculinisation opportunities to plot pathways to manhood and to construct their gendered self. These youths, disposed via masculine *habitus* to achieve a form of normative manhood that would give them locally valued recognition, and ultimately self-esteem, found positive ways to establish male identity through CoVida. Ten of the fifteen youths interviewed spoke about gaining recognition specifically.

'They [CoVida] make you feel important, they make you feel like you are part of another family. That's really important because… when the youths join the group they make themselves heard using their own initiative, they mobilise and do loads of things. That's good for self-esteem, which is completely different from the youths who don't mobilise… they organise themselves with guns, and the gun becomes the object of self-esteem for them'…[46]

'Lots of kids… [just want] money but others want to feel recognised in a context of poverty, to feel recognised to have a certain status… I think that what [CoVida] did was give us kids another status, a type of recognition… In other words, another way to link themselves to life of the city, to feel like someone in the city. [I] felt recognised and that energy fills you up'.[47]

CoVida became a central formative space where many of these youths developed strong convictions to work in community development. Social actors in violent communities respond in a range of ways to mitigate the negative effects of violence. These factors militate against simplistic perceptions of exclusion, fear, and passivity and show how communities confront, collude with, and judge violent crimes[48]. CoVida developed the rejection of gangs that emerged during the childhood of these youths, demonstrating that the Montecristo neighbourhood was not a passive recipient of social violence. The youths at CoVida faced significant challenges that were commonly financial - much of the work at CoVida was voluntary, part-time and poorly paid. There were also threats and intimidation from armed groups; in one case, a member was assassinated by militias.

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[43] Hernando, 21/06/2008.

[44] Individuals are complex and youths at CoVida were not committed to a single version of masculinity *all of the time*, nor were they entirely disassociated from hegemonic versions of masculinity, for example occasionally displaying macho traits in their attitudes towards women.

[45] Pepe, 11/04/2008.

[46] Galán, 19/06/2008.

[47] Hernando, 21/06/2008.

[48] Moser, 2009.

Friendship, camaraderie and shared adversity bonded individuals to CoVida, which became a refuge from the violence on the streets, and vitally, a key socialisation space for these youths "like you are part of another family"[49].

'I think the difference between us [and gang members] has to do with our principles. What I'm saying is that each of us has moral standpoints and we share collective moral beliefs….at the organisation, there's something inside each of us that has developed'.[50]

'We had a feeling of resistance as well. "We're not gonna give in... And whenever there's a shoot-out we'll close the doors"… I said to Hernando, we took the most difficult decision given everything that's happened. For us it would have been easier to buckle under pressure from our family or friends, that we should leave, or join one of those [armed] groups… I feel that we have to be role models, but we have to be good role models, brother… But I insist that these factors of resilience are very important in these communities, but there is something that makes me worry a lot. How far do factors of resilience go?'[51]

Conclusion: Masculinisation, dignity and exclusion

Medellín's periphery and the young men that inhabit it are undoubtedly complex. Whilst charting the life-histories of these youths can help us identify resilience factors that contributed to them rejecting violence and engaging in community development work, it is important to warn against excessive neatness in the analysis and conclusions of this article. In one case, Angel a former member at CoVida, joined a so-called community organisation funded by a paramilitary group because he could not bear the financial pressures upon him after his father died. He said "I'm the man of the house… it's lots of pressure… How can I have a dignified life without money?"[52] This shows the complexities of real life circumstance and how it interacts with youths' agency to shape their decision making when seeking pathways in life that dignify them[53]. We should not expect individuals to fall easily into neat categories.

Life is hard in Montecristo. For these youths CoVida was a symbolic and practical refuge from the hostile outside world, a site of opportunity for the development of ambition, the employment of agency and the construction of identity. This was bound together by the friendship and camaraderie of the socialisation space of CoVida itself. On balance, despite the case of Angel, these youths reflected the field of influence at CoVida, developing non-violent and largely pro-social male identities. In this way, the organisation nurtured their masculine *habitus* – their dispositions to become men – presenting them with opportunities to secure positive type masculine capital, status, recognition, self-esteem and dignity.

Hernando was clear that CoVida gave him "another status, a type of recognition". The struggle for dignity is the domain of the impoverished and excluded; "it is what powerless people have left when all else fails"[54]. These processes were perhaps summed up best by Pelicorto who simply said: "you don't dream of packing biscuits in a factory". If we are to interrupt the reproduction of violence through young men living in contexts of exclusion and violence, we need to take this into account.

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[49] Galán, 19/06/2008.

[50] Ibid.

[51] Pelicorto, 10/06/2008.

[52] Angel, 15/05/2008.

[53] See Greig, 2010; and Rodgers, 2006: 286.

[54] Jensen, 2008: 9.

Bibliography

ABELLO COLAK, A.; PEARCE, J. (2008). "From state centred to community centred policing: Lessons from Bradford/Medellín community police exchange". ICPS Working Paper 9. University of Bradford.

ALEXANDER, C. (2000). *The Asian gang: ethnicity, identity, masculinity*. Oxford: Berg.

AMNESTY INTERNATIONAL (September 2005). *The paramilitaries in Medellín: Demobilization or legalization?* London: Amnesty International.

ÁNGEL (15/05/2008). Interview. Medellín.

BAIRD, A. (2009). "Methodological dilemmas: Researching violent young men in Medellín, Colombia". IDS Bulletin. *Violence, Social Action and Research*. Vol. 40, No. 3, pp. 72-77.

BAIRD, A. (2011). "Negotiating pathways to manhood: Violence reproduction in Medellín's periphery". *Peace Studies*. Bradford: University of Bradford.

BAIRD, A. (2012). "The violent gang and the construction of masculinity amongst socially excluded young men". *Safer Communities: A journal of practice, opinion, policy and research*. Pier Professional.

BARKER, G. (1998) "Non-violent males in violent settings: An exploratory qualitative study of pro-social low income adolescent males in two Chicago (USA) neighborhoods". *Childhood: A global journal of child research*. Vol. 5, No. 4, pp. 437-461.

BARKER, G. (2005). *Dying to be men: Youth, masculinity and social exclusion*. London: Routledge.

BEDOYA, J. (2010). *La protección violenta en Colombia: El caso de Medellín desde los años noventa*. Medellín: Instituto Popular de Capacitación.

BIEL (11/07/2008). Interview. Medellín.

BOURDIEU, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.

BOURGOIS, P. (2003). *In search of respect: Selling crack in El Barrio*. New York: Cambridge University Press.

CHINER and FELIPE (10/07/2008). Interview. Medellín.

CLOWARD, R.; OHLIN, L. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. New York: The Free Press.

COLES, T. (2009). "Negotiating the field of masculinity. The production and reproduction of multiple dominant masculinities". *Men & Masculinities*. Vol. 12, No. 1, pp. 30-44.

CONNELL, R. W. (1987). *Gender and power: society, the person and sexual politics*. Cambridge: Polity in association with Blackwell.

COSTA, G. (2012). *Citizen security in Latin America*. Washington: Inter-American Dialogue.

COVEY, H. C. (2003). *Street gangs throughout the World*. Springfield: Charles C. Thomas.

DIEGO (11/04/2008). Interview. Medellín.

DOWDNEY, L. (2007). *Neither war nor peace*. Rio de Janeiro: COAV.

EDLEY, N.; WETHERELL, M. (1996). "Masculinity, power and identity". In: M. MAC AN GHAILL (ed.). *Understanding masculinities*. Buckingham: Open University Press.

GABRIEL (11/07/2008). Interview. Medellín.

GALÁN (19/06/2008). Interview. Medellín.

GATO (19/06/2008). Interview. Medellín.

GREIG, A. (2010). "Troublesome masculinities: Masculinity in trouble". *IDS Bulletin*. Vol. 40, No. 1, pp. 69-76.

GUTMANN, M. C. (1996). *The meanings of macho: Being a man in Mexico City*. Berkeley: University of California Press.

GUTMANN, M. C.; VIVEROS VIGOYA, M. (2005). "Masculinities in Latin America". In: M. KIMMEL; J. HEARN; R. W. CONNELL (eds.). *Handbook of studies on men and masculinities*. London: Sage Publications.

HAGEDORN, J. (2008). *A world of gangs*. Minneapolis: University of Minnesota Press.

HEARN, J. (1996). "Is masculinity dead? A critique of the concept of masculinity / masculinities". In: M. MAC AN GHAILL (ed.). *Understanding masculinities*. Buckingham: Open University Press.

HEARN, J. (2005). "From hegemonic masculinity to the hegemony of men". In: M. KIMMEL; J. HEARN; R. W. CONNELL (eds.). *Handbook of studies on men and masculinities*. London: Sage Publications.

HEARN, J.; COLLINSON, D. (1996). "'Men' at 'work': multiple masculinities / multiple workplaces. In: M. MAC AN GHAILL (ed.). *Understanding masculinities*. Buckingham: Open University Press.

HEARN, J.; MORGAN, D. (eds.) (1990). *Men, masculinities and social theory*. London: Unwin Hyman.

HÉCTOR (19/06/2008). Interview. Medellín.

HENAO SALAZAR, J. I.; CASTAÑEDA NARANJO, L. S. (2001). *El Parlache*. Medellín: Universidad de Antioquia.

HERNANDO (21/06/2008). Interview. Medellín.

HYLTON, F. (2007). "Extreme makeover: Medellín in the new millennium". In: M. DAVIS; D. BERTRAND MONK (eds.). *Evil paradises: Dreamworlds of neoliberalism*. London: The New Press.

HYLTON, F. (2010). "Students as spies: The deep politics of U.S.-Colombian relations". Find it here.

INSUASTY RODRÍGUEZ, A.; BALBÍN ALVAREZ, J. W.; BASTIDAS, W. [et al.] (2010). *Las víctimas en contextos de violencia e impunidad: caso Medellín*. Medellín: Universidad San Buenaventura.

JENSEN, S. (2008). *Gangs, politics & dignity in Cape Town*. Oxford: James Curry Ltd.

KLEIN, M.; HANS-JURGEN, K.; MAXSON, C.; WEITEKAMP, E. (2001). *The eurogang paradox: Street gangs and youth groups in the U.S. and Europe*. Dordrecht, Boston, London: Kluwer Academic Publishers.

KRUG, E.; DAHLBERG, L.; MERCY, J. [et al.] (2002). *World report on violence and health: Summary*. Geneva: World Health Organisation.

LLORENTE, M. V. (2009). "Los reinsertados de Medellín y la 'donbernabilidad'". Fundación Ideas para la Paz. Find it here.

MEDINA FRANCO, G. (2006). *Historia sin fin. Las milicias en Medellín en la decada del 90*. Medellín: IPC, Instituto Popular de Capacitación.

MOSER, C. (2009). *Ordinary families extraordinary lives: Assest and poverty reduction in Guayaquil, 1978-2004*. Washington: Brookings Institution Press.

MOSER, C.; VAN BRONKHORST, B. (1999). "Youth violence in Latin America and the Caribbean: Costs, causes and interventions". LCR Sustainable Development Working Paper No. 3. Urban Peace Program Series. World Bank.

OECD (2011a). *Preventing and reducing armed violence in urban areas*. Programming note. Conflict and Fragility. OECD Publishing.

OECD (2011b). *Reducing the involvement of youth in armed violence*. Programming note. Conflict and Fragility. OECD Publishing.

PALOU, J. C.; LLORENTE, M. V. (2009). *Reintegración y seguridad ciudadana en Medellín: Un balance del Programa de Paz y Reconciliación (2004-2008)*. Bogotá: Fundación Ideas para la Paz.

PEARCE, J. (2006). "Bringing violence 'back home': Gender socialisation and the transmission of violence through time and space". In: M. GLASIUS; M. KALDOR; H. ANHEIER (eds.). *Global civil society 2006/7*. London: Sage Publications.

PELICORTO (10/06/2008). Interview. Medellín.

PEPE (11/04/2008). Interview. Medellín.

PITTS, J. (2008). *Reluctant gangsters: the changing face of youth crime*. London: Willam Publishing.

PITTS, J. (2011). "Mercenary territory: Are youth gangs really a problem?" In: B. GOLDSON (ed.). *Youth in crisis? 'Gangs', territoriality and violence*. Oxon: Routledge.

QUIEN (20/06/2008) Interview, Medellín.

REVISTA PLANEACIÓN METROPOLITANA (1991). Medellín: Alcaldía de Medellín.

RODGERS, D. (1999). "Youth gangs and violence in Latin America and the Carribbean: A literature survey". LCR Sustainable Development Working Paper No. 4. Urban Peace Program Series. World Bank.

RODGERS, D. (2006). "Living in the shadow of death: Gangs, violence and social order in urban Nicaragua, 1996-2002". *Journal of Latin American Studies*. Vol. 38, No. 2, pp. 267-292.

RODGERS, D. (2010). "Interview with Dennis Rodgers". *International Review of the Red Cross*. Vol. 92, No. 878, pp. 313-328. DOI: http://dx.doi.org/10.1017/S1816383110000433

ROGER (24/04/2008). Interview. Medellín.

ROZEMA, R. (2008). "Urban DDR-processes: paramilitaries and criminal networks in Medellín, Colombia". *Journal of Latin American Studies*. Vol. 40, No. 3, pp. 423-452. Cambridge University Press.

RUBIO, M. (2008). "La pandilla proxeneta: violencia y prostitución juvenil en Centroamérica". *Urvio: Revista Latinoamericana de Seguridad Ciudadana*. No. 4, pp. 59-71. FLACSO.

SAMMY (03/06/2008). Interview. Medellín.

SCHEPER-HUGHES, N.; BOURGOIS, P. I. (2004). *Violence in war and peace: An anthology*. Malden, MA: Blackwell Pub.

SMALL ARMS SURVEY (2010). "Gangs, groups, and guns". Geneva: The Graduate Institute.

SUÁREZ RODRÍGUEZ, C.; GIRALDO GIRALDO, C.; GARCÍA GARCÍA, H. [et al.] (2005). "Medellín entre la vida y la muerte. Escenarios de homicidios 1990-2002". *Estudios Políticos*. Vol. 26, pp. 185-205. Universidad de Antioquia, Colombia.

THE GENEVA DECLARATION ON ARMED VIOLENCE AND DEVELOPMENT (2011). "Global burden of armed violence 2011". Geneva.

THOMPSON, M. (2002). "Boys will be boys: Addressing the social construction of gender". In: F. CLEAVER (ed.). *Masculinities matter: Men, gender and development*. London: Zed Books.

THRASHER, F. M. (1927). *The gang: A study of 1,313 gangs in Chicago*. Chicago: University of Chicago Press.

UNDP (1994). *Human development report: New dimensions of human security*. Find it here.

UNDP (2010). *Opening spaces to citizen security and human development: Human development report for Central America*. Find it here.

UNDP (2011). *UNDP and citizen security initiatives, resources, experiences from Latin America and the Caribbean*.

VIVEROS VIGOYA, M. (2001). "Contemporary Latin American perspectives on masculinity". *Men and Masculinities*. Vol. 3, No. 3, pp. 237-260.

VIVEROS VIGOYA, M. (2002). *De quebradores y cumplidores: Sobre hombres, masculinidades y relaciones de género en Colombia*, Bogotá: Universidad Nacional de Colombia.

WELSH, P. (2000). "Unlearning machismo: Men changing men in post-revolutionary Nicaragua". In: B. PEASE; K. PRINGLE (eds.). *A man's world*. London: Zed Books.

WORLD BANK (2011a). *Crime and violence in Central America: A development challenge*. Washington DC: The World Bank.

WORLD BANK (2011b). *World development report: Conflict, security and development*. Washington DC: The World Bank.

YABLONSKY, L. (1997). *Gangsters:Fifty years of madness, drugs, and death on the streets of America*. New York and London: New York University Press.

Violence, Crime, and the *Maras* in Honduras: Assessing more than a Decade of Security Policies

Dr Lirio Gutiérrez Rivera

Gangs and State in Nicaragua—a discussion with many voices

Nearly a decade has passed since the Honduran government introduced various security policies known as Zero Tolerance, Iron Fist, and the Anti-gang Law[1] which aimed at controlling widespread social violence, crime and delinquency as well as stopping the expansion of gangs, locally known as the maras, by banning gang membership. As various scholars have pointed out, security policies in Honduras failed shortly after they were introduced[2]. Today, social violence, delinquency and crime persist in certain regions and the country's main cities; the border areas (Honduras-Guatemala) and urban marginal neighbourhoods in San Pedro Sula and Tegucigalpa and, especially, the prisons witness high levels of violence, crime and delinquency. Despite the Anti-gang law, adolescents and young adults, mostly male, still continue to join the main maras, Mara Salvatrucha (MS) and the 18th Street Gang (M-18). Homicides rates have increased considerably in the past decade of security policies. At the start of the decade, the homicide rate was at 46.2 per 100,000 inhabitants[3]. Today, that figured has doubled, 86 per 100,000 inhabitants, making Honduras one of the most violent countries on the planet.

Despite these poor results, security policies have remained on the political agenda of three government administrations regardless of the political party–the Maduro administration (National Party, 2002-2006), which introduced security policies in 2002, Zelaya's government (Liberal Party, 2006-2009 –abruptly interrupted in the 2009 coup), and the Lobo administration (National Party, 2010-present). Though the mara phenomenon has faded from the media, public (in)security, violence, crime and delinquency are still major concerns for many Hondurans and state officials. In the past decades, drug trafficking and organized crime activity have gained media attention, as they are linked to the increase of violence. State security policies have also attempted to address this problem of organized crime, particularly drug and human trafficking. The 1990 Law Against Illicit Drug Trafficking[4] and the 2002 Law Against Money Laundering[5] indicate previous governments' awareness of the presence and dangers of organized crime and its negative impact in Honduran society.

This paper looks at the situation of violence, delinquency, crime and marginal youth against the backdrop of security policies in the past decades. It assesses what security policies have done so far and what are its main challenges. Furthermore, it looks at the perspectives for marginal youth, particularly the members of the maras in a context of ongoing violence, organized crime, and repressive security policies.

Security Policies

Security policies in Honduras have been commonly associated with Zero Tolerance, Mano Dura and the Anti-gang law, which came out in the Maduro administration. However, security policies predate this period. The Honduran military carried out the infamous National Security Doctrine, or NSD[6] in the eighties in order to protect 'democracy' and avoid political insurrections from leftist groups. Under NSD, the country witnessed a decade of terror, as the military violated human rights and tortured and disappeared union and peasant leaders, student activists and anyone suspected of being 'leftist'[7].

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[1] *Cero Tolerancia, Mano Dura*, and *Ley Antimaras.*

[2] Rodgers 2007, Gutiérrez Rivera 2011, Hume 2007, Peetz 2008.

[3] Posas 2009.

[4] *Ley en Contra el Uso Indebido y Tráfico Ilícito de Drogas y Sustancias Psicotrópica.*

[5] (*Ley Contra el Delito de Lavado de Activos*).

[6] *Doctrina de Seguridad Nacional.*

[7] Kruckewitt 2005, Salomón 1992.

In the nineties, security policies, which were under civil governments' control, adopted a more preventive approach in a different political, social, and economic context. On the one hand, the democratisation process managed to demilitarise the country's institutions and establish political stability–that is, until the 2009 coup. On the other hand, neo-liberal policies stabilized the country's economy at the cost of dismounting the state's precarious welfare system. Flexible labour conditions, free trade zones, and tight fiscal budgets dictated by the International Monetary Fund and the World Bank may have stabilized the country's currency, yet have done so by increasing the gap between rich and poor. Youth has been particularly affected by the neo-liberal policies, facing difficult access to education, health, and the labour market.

In this new social, political and economic context, the country witnessed the increase of social violence, delinquency and crime. Public security as well as citizen security[8] was already on the political agenda of the governments in the nineties[9]. Most of the policies and government programmes that emerged, however, during this period aimed at prevention and rehabilitation particularly of adolescents and young adults who had committed delinquent acts or were members of either, the MS, the M-18, or other gangs.

The government's preventive programmes involved members of civil society who actively participated in the enactment of preventive laws to fight social violence. This is the case of the 2001 Law of Prevention, Rehabilitation and Social Reinsertion of Members of Gangs or Maras[10], which counted on the participation of members of youth organizations, politicians and congressmen, staff of local NGOs, and even members of the MS and the M-18[11].

Zero Tolerance, Mano Dura, and the Anti-gang Law were mainly repressive approaches, showing a change in the government's preventive approach to violence, delinquency and crime security policies. The two subsequent administrations have maintained these repressive policies targeting not only members of the MS and the M-18, but also organized crime. Aside from passing laws aimed at regulating organised crime, security policies' legal framework has also heavily involved the prison system.

Never before has prison played such a central role in the current context of social violence, delinquency and crime. Müller (2012) notices that neo-liberal Latin America has also witnessed the re-emergence of the prison institution, as repressive security policies seek the confinement of the 'criminal' and 'delinquent', who is generally the marginal and poor. In Honduras, prison has become a place of confinement of marginal youth, many of whom are members of the MS and the M-18. Though the Honduran penal law seeks to reform and reinsert offenders, in reality it has helped establish spaces of violence and exclusion[12]. Prisons have become institutions that normalise the marginal and the poor in an increasingly unequal society.

Despite the predominant repressive approach, Honduran governments did not entirely abolish their preventive programmes to combat violence, delinquency and crime. The Maduro administration introduced community police[13] and policing programmes, which contributed to reducing violence and crime in marginal neighbourhoods. Furthermore, the government has attempted to regulate the bearing of firearms. A legacy of the revolutionary era in the seventies and eighties when El Salvador, Guatemala, and Nicaragua submerged into armed conflict, firearms of high-calibre have been circulating with little control in the isthmus, thus increasing the levels of violence because of the easy access to high-calibre weapons. The Maduro administration attempted to collect the high-calibre firearms and regulate the use of general arms with the Law of Control of Firearms, Ammunition and Explosives[14]. This law presents some inconsistencies, such as allowing every Honduran the right to bear five firearms. In the past years, however, the government has attempted to reduce the number of five weapons to one and increase the age allowed to bear arms[15].

The Honduran government has acknowledged that it needs to improve its security policy. Until now, policies to combat crime and violence have been executed on a short-term basis. They continue to be based mainly on police raids in marginal neighbourhoods and jailing members of the maras and 'delinquents'. The institutions involved directly with public security (i.e. the police, the Ministry of Security, the investigation units) are poorly equipped, lacking sufficient funds. Furthermore, the police and the investigative staff are not well trained and police raids involve the military which are not trained for civilian service.

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[8] *Seguridad ciudadana.*

[9] i.e. Reina 1996-1998, Flores Facussé 1998-2002, both from the Liberal Party.

[10] *Ley para la prevención, rehabilitación y reinserción social de personas integrantes de pandillas o maras.*

[11] Save the Children and Asociación Cristiana de Jóvenes 2002.

[12] Gutiérrez Rivera 2012.

[13] *Policía Comunitaria.*

[14] *Ley de Control de Armas de Fuego, Municiones, Materiales Relacionados y Explosivos.*

[15] Currently the age allowed to carry a weapon is 21, but the new reforms aim at increasing the age to 25.

A sustainable, long-term security policy carried out by institutions that are subjected to the rule of law and that involve various sectors of the civil society is strongly needed. The current government seems to be aware of this. In early 2012 , President Lobo announced that the government would be launching a more long-term security policy called, *Política Integral de Convivencia y Seguridad Ciudadana* (Policy for Coexistence and Citizen Security), expected to run from 2011 to 2022.

The two previous governments have also acknowledged that security policies needed to focus more on prevention, particularly on the local level. The Ministry of Security recently admitted that efficient control of crime and violence require central authorities to work more closely with the local governments and officials in order to create safer municipalities and communities. Some government programmes (such as the community police's prevention programme on gangs and maras) have been delegated to local governments, yet more needs to be done in order to engage the community.

In other words, decentralisation needs to take place so that local government can carry out preventive security policies by working with the community and the associations at the local level. Even though the decentralisation process initiated in the late fifties, Honduras continues to be highly centralised. In the nineties, decentralisation became a central feature of the government's democratisation and state modernization processes. The *Asociación de Municipios de Honduras* (Honduran Municipalities Association, or AMHON), created in 1963, has been pressuring central government for municipalities' fiscal, administrative, and political autonomy. Despite their efforts, decentralization is far from consolidating. The execution of the 1990 Municipality Law[16], one of the main laws of the decentralizing process that grants political, administrative, and financial autonomy to the local governments, has been slow and uneven throughout the country, partly because of the political interests of politicians who favour centralism over decentralism as well as disagreements on how decentralization policies should be executed. In the municipalities where decentralisation policies have started to take place, local governments–interestingly backed by the central government–have been able to work more effectively with the community and local associations on crime and violence reduction, which have contributed to establishing stronger state-society relations as well as decreasing the crime and homicide rates[17].

Marginal youth and the maras

The perspective for marginal youth and the maras is unfortunately not good against the backdrop of security policies, violence and organized crime. A decade of repressive security policies has not stopped marginal adolescents and young adults from joining the country's main maras, MS and the M-18. On the contrary, members have developed stronger emotional ties toward the gang becoming more closed, secretive–since under law gangs are illegal associations–and marginalised from society. This is especially the case of imprisoned gang members. The prison has contributed to reinforcing the maras as a group and to normalising violence as means of survival of gang members. In this harsh context, both the MS and the M-18 emerge as extremely hermetic group with high levels of mistrust not only towards the rest of the inmate population, but also Honduran society[18]. The 2009 coup has introduced new forms of violence and political instability pushing back the community-based programmes that aim at reinforcing local governments and civil society. Job opportunities and social mobility continue to be limited for youth in Honduras, forcing many to emigrate, take up jobs in the informal sector, and even get involved in illegal activities.

The question remains whether the MS and M-18 are actually involved in organized crime. Shortly after Mano Dura, Zero Tolerance and the Anti-gang law, state authorities claimed that the maras were participating in organized crime, particularly drug trafficking. However, there was no proof of it. Recent scholarship, however, and my own conversations with staff of youth associations in Honduras observe that Mano Dura and the Anti-gang law has forced members of the maras to commit illegal activities[19] . According to one staff member of a youth association, because Mano Dura and the Anti-Gang law criminalises the maras, members find themselves excluded from all sorts of job opportunities from both the formal and informal economy, thus pushing them towards the realm of illegality. For instance, the MS and M-18 collect on a regular basis an *Impuesto de Guerra* (War Tax), which is money stolen from residents, passers-by, and public transportation drivers in the neighbourhoods they control and in which they reside. However, it is important to understand the MS and M-18's increase of illegal activity within this context of state repression and security policies. In other words, illegal activity is not the main purpose of the maras, yet the context of exclusion, criminalisation, and persecution forces them to establish survival strategies since they are being systematically excluded and marginalised from mainstream society, culture, and politics.

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[16] *Ley de Municipalidades.*
[17] Chávez Borjas 2003.

[18] Gutiérrez Rivera 2012.
[19] Wolf 2012a, Gutiérrez Rivera 2009.

However, the governments' preventive approach to public security, violence and crime has witnessed more effective results not only in reducing violence, but also in establishing trust among civil society and local and neighbourhood communities[20]. Strengthening local community programmes in marginal neighbourhoods (e.g. community policing) can re-establish trust and ties among residents and even members of the maras. Community policing has demonstrated its success in certain marginal neighbourhoods, though there is still a deficit in community programmes involving youth.

In the current context of political instability and economic disadvantage, the maras still have a wide presence among adolescents and young adults, as they continue to be an alternative of social participation and organisation. Security policies, by criminalising and perceiving maras as illegal associations, end up closing off opportunities for gang members. This situation pushes gang members towards illegal activities in order to provide for themselves, thus leading to more crime, delinquency, and violence. This is becoming more of a reality due to the strong presence of organised crime in the country. Indeed, organized crime–not the maras–is responsible for most of the violence and homicide in the country as well as the deteriorating the social fabric. Security policies and law enforcement thus need to deal with organised crime and the involvement of some state agencies and officials with drug trafficking.

The maras have demonstrated non-violent alternatives to state repression and policies of marginality and exclusion such as the members' attempts to speak with government officials in 2003 in the wake of the Anti-gang law or the recent truce between the MS and the M-18 in San Salvador. In order to engage maras further in the civil society, more needs to happen both from the government and Hondurans. As Wolf (2012b) points out, a gang policy–that is, one that seeks the participation and representation of youth rather than one that represses and criminalises them–is urgent not only in Honduras, but also in Central America.

It is also important to de-stigmatise gangs and the maras. Unfortunately, media portrayals of the maras and the governments' security discourse have contributed to fixing an image of the maras as "criminal" and "violent" by which their marginalisation and criminalisation as well as their persecution has become justified and legitimised[21]. Scholars should also be aware of the dangers of fixing notions of gangs as criminals and delinquents. As Sánchez-Jankowski (1991) points out, gang scholarship has traditionally focused on gang members' delinquent activities, thus contributing to fixing the notion of gangs as delinquent or deviant and overlooking other features of the gang which need to be explored such as gender relations, masculinity constructions, and organisation structure.

To ensure public security, the Honduran government needs to work more closely with local governments and the community in order to re-establish the already worsening social fabric caused mostly by organized crime, drug cartels, state corruption, and the uneven distribution of resources. Part of the problem is the general lack of resources (i.e. funding, manpower, lack of equipment, knowledge) and institutional weakness, as well as entrenched centralism and clientele-patron practices. The establishment of maras is an indicator of how marginalisation, exclusion, and violence become normalised and accepted in Honduran society.

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[20] Ungar and Salomón 2012.

[21] Peetz 2012, Zilberg 2011, Wolf 2012b.

References

Chávez Borjas, Manuel. (2003). "Honduras: descentralización y vision de país". Series: Visión de País. United Nations Development Program (UNDP): Tegucigalpa.

Gutiérrez Rivera, Lirio. (2012). "Geografías de violencia y exclusión: pandillas encarceladas en Honduras", *Latin American Research Review,* 47(2): 167-179.

Gutiérrez Rivera (2011). "Security Policies from Spatial Perspective: The Case of Honduras", *Iberoamericana*, 41: 143-155.

Gutiérrez Rivera (2009). "Enclaves y territorios: Las estrategias territoriales del estado y de las pandillas en Honduras", Phd diss. Free University Berlin.

Hume, Mo. (2007). "Mano Dura: El Salvador Responds to Gangs". Development in Practice, 17(6): 739-751.

Kruckewitt, Joan. (2005). "U.S. Militarization of Honduras in the 1980s and the Creation of CIA-backed Death Squads," in *When States Kill. Latin America, the U.S. and Technologies of Terror,* edited by Cecilia Menívar and Néstor Rodríguez, 170-197. Austin: University of Texas Press.

Müller, Markus-Michael. (2012). "The Rise of the Penal State in Latin America", *Contemporary Justice Review* 15(1): 57-87.

Peetz, Peter. (2008). "Discourses on Violence in Costa Rica, El Salvador, and Nicaragua: Youth, Crime and the Responses of the State". GIGA Working Paper 80.

Posas, Mario. (2009). "Delincuencia, inseguridad ciudadana y desarrollo humano en Honduras". Series: Human Development Studies, United Nations Development Program (UNDP): Tegucigalpa.

Rodgers, Dennis. (2007). "Joining the Gang and Becoming a Broder: The Violence of Ethnography in Contemporary Nicaragua", *Bulletin of Latin American Research*, 27(4): 444-461.

Salomón, Leticia. (1992). *Policia y militares en Honduras.* CEDOH: Tegucigalpa.

Save the Children and Asociación Cristiana de Jóvenes (2002). *Las maras en Honduras*.

Tegucigalpa.

Ungar, Mark and Leticia Salomón. (2012) "Community Policing in Honduras: Local Impacts of a National Programme," *Policing and Society* 22 (1): 28-42.

Wolf, Sonja. (2012a). "Mara Salvatrucha: The Most Dangerous Gang in the Americas?" *Latin American Politics and Society*, 54(1): 65-99.

Wolf, Sonja. (2012b). "El Salvador's *Pandilleros Calmados*: The Challenges of Contesting Mano Dura through Peer Rehabilitation and Empowerment" *Bulletin of Latin American Research*, 31(2):190-205.

Gangs and maras—a view from Nicaragua	José Luis Rocha Gómez

Groups of delinquent young people in Nicaragua did not arrive with neo-Liberalism. Local gangs drawing adolescents into delinquency have been around since the 1970s. At first, the gangs had short life-spans, then came the 1980s, when the forces of revolution began to weaken, and a reduction in employment and in the importance of young people in the political and social life of the country.

The Nicaraguan gangs of the 1990s were pioneers—and became organisations that endured over time, maintaining the number of their members, their emblems, tattoos, control of their territory and codes of behaviour. The Rampleros, Power Rangers and Plotts have lasted for more than ten years[1]. Instead of setting up new gangs, succeeding generations of young people have been gradually brought into existing ones. This is a characteristic they share with the well-known gangs of Chicago, Cape Town and Rio de Janeiro[2]

Gang development: from throwing stones to smoking "rocks"

The institutionalising of gangs has been no barrier to their development. During the 1990s gangs in Managua were like Guatemalan gangs a decade earlier—that is, they controlled an area, they provided a sense of identity, and they resembled a family[3].

As the 21st century dawned, drugs became a driving force for gangs. Changes to the routes used to transport cocaine from South America to the US market turned Nicaragua into an important transit area. Parts of several different towns saw a growth in dealing and consumption[4]. At this point gang members stopped throwing stones in street fights and took up smoking "rocks" of crack cocaine at street corners and preying on the neighbourhood to get the wherewithal to pay for their drug habits.

Surprisingly, the great majority of these gangs were disbanded both as the result of police action once peace had returned and also through the work of the evangelical churches and NGOs. Police files on the number of gangs in recent years are neither complete nor accurate. The most reliable police files record 268 gangs with 4,500 members[5]. The most recent report is from 2007 where the Nicaraguan police note 183 groups made up of 2707 members. Only 20 of these groups are referred to as gangs[6].

The importance of context—why aren't there more gangs in Nicaragua and why aren't they more violent?

The pacification and gradual reduction in the number of groups of delinquents in Nicaragua went in the opposite direction from the rest of Central America. Neighbouring countries' gangs became more and more violent and eventually amalgamated into the two which now take centre stage—Mara 13 and Mara 18.

Why aren't there gangs in Nicaragua and why aren't the groups of delinquents that do exist more violent? The background provides some hints. In 1988 Levenson found groups in Guatemala with similarities to those in the rest of Central America. According to several studies, Mara 13 and Mara 18 (or Salvatrucha) infiltrated Guatemala, Honduras and El Salvador and are now to be found in 31 countries[7]. These two mega-groups have absorbed practically all the small local groups in northern Central America.

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[1] Policía Nacional, "Valoración pandillas", tercer trimestre de 2005. Official Document paper version.

[2] John M. Hagedorn, *A World of Gangs,* University of Minnesota Press, Minneapolis, 2008, pp. 7-10.

[3] Deborah Levenson, *Por sí mismos. Un estudio preliminar de las "maras" en la ciudad de Guatemala,* Cuadernos de Investigación, Avancso, n. 4, Guatemala, 1989.

[4] Dennis Rodgers, "Living in the Shadow of Death: Gangs, Violence and Social Order in Urban Nicaragua, 1996-2002", *Journal of Latin American Studies,* v. 38, n. 2, mayo de 2006, pp. 267-92.

[5] Oficina de Naciones Unidas para Drogas y Delitos, *Crime and Development in Central America,* Naciones Unidas, Nueva York, 2007, p. 60.

[6] Policía Nacional, "Atención y tratamiento a las pandillas. Un modelo preventivo en desarrollo", Presentación en la Reunión de los Ministros de Gobernación y/o Seguridad, San Salvador, 15 de octubre de 2007, Observatorio Centroamericano de la Violencia.

[7] National Alliance of Gangs Investigators Associations (NAGIA), "2005 National Gangs Threat Assessment", Bureau of Justice Assistance, Department of Justice, Washington, D.C., 2005, p. 8.

The expulsion of gang members from the USA has been a key factor in the expansion of gangs (or their non-expansion, as in Nicaragua)[8]. Of the 310,884 Central Americans expelled from the USA between 1992 and 2007 only 3% (9,619) were Nicaraguan[9]. It is unlikely that among the almost 10,000 expelled Nicaraguans there were any who had belonged to US gangs because in practice the patterns of immigration and settlement of Nicaraguans was different from those of other Central Americans. Gangs developed in the Los Angeles area, where the last census found 29,910 Nicaraguans against 368,416 Salvadorians[10].

Surveys conducted by the Institute of Public Opinion at the University of Central America in El Salvador show that around 25% of gang members interviewed had been repatriated or expelled from the United States. In Progreso in Honduras, Jorge Gonzalez found members of a gang from Los Angeles who had come back carrying instructions and money to obtain arms[11]. On the other hand, it has not been possible to establish the connections between gangs and the changing flows of migration into Nicaragua. Nevertheless, migration has played a decisive part in the number and development of delinquent groups and is directly correlated with their presence or absence.

Democratisation and demilitarisation

Gang members are buoyed up by the feeling of belonging to an international organisation and that comes through in their increased aggression and in what they get up to. This does not however completely explain their use of violence which has got more and more pronounced and insistent as time goes on. Focusing mainly on gangs in countries where war has recently ceased, it is not unreasonable to think that the current level of violence derives from failures in the processes of democratisation and demilitarisation which Central American countries have experienced since the 1990s.

The conflicts that ravaged the region during the 1970s and 1980s were an outcome of the instability engendered by increasing economic inequality. Further, it was through armed conflict that the people expressed their anger at the rejection or repression of their demands by military regimes[12]. This epoch has left its scars. Although it may have lost its official role in government, the army's power has continued to expand, hindering the development of democracy and turning Central American societies into "paper-thin democracies"[13]

The transition to democracy was strewn with obstacles which have yet to be overcome. The shadows of war still hang over Nicaragua and are slowing down the transition. However, in 1990, the signing of the peace agreement between the Sandinista government and the armed counter-revolutionaries occurred at the same time as the FSLN lost the election to the United National Opposition (UNO) and this led to a change of regime. These factors promoted the demilitarisation in Nicaragua which the USA was pressing for. As part of its strategy against the Sandinistas, the USA wanted Nicaragua's internal structures to be aligned with the international policy of globalisation that was then emerging[14]. In its first hundred days, the new government abolished compulsory military service and cut the armed forces from 120,000 to 36,000[15]. This reduction continued under the UNO until Nicaragua had the smallest army in Central America. Between 1989 and 1995 the army's budget was also drastically cut[16].

In a country with low population density (42 people per sq kilometre) and with much land belonging to the State, the granting of parcels of farmland was a trump card in gaining agreement that the armies of the two sides would disband. However, demilitarisation is not just a question of disbanding armies, policies also need to be pursued and socio-economic measures taken to integrate former soldiers back into civil society.

[8] Alberto Martín *et al.,* "Difusión transnacional de identidades juveniles en la expansión de las maras centroamericanas", *Perfiles Latinoamericanos,* n. 30, México, D.F., julio-diciembre de 2007, p. 114

[9] This is a calculation by the author, based on the statistics of the Homeland Security Department (20 novembre 2008). It doesn't include the people expelled in 1997 and only looks at the situation of people from Guatemala, Salvador and Nicaragua.

[10] U.S. Census Bureau, "American Community Survey", 2004, find it here (30 July 2006).

[11] Jorge Atilano González, *En busca de la fraternidad perdida. Micro-relatos de una juventud abandonada que busca su identidad,* Centro de Estudios Teológicos de la Compañía de Jesús, México, D.F., 2002, p. 55.

[12] Edelberto Torres-Rivas, *La piel de Centroamérica,* FLACSO-Costa Rica, San José, 2007, p. 162; *Centroamérica: entre revoluciones y democracia,* CLACSO, Bogotá, 2008, p. 125.

[13] ibid., p. 139.

[14] Gonzalo Wielandt, op. cit., p. 13

[15] Antonio Lacayo, *La difícil transición nicaragüense en el gobierno con doña Violeta,* Colección Cultural de Centroamérica, n. 12, Bogotá, 2005, p. 202.

[16] David Close, op. cit., p. 164; Richard Millett y Orlando Pérez, "New Threats and Old Dilemmas: Central America's in the 21st Century", *Journal of Political and Military Sociology,* verano de 2005,

In Nicaragua, both armies had significant political standing and were encouraged to lay down their arms by the granting of land. Moreover, not all the 100,000 former combatants felt drawn to the army and many of them wanted to go back to civilian life.

On the other hand, in El Salvador, Honduras and Guatemala even though many of the military veterans were able to take up jobs in the newly emerging private security organisations, some of them chose to enter organised crime. There are indications that demilitarisation has not been fully effective and there remain signs of virulent left wing activity across the isthmus. Veterans of the Guatemalan civil patrols have been involved in skirmishes and paramilitary groups from El Salvador and Honduras have executed children and young people. This is symptomatic of a deep-rooted culture of violence and of an authoritarianism that has not yet been laid to rest. They are signs of an incomplete or failing demilitarisation.

Weapons and killing

Another aspect of the process of democratisation / demilitarisation, which has had a direct impact on violence in general and juvenile violence in particular, is the destruction of the large arsenals of weapons distributed during the war. In Nicaragua the same approach worked as was effective in reducing the number of combatants. In 2008 the police, in the course of applying the law for « the control and regulation of firearms, munitions, explosives and other material », destroyed 12,994 firearms voluntarily handed in by civilians[17]. However, in 2007 the Small Arms Survey estimated that there were 7.7 firearms per 100 inhabitants in Nicaragua. This figure is considerably lower than Guatemala at 13.1 per 100 inhabitants, but is higher than Honduras and El Salvador at 6.2 and 5.8 respectively[18].

The presence of weapons in a country is not necessarily an indication of violence—Costa Rica, which is very peaceful, has 9.9 firearms per 100 head—one needs to look at the political and cultural context. The moves to destroy weapons were intended to limit access to them and, as in Nicaragua, some ceremonial was employed from the outset to cast firearms in a bad light. The extent to which firearms are employed in society remains unknown and would be worth studying in depth to establish the link with the homicide rate, which is a more subtle measure of the day to day impact of weapons.

In 2006 Nicaragua experienced 12.46 homicides per 100,000 population, pretty close to the figure of 11.3 in Panama, a neighbouring country not involved in armed conflict, and very much lower than the figures of 55.3, 45.2 and 42.9 in El Salvador, Guatemala and Honduras[19] Once the peace processes were completed in the region, homicides were the indicator that most clearly showed the resounding failure of these countries to establish a new order. In El Salvador and Guatemala the rate of homicides increased between 1999 and 2006[20]. These countries received the most financial and military help from the USA during the post-war period of the 1980s and currently they have the highest homicide rates. The repressive and divisive measures employed by these autocratic regimes during that period have drawn today's young people into a constantly increasing level of violence.

Government responses

During the 1980s the police paid little attention to groups of young delinquents. They neither kept track of their number nor their illegal activities. For its part, the revolutionary government was preoccupied in dealing with the threat to security posed by counter-revolutionary groups. Guatemala and El Salvador had the same problem and although groups of young delinquents were already in existence, the attention of the police and the army was directed entirely towards the guerrillas. Protection of the civilian population and identification of gangs became a big issue in the 1990s, of central concern to the Interior Ministry of the Aleman regime.

The fact that some of the police in Nicaragua were former guerrillas led to a better approach by the forces of law and order to groups of young delinquents. In distinction to its counterparts in the rest of Central America, the Nicaraguan police did not classify these groups as part of organised crime, but thought of the young people as young rebels who wanted to experiment with social or generational conflict. This view was reflected in the first plan to deal with the problem[21] which proposed a combination of action both by the police and of civilians through churches, NGOs and schools. The plan involved locking up certain key members of the groups but also working towards reconciliation with the local community. The police took a social approach to the problem, but they let themselves be won over by the feverish desire to respond to attacks that was prevalent among their bosses in the Ministry of the Interior.

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[17] Annekent Müller, "Concluye labor de función de armas", *Visión Policial,* a. XI, n. 75, Managua, mayo-junio de 2008, p. 6.

[18] Small Arms Survey, op. cit.

[19] Observatorio Centroamericano sobre la Violencia (OCAVI), tablas estadísticas de homicidios de los países centroamericanos, find it here, 15 décembre 2008

[20] ibid

[21] Policía Nacional, "Plan de prevención...", op. cit

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The setting up of the Directory of Youth Affairs with an outlook of prevention was very beneficial and attracted considerable financial backing—the Inter-American Development Bank agreed a loan of $7.2 million to set up a programme for public safety. The main aim was to counter violence and juvenile delinquency[22] and it strengthened the dialogue of conciliation and brought out the exceptional nature of the Nicaraguan police force.

The preventive model is presented as proactive and as one that hopes to have an effect on children, adolescents and young people before they "cross the line between dangerous behaviour and delinquency ». It is also described as a model that « aims to save young people who have committed crimes in order to give them opportunities in their lives and a sense of self-worth"[23].

In parallel, another strand consisted in systematically prosecuting officials of the Aleman regime accused of corruption. Alemanist Members of Parliament had rushed through previously neglected Bills in the hope of refurbishing President Aleman's tarnished reputation, hoping that this would give a more acceptable social image to the government in power. So under the Aleman presidency, Acts were passed such as "the code of childhood and adolescence (1998) ", "the law to promote and integrate youth justice in Nicaragua (2001)", and "the national development plan for integrated youth justice (2001)". Posts of child and youth judges were created in 2000 and the Ministry of Youth was set up in 2002. These developments marked a distinction between the Aleman and Boloñas governments in Nicaragua and those of Maduro or ARENA (National Republican Alliance) in Honduras and El Salvador. These two countries decided to adopt anti-gang policies and applied punishments outside their legal frameworks. The code of childhood and youth were quickly seen by police patrols and by many people as a charter guaranteeing immunity to young delinquents[24]. Accordingly the police increased the extra-legal punishments they handed out (such as beatings following the release of detainees) which they considered more effective and economical than the cumbersome procedures required by the new

legislation which, in any case, had never been accepted by the bulk of the population[25].

Neither an iron fist nor a helping hand

One year after the adoption of the code of childhood and youth, the police plan for 1999 led to the imprisonment of some 400 young people, most of them under 15, who had been arrested without legal protection—in other words in complete breach of article 95 of the self-same code[26]. The abuse of power and arbitrary arrest of young people in contravention of—and showing disrespect for—the code were denounced by youth judges and several NGOs. It seems likely that these arrests were not part of the policy, but they created havoc in the groups of delinquents and deprived them of their most experienced members. As time went on and with a strengthening of the preventive model, application of the code grew. This led to a reduction in the imprisonment of young people and thus of members of delinquent groups. The number of adolescents in prison fell from 449 in 1998 to 36 in 2003[27].

According to their own statistics, the official police policy[28] was a clear success. Before the appearance of the preventive programme, the national police did not log the crimes committed by groups of young delinquents separately; but, between 2000 and 2007, the relevant figures fell sharply. Homicides went from 17 to 6, stabbings and woundings from 122 to 28 and misdemeanours from 32 to 26. Over the same period, the police managed to reintegrate 3,979 young people[29]. A monitoring system set up by the media and recent surveys of areas of the capital provide evidence of a reduction in the number of delinquent groups[30]—but not as great as in the police figures. The police use the figures to show the unusual nature of the forces of law and order in Nicaragua. The bullishness of the police has led them to give themselves the credit for the absence of gangs in the country.

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[22] Edwin Cordero *et al., Alcanzando un sueño,* Save the Children Suecia y Policía Nacional de Nicaragua, Managua, 2006, p. 78

[23] Ibid p. 65

[24] Procuraduría para la Defensa de los Derechos Humanos (PDDH), *¿Cara o sol? Investigación socio-jurídica de adolescentes que se encuentran en privación de libertad en los Departamentos de la Policía a nivel nacional,* PPDH, Managua, 2002, p. 71.

[25] Centro Nicaragüense de Derechos Humanos (CENIDH), *Derechos humanos en Nicaragua. 2004-2005,* CENIDH, Managua, 2006, p. 33.

[26] Richard Maclure y Melvin Sotelo, "Children's Rights as Residual Social Policy in Nicaragua: State Priorities and the Code of Childhood and Adolescence", *Third World Quarterly,* a. 24, n. 4, 2003, p. 681

[27] CENIDH, *¿Dónde están los derechos?,* CENIDH, Managua, 2004, p. 31

[28] The reintegration of young people at risk, the organisation of sports tournaments, the establishment of 2064 social committees preventing offences, and a variable number of scholarships and permanent jobs for young people.

[29] Policía Nacional, "Atención y tratamiento a las pandillas...", op. cit.

[30] Dennis Rodgers, "Living in the Shadow...", op. cit.; José Luis Rocha, "Mapping the Labyrinth...", op. cit

This view is shared by a number of officials and international organisations under the misapprehension that public policy has been the decisive factor in sorting out the problem, disregarding the historical development of the country and aspects of its structure that are of great significance. There is of course no doubt of the importance of the attitude of the police and of their policies, and above all of the effect of the preventive programme. But we must look beyond the actions and the merits of one individual player.

Antonio Gramsci, writing about the police, said:

"The organization which we call the police contains a central core with formal responsibilities, but it is actually a much larger organization in which a large part of the population of the State is involved—directly or indirectly, with links that are specific or less clearly defined, permanent or periodic, and so on"[31].

The actions of a police force reflect social attitudes. Countries with death squads trained by the American army show less skill in resolving conflicts and a greater tendency to resort to violence as a means of social control. In this situation one should consider all factors and processes—such as the process of democratisation / demilitarisation or the significant influence of NGOs and other civilian organisations—that bear on the control of inappropriate behaviour.

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[31] Antonio Gramsci, *Pasado y presente,* Juan Pablos Editor, México, D.F., 1977, pp. 232-3

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Multiple marginality, a comparative framework for understanding gangs:— the power of place and status   Professor James Diego Vigil

Poverty is the central reason for the rise of street gangs throughout the contemporary world; in short, the power of place and the status of a person or group are the major shapers. Based on over thirty-five years of street-level ethnographic investigations, I have learned that street gangs are the offspring of marginalisation. In hierarchical societies, certain groups become relegated to the fringes, where social and economic conditions result in the destabilization and fragmentation of people's lives[1]. A sense of powerlessness can develop when these conditions continue over a long period of time. Some of the gang members that I have known have come from such stressed and unstable circumstances that one wonders how they have survived at all. In this article, I will use the framework "multiple marginality"[2] to reflect these strains and their persistence over time.

Multiple Marginality

In its simplest trajectory, multiple marginality can be modelled thus:

place/status → street socialisation → street subculture → street identity.

Many factors are intertwined, and the actions and reactions among them spawn gangs and gang members. With respect to place/status, barrios ("neighbourhoods") or ethnic enclaves derive both from the external barriers imposed on a people, and from that people's choice to live together in their own community.

Living in spatially separate and socially distanced neighbourhoods makes for a marginal existence that closes rather than opens doors to social mobility. Race and cultural differences also serve as a rationale for the isolation and mistreatment of each ethnic group.

The model of multiple marginality helps us to dissect and analyse the ways in which marginal place/status undermine and exacerbate social, cultural, and psychological problems in ethnic minority communities. These forces contribute to the breakdown of social control and the emergence of gangs and gang members. Social dysfunctions especially affect family life, educational trajectories, and interactions with law enforcement. In the absence of these influences, the gang replaces parenting, schooling, and policing to regulate the lives of many youth. Ultimately, a gang subculture arises to set rules and regulations for its members.

Marginalisation particularly affects children in the aftermath of massive immigration of ethnically distinct populations, when large numbers of ethnic minorities must find a job for themselves and a place for their families in an urban setting. Immigration affects family structure and stability, schooling readiness in the context of language and cultural differences, and level of involvement with police and the criminal justice system. This process occurs on many levels as a product of pressures and forces in play over a long period of time. The phrase "multiple marginality" reflects the complexities and persistence of these forces. As a theory-building framework, multiple marginality addresses ecological, economic, sociocultural, and psychological factors that underlie street gangs and youth's participation in them[3].

Gang researchers have emphasized different theoretical or conceptual models in gathering and presenting information on street gang life[4]. Collectively such works show that youths from a wide variety of ethnic groups have become involved in gangs and that there are multidimensional facets to the gang phenomenon itself. A comparative look at other nations' gang dynamics adds to this tradition.

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[1] Blanc et. al 1995; Hazlehurst and Hazlehurst 1998; Vigil 1987.

[2] Vigil 2002.

[3] Vigil 1988a, 1988b, 2002; Covey, Menard, and Franzese 1992.

[4] Covey, Menard, Franzese 1992; Moore 1991; Klein 1995; Miller, Maxson, Klein 2001; Hazlehurst and Hazlehurst 1998; Vigil 1987.

Most researchers agree that major macrohistorical and macrostructural forces form the backdrop to street gangs. The causation debate becomes contentious and heated when the focus is on the intermediate and micro levels of analysis. Barring a major overhaul of the social system, then, a systematic examination of the major socialisation agents (i.e., families, schools, and law enforcement) would help our understanding of gangs and gang members and of how a quasi-institutional gang subculture emerged.

A cross-cultural perspective facilitates our examination of the disruptions of social control within families, schools, and law enforcement, and shows how these disruptions lead to street socialisation and gang involvement on the part of some low income, ethnic minority youth. This approach helps clarify the similarities and differences among groups, while the conceptual model, multiple marginality, specifically identifies the forces that additively and cumulatively shape gangs and gang members. It is a model that gauges the weight and sequence of factors that impinge upon and affect youth that grow up on the streets and aids our understanding of the breakdown of social control and how street socialisation transpires. First, some words on greater Los Angeles, a city of diversity and contradictions and generally recognised as the gang capital of the world, and this researcher's fieldwork site.

As a growing megalopolis stretching in all directions from the civic centre, **Los Angeles** has become the prototype of urban diversity with a large immigrant population. It is a city rich with contrasting languages and cultural traditions, but also a place with ethnic and class tensions that threaten to erupt at any moment, as occurred in the King Riots of 1992[5]. The changes the city has undergone since the 1960s have included white flight and suburbanisation, economic restructuring, and large scale immigration, particularly from Mexico, Central America, and Asia, and most importantly, the entrenchment of street gangs.

Gangs are a stark subset of youth subcultures in a complex society, comprising a dark side of Los Angeles in particular and urban America generally. This is especially the case since the 1980s when diffusion of gang members and gang culture affected other regions and cities[6] and now, of course, other regions of the globe[7].

In all of them, the mostly poor, struggling communities have produced street gangs and some seem to be in the process of generating "mega-gangs." There are similarities in how these subcultural developments unfold across places/statuses and peoples but there are also instances when historical and cultural factors make each community unique.

Ethnohistorical considerations

To begin with, there are ethno-historical nuances and contours to the ways in which gangs have unfolded within each ethnic population. Every ethnic group's history (as well as every nation's!) differs in such important areas as time, place, and people--i.e., when and where the people settled, how their communities formed, and what distinguished them from other people in the vicinity. Consideration of the time factor allows for an appreciation of the specific conditions in Los Angeles, for instance, that affected members of the group when they arrived and how they settled.

For the Mexican American and African American groups, the gangs have been around for at least a half century (Chicanos a decade or two longer) and because each group was largely relegated to certain places (East Los Angeles and South Central Los Angeles), territoriality and defence of space became an issue. In addition, both have experienced persistent and concentrated poverty and disruptions of social control in these areas of concentration that a rooted gang subculture of age-graded youths (more common among Chicanos) was spawned to dominate the streets of each neighbourhood. Older gang veterans became role models to help guide and direct younger street youth in the ways of the street, especially in settling old scores with rival street gangs. This gang subculture born of street socialisation eventually had rituals, routines, signs, and symbols to help in the perpetuation of this lifestyle for barrio and ghetto youth who had no other recourse.

In contrast to the above ethnic groups, the Salvadoran and Vietnamese populations share a more recent migratory background, in both cases from homelands wracked by civil war. Most of the Vietnamese immigrants and a large proportion of those from El Salvador arrived in the United States as political refugees. The unravelling of social control actually began, for both groups, in their home countries where the United States played a prominent role in volatile military situations sparked by the anti-communism climate of the era.

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[5] Oliver, Johnson, Farrell 1993; Los Angeles Times 1992.

[6] Maxson 1998.

[7] Rodgers 2012; Flynn 2008; Hagedorn 2006; Hazlehurst and Hazlehurst 1998.

Thus, Cold War geopolitical considerations have been paramount for both groups. In contrast to the two older populations' gangs, these two new groups have had a decidedly different experience. Territoriality became a part of the gang identification process, but more so for the Salvadorans who concentrated in a neighbourhood close to jobs (e.g., janitors, domestics) sought by their parents. For the Vietnamese, a fluid mobility prevailed because of the nature of their secondary migration and settlement, and only recently has gang space (or where certain groups hang out) become important[8]. Both groups had an accelerated street socialization to speed creation of street gangs and gang members because their neighbourhoods and schools were rife with existing Chicano gangs. This was especially the case for the Salvadorans who resided right smack in the middle of one of the biggest gangs in Los Angeles, 18th Street. Although older gang veterans are just now becoming a factor, both of these groups have been more likely to develop ties to established criminal elements and activities as gang members advance from street gang activities to illicit enterprises under the purview of older adults. Coming from civil war backgrounds, gang members sometimes get caught up in the political rivalries and controversies that persist from the home country; graffiti messages or tattoos often reflect these leanings.

A cross-cultural approach and street socialisation

These four ethnic groups[9] were examined cross-culturally to help identify trends and tendencies found in street youth populations that give rise to participation in gangs[10]. This comparative approach is beneficial because it facilitates interdisciplinary analysis and incorporates the multi-dimensional dynamics (discussed below) that must be considered in understanding the formation and evolution of street gangs. It adds breadth and depth to an appraisal because it helps account for historical, political, and ethnic group differences while examining those differences from a variety of perspectives. Moreover, it facilitates appreciation of each group's experiences, as that group understands them. Establishing a cross-cultural research framework will help illuminate most of the forces, events, and circumstances that push gangs to the forefront of contemporary Los Angeles issues and recent history.

Street socialisation is the learning process that blurs the ethnic lines among all four groups because remarkably similar things are learned on the streets where fear and vulnerability necessitate the need for protection, friendship, loyalty, and other routines and rhythms provided by the gang. The street gang dominates the lives of disconnected youth because other institutions have become undermined, fragmented, made fragile and largely ineffective. Nevertheless, each group has its own uniqueness, such as race being a focal issue for African Americans[11], and the dual nature relationship Chicanos have with dominant society as natives (i.e., residents before the Mexican American War or 1846-1848) and immigrants. Salvadorans and Vietnamese both have global, cold war political ramifications to their entry into the United States. In large part, marginalisation began for them before they entered the country.

All these multiple strains take their toll and strip many people in minority communities of their coping skills. Left out of the mainstream of society in so many ways and in so many places relegates urban youth to the margins of society in practically every conceivable area. This positioning leaves them with few traditional options or resources to better their lives. Thus, marginalisation of all sorts leads to the emergence of street gangs and the generation of gang members.

A macro-analysis sets the stage for other evidence showing how fractured and marginalized a people become, especially children and youth undergoing major changes. From this broad backdrop, a look at the micro events in the life of a gang member will show how social control networks unfold, such as connections to family and significant others, engagements with avenues for opportunities, involvements with positive and constructive activities, and beliefs associated with the central value system of a society. Family organisation, schooling experiences, and interactions with law[12] enforcement institutions will surface as sources of problems in the lives of many youth. In assessing the different ethnic gangs along four social control dimensions (i.e., connections, engagements, involvements, beliefs), a common theme emerges--the weakening of these bonds "frees" the adolescent from the paths of conformity and, with street socialization and the acquisition of a street subculture, insures that unconventional behaviour is likely. Those individuals that desist from this path struggle and overcome such pressures to chart a new lifestyle.

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[8] Vigil and Yun 1990, 1998.

[9] Mexican American, African American, Salvadoran and Vietnamese.

[10] Vigil 2002.

[11] Alonso 1999.

[12] Conchas and Vigil 2012.

Social control themes

In order to apply social control theory to the street gangs of southern California, however, modifications are required, as certain elements of traditional social control theory fail to connect to other forces in the fuller equation of understanding gangs[13]. We believe, along with Covey, Menard, and Franzese (1992: 173), that social control theory,

"… as integrated into ecological and other perspectives [i.e., multiple marginality], appears to be fundamental to understanding the formation and illegal behaviour of juvenile gangs"[14].

In this regard Families, schools, and law enforcement merit special scrutiny for two main reasons[15]. First, they are the primary agents of social control in society. Secondly, they are uniquely adaptive and responsive to the concerns of society. Each of these institutions has separately contributed to the gang problem, in terms of what they did and what they failed to do. Due to their collective failure, street socialisation has taken over and rooted the quasi-institution of the street gang. When street socialisation replaces socialisation by conventional caretakers, it becomes a key factor in developing not only different social bonds but different aspirations for achievement, levels and intensities of participation, and belief patterns. Whom you associate with, what you strive for, how you spend your time, and why you embrace a belief system are strongly connected to the street subculture.

Female gang members

For female gang members (only 5 to 15% of gang members), the conflict in gender identification and the need to act out aggressively is considerably more complex. Females are especially hard hit in the street socialisation process, for like males they must struggle with the same forces that generated their street experience but in addition must contend with their own homeboys, who devalue them. As gender roles continue to change generally, however, the role of females in gangs will likely be transformed. The recent increase in violence among female gang members clearly indicates that these changes are underway. Moreover, of the 94 percent of gang females who will have a child in their life, 84 percent will themselves become a single parent.

The breakdown of social control would not be complete without mention of how street realities, particularly street socialisation, become the dominant force in the lives of so many children. Contemporary immigrant children are especially hard hit in this regard, as this Salvadoran adolescent so aptly put it in describing how he adapted to Los Angeles:

"I came to America in order to become American and leave the killings and sadness that were part of El Salvador behind me. When I first moved in with my aunt I was told to stay away from the Mexican kids in the neighbourhood (Pico Union, near the west side of Downtown Los Angeles). They were pandilleros (gang members) and people were always getting shot and kids were getting scared all the time. After school I came home real fast to not talk to anybody, but there was never anyone at home. My mother and aunt always worked real late… (he and his cousins).. had to take the bus home from near the beach, so we had to make our own dinner. We were told to stay inside the apartment until they got there. It got boring after a while and we began to go out and play. When some of my friends at school told me to join them, at first I said no. Soon, I was out playing with them. When I got older the playing turned to hanging around with some of the older, tougher guys in the neighbourhood. I had come to America to be an American and all there was in my neighbourhood was gangbanging, so I became a gangbanger."

Conclusion:

The process of multiple marginalisation leads to a breakdown of social control. In turn, this breakdown leads to street socialsation and the emergence of a gang subculture. To better assess these dynamic developments, a cross-cultural (and cross-national) investigation across groups (and nations) along similar dimensions, specifically social control institutions, will provide more insights and a deeper understanding of the contemporary (and global) gang problem. While the results of the above comparative analysis are set in the same time (1990s) and place (Los Angeles), the background times and places of the communities make for different contrasting macro-historical and macro-structural experiences[16]. Within these peoples' histories and socioeconomic trajectories, multi-dimensional dynamics are important.

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[13] Wiatrowski et al. 1981.

[14] See also Vigil 1988a; Trasher 1963[1927]; Shaw and McKay 1942; Merton 1949; Cloward and Ohlin 1960; Moore 1978, 1991; Hagedorn 1988; Spergel and Curry 1998; Klein 1995; Decker 1996.

[15] Bursik and Grasmick 1995.

[16] Vigil 2002

Multiple marginality, the framework within which our analysis was conducted, helps us pinpoint and highlight the ways ecological (place) and economic (status) marginalisation affect and intersect with social, cultural, and psychological strains and stresses. These forces additively and cumulatively contribute to the breakdown of social control and the emergence of gangs and varieties of gang members[17]). It is these broader forces that undermine and create social control dysfunctions, disrupting family life, undermining education, and leading law enforcement, inevitably, to play a stronger role as society's "conformity" safety net. To fill these gaps[18], the gang replaces the parenting, schooling, and policing to regulate youth's lives to one of a street subculture where routines and regulations help guide gang members.

The subculture that emerges varies somewhat between males and females, although as previously documented, there is a remarkable consistency in the major themes among them: multiple marginality, breakdown of social control and even specific gang routines like initiation, tattoos, graffiti, and gang conflict.

To reiterate, the seeds of the solutions to gangs are found in the root causes. Even though larger than life historical and structural forces have undermined social control institutions, such as families, schooling, and law enforcement, there is an opportunity to salvage many of the children who have been marginalised and left to the streets[19]. This cross-cultural assessment accounts for the differences in time, place, and peoples[20].

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[17] See Vigil 1988a for varieties of gang members.

[18] Klein 1971; Moore 1978; Vigil 1988a, 1993; Heath and McLaughlin 1993.

[19] Rios 2011.

[20] Vigil 2010.

REFERENCES:

Alonso, A. 1999. Territoriality Among African-American Street Gangs in Los Angeles. M.A. Thesis, Department of Geography, University of Southern California.

Blanc, C.S. (with contributors). 1995. Urban Children in Distress: Global Predicaments and Innovative Strategies. Florence, Italy: UNICEF.

Bursik, R.J., Jr. and H.G. Grasmick. 1995a. "Defining Gangs and Gang Behavior." In *The Modern Gang Reader, ed.* M.W. Klein, C.L. Maxson, and J. Miller. Los Angeles: Roxbury Pub. Co., pp. 8-13.

Cloward, R.A. and L.E. Ohlin. 1960. *Delinquency and Opportunity: A Theory of Delinquent Gangs.* New York: Free Press.

Coleman, J. 1990. Equality and Achievement in Education. Boulder, CO: Westview Press.

Covey H.C., S. Menard, and R.J. Franzese. 1992. *Juvenile Gangs.* Springfield, Il: Charles C. Thomas Pub.

Decker, Scott and B. Van Winkle. 1996. *Life in the Gang: Family, Friends, and Violence*. New York: Cambridge University Press.

Flynn, M. 2008. Social Control and Street Gangs in Los Angeles. N.Y.: Columbia University Press.

Goldstein, A.P., and Huff, C.R., eds. 1993. The Gang Intervention Handbook. Champaign, IL: Research Press.

Goldstein, A.P., and Kodluboy, D.W. 1998. Gangs in Schools: Signs, Symbols, and Solutions. Champaign, IL: Research Press.

Greenwood, P.W. 1996. Diverting Children from a Life of Crime: Measuring Costs and Benefits. Santa Monica Calif: Rand.

Hagedorn, J. 2006. Globalization and Gangs. Champaign: University of Illinois Press.

Hagedorn. J.M. 1988. *People and Folks: Gangs, Crime and the Underclass in a Rustbelt City.* Chicago: Lake View.

Hazlehurst, K., and C. Hazlehurst, eds. 1998. *Gangs and Youth Subcultures: International Explorations.* New Brunswick, N.J.: Transaction Pub.

Heath,B. and M. McLaughlin, eds. 1993. Identity and Inner-City Youth: Beyond Ethnicity and Gender. New York: Teachers College, Columbia University Press.

Klein, M. 1971. *Street Gangs and Street Workers.* Englewood Cliffs, N.J.: Prentice-Hall.

Klein, M. 1995b. *The American Street Gang*. New York: Oxford University Press.

Loeber, R. and M. Stouthamer-Loeber. 1986. Family factors as correlates and predictors of juvenile conduct problems and delinquency. IN M. Tonry and N. Morris, eds. Crime and Justice (Vol 7). Chicago: University of Chicago Press, pp. 29-150.

Los Angeles Times. 1992. Understanding the Riots: Los Angeles Before and After the Rodney King Case. Special issue, multiple authors, Los Angeles Times.

Maxson, C.L. 1998 "Gang Members on the Move." Bulletin. Washington, DC: U.S. Department of Justice, OJJDP.

Merton, R.K. 1949 Social Theory and Social Structure. Glencoe, ILL: The Free Press.

Miller, J., C.L. Maxson, M.W. Klein, eds. 2001 The Modern Gang Reader, 2nd ed. Los Angeles: Roxbury Pub. Co.

Moore, J. 1978. *Homeboys*. Philadelphia: Temple University Press.

Moore, J. 1991. *Going Down to the Barrio: Homeboys and Homegirls in Change.* Philadelphia: Temple University Press.

Moore, J. 1998. "Understanding Youth Street Gangs: Economic Restructuring and the Urban Underclass."

Oliver, M.L., Johnson, J.H., Farrell, W.C. 1993. Anatomy of a Rebellion: A Political-Economic Analysis. IN R.G. Williams, ed. Reading Rodney King/Reading Urban Uprising. New York: Routledge, Inc., pp. 117-141.

Pertersilia, J. 1992. Crime and Punishment in California: Full Cells, Empty Pockets, and Questionable Benefits. IN J.B. Steiner, D.W. Lyon, and M. E. Vaiana, eds. Urban America: Policy Choices for Los Angeles and the Nation. Santa Monica: The RAND Corporation, pp. 175-206.

Rodgers, D. ed. 2012. Global Gangs. University of Minnesota Press, forthcoming.

Rodriquez, L. 1991. The Concrete River. Willimantic, Conn: Curbstone Press.

Sampson, R.J. and J.H. Laub. 1994. Urban Poverty and the Family Context of Delinquency: A New Look at Structure and Process in a Classic Study. Child Development 65: 523-540.

Shaw, C. and R. McKay. 1942. *Juvenile Delinquency and Urban Areas.* Chicago: University of Chicago Press.

Spergel, I.A., and G. D. Curry. 1998. The National Youth Gang Survey: A Research and Development Process. IN M. W. Klein, C. L. Maxson, and J. Miller, eds. *The Modern Gang Reader*. Los Angeles: Roxbury Pub. Co., pp. 254-265.

Thrasher, F. 1963 (1927). *The Gang*. Chicago: University of Chicago Press.

Vigil, James Diego. 2007. The Projects: Gang and Non-Gang Families in East Los Angeles. Austin: University of Texas Press.

Vigil, James Diego 2002. A Rainbow of Gangs: Street Cultures in the Mega-City. Austin: University of Texas Press.

Vigil, James Diego 1999. Streets and Schools: How Educators Can Help Chicano Marginalized Gang Youth. Harvard Educational Review 69(3): 270-288.

Vigil, James Diego 1993. Gangs, Social Control, and Ethnicity: Ways to Redirect Street Youth. IN S.B. Heath and M.W. McLaughlin, eds. Identity and Inner-City Youth: Beyond Ethnicity and Gender. New York: Teachers College, Columbia University Press, pp. 94-119.

Vigil, James Diego 1988a. Barrio Gangs: Street Life and Identity in Southern California. Austin: University of Texas Press.

Vigil, James Diego 1988b. Group Processes and Street Identity: Adolescent Chicano Gang Members. Ethnos 16(4): 421-445.

Vigil, James Diego 1987. Organized and chaired session--Youth Gangs and Delinquency: A Cross-Cultural Look at the Children of Immigrants. 47th Annual Meeting, Society for Applied Anthropology, Oaxaca, Mexico, April 8-12.

Vigil, J.D., and John M. Long. 1990. Etic and Emic Perspectives on Gang Culture: The Chicano Case. IN R. Huff (ed.), Gangs in America: Diffusion, Diversity, and Public Policy. Beverly Hills, CA: Sage Publications, pp. 55-68.

Vigil, J.D. and S.C. Yun. 1990. The Vietnamese Youth Gangs in Southern California. IN R. Huff (ed.), Gangs in America: Diffusion, Diversity, and Public Policy. Beverly Hills, CA: Sage Publications, pp. 146-162.

Vigil, James Diego 1998. Vietnamese Youth Gangs in the Context of Multiple Marginality and the Los Angeles Youth Gang Phenomenon. IN K. Hazlehurst and C. Hazlehurst, eds. Gangs and Youth Subcultures: International Explorations. New Brunswick, N.J.: Transaction Pub., pp. 117-139.

Wiatrowski, M.D., Griswold, D.B., and M.K. Roberts. 1981. "Social control theory and delinquency." *American Sociological Review* 46: 525-541.

Wilson, W.J. 1987. *The Truly Disadvantaged*. Chicago: University of Chicago Press.

Consideration of the causes of Yakuza Participation	Dr Noboru Hirosue

1. The significance and the purpose of my study

Japan's traditional antisocial groups are the yakuza which are organised crime syndicates. I agree with Iwai's[1] interpretation that criminal groups in this context mean gangs. It is assumed in this research and when discussing organized crime in Japan that gangs and the yakuza are equivalent. They may well be the most internationally known.

Yakuza are violent, antisocial and include many different groups – the gambling yakuza, street stall vendors, youth gangs, and yakuza groups associated with big industries such as coal mining and sea port and construction industries.

The criminals involved with these gangs demonstrate a tendency towards repeated offences and make a recidivist "career" of their exploits. They cannot be discussed as if they were cut from the same cloth as everyday criminals.

The crimes committed by these gangs are characterised by a tendency towards blackmail, assault and bodily injury. The gangs are robust and powerful organizations and offenders show a strong tendency to return to their original group even after serving a prison sentence. Additionally, they are constantly absorbing delinquent youth, providing a means of sustained "reproduction."

The fact that these criminal groups can only survive if they acquire new, young members is the reason why this author thought it meaningful to analyse and examine the reasons why some youngsters join the yakuza. My research was qualitative and its object was to provide an explanation for the increased activity – and delinquency – of the yakuza based on the analysis of the social and personal drivers for yakuza participation.

Qualitative field research does not lend itself to statistical analysis, but it does gather information which, hopefully, leads to the formation of a hypothesis (Babbie, 2005, p. 72-73). The detailed interviews I held with yakuza and ex-yakuza members helped me to construct a hypothesis.

There is no previous study which questions the reasons for participating in a yakuza gang. Many of the previous researches target sentenced prisoners held in prisons or similar facilities. This raises questions about the reliability and suitability of the collected information. Asai points out the difficulties: *"… subjects desire to be paroled and even though they remain gang members, they claim not to be… It is literally impossible to verify their true intentions, and data based on their reports differs somewhat in certain regards from reality"*[2].

In the course of conducting my field research, I was told by one subject that;

"Nobody is going to answer seriously when asked questions in a prison. From our point of view, those guys [the prison guards and law enforcement personnel] are enemies, and we'll just answer as suits our purposes."

This subject's assertion backs up Asai's concerns as described above and provides a clear example of the non-cooperative attitude with which inmates often greet questionnaire surveys. It is more than likely that answers may be biased by the interests of the subjects while confined in prison and by how the subjects were chosen. It is difficult to confirm the real meaning of the answers.

The objective, in my study, was to try to secure high-validity information by conducting non-directive interviews with yakuza and ex-yakuza members (Hirosue, 2008). Non-directive interview techniques were deemed the most appropriate to ensure that the data be as reliable as possible, as they seek to develop the interview into a natural and interesting conversation by encouraging the subject to speak freely about his or her experience and knowledge while the interviewer speaks, listens, and thinks (Nakamichi, 1997, p. 251-252). Relevancy of the collected information was further secured by the decision to conduct repetitive research.

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[1] Iwai, 1964, p. 214-217.

[2] Asai, 1994, p. 29.

2. Examination of the previous studies

I surveyed previous research by Asai (1994), Takimoto et al. (2001), Hoshino et al. (1981), Iwai (1963), and Raz (1996).

As was previously stated, this study differs from previous researches in terms of methods and purpose. For example, the purpose of Asai and Takimoto's studies was to investigate the backgrounds of convicted yakuza members, previous records of delinquency and the depth of relationships between the member and the gang, so they conducted a questionnaire in various criminal facilities. The results of their investigation revealed some features common to many yakuza members:

- *poor growing environments*;

- *play-type delinquency*: this is a classification of delinquency created by the National Police Agency in 1970 which refers to the onset of delinquency at a young age. In police statistics it is characterized by four offences: shoplifting, motorcycle theft, bicycle theft, and theft of lost or mislaid property. However, it was thought that the use of the term "play-type" was inappropriate and the public might mistake delinquency for play led to the adoption of the term "early-onset delinquency" with the publication of the *Police White Paper* in 1982[3]. Early-onset delinquency in youth gangs was affirmed in studies by Asai[4] and Takimoto[5]. They noted that most juvenile offenders set out on a path of delinquency before they turned 15 and, by that age, they had long histories of delinquency. In addition, a significantly large percentage[6]—approximately 20%—of the crimes were gang-related.

- *experience of membership of delinquent groups* either in peer groups or youth gangs. While youth gangs engage in activities that are similar to those undertaken by gambling yakuza, street stall vendors, and other yakuza, gang members are not authorized to use the traditional family names of those groups and their organizations are comparatively weak. Members of youth gangs are not generally bound by fictitious parent/child relationships in the form of boss and follower roles. Instead, these peer groups are formed on a temporary or provisional basis by younger members who may have younger brother / older brother relationships. Since they form on such a basis, leaders based on ability emerge. Such gangs often outstrip older gambling yakuza and street stall vendor organizations (Iwai, 1964, p. 221-222).

All of these elements eventually lead to them joining the yakuza.

Hoshino et al also conducted interview research in secure criminal facilities to reveal the social backgrounds of yakuza members and would-be yakuza youngsters[7]. The quality of the data may not be the best, but the findings revealed the following characteristics of yakuza members:

- they have broken and poor homes,
- they are hardly educated,
- they are maladjusted to school life
- they have previous records of early-onset criminality and
- have experience of criminal activity in groups.

Iwai (1963) conducted an interview research that showed that yakuza members consider the participation in the yakuza—an illegal structure—as an opportunity to improve their status[8]. My research showed this too.

3. Field and results of investigations

I examined the common reasons why 8 yakuza members and 7 ex-yakuza members joined a gang, by interviewing them

- at a yakuza office in Fukuoka-city (research period: from April 27, 2004 to July 1, 2004),
- at a church in Osaka,
- at several other field research spots (research period from January 15, 2006 to March 23, 2006 and from January 27, 2007 to February 16, 2007).

This field research showed the social and individual reasons for joining the yakuza, supported by the data.

Firstly, as social **f**actors, there are:

1 growing up in/socialisation in broken homes:
"In my case, my uncle was a leader in a famous organization. He'd wrap a towel around his head, show off all the tattoos on his upper body, and sit out on the veranda fanning himself with a round paper fan. There were lots of young men like that in the neighbourhood… Right, you asked who raised me. I didn't have a mother, and my father was always at work. So that's how it was, I guess it was my grandfather and his sister who looked after me."

2 negative evaluation in school culture based on teachers' evaluation:
"I never talked to the teacher... My friends and I even had a competition to see who would hit the teacher first... I don't ever remember being praised. Then again, being praised by the teacher after doing something bad wouldn't have made me look very good… But in any case, teachers looked down on us and gave us the cold shoulder. Even if I had done something good, those teachers wouldn't have seen it that way."

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[3] Mugishima, 1990, p. 116-117.

[4] 1994, p. 28.

[5] 2003, p. 42.

[6] Approximately 20% of the gang-related crimes. 17.5% of these 20% were committed by children under 13 and 22.3% by children between 14 and 15.

[7] Hoshino et al. 1981, p. 6-13.

[8] Iwai 1963, p. 146.

3 positive evaluation and support in youth culture in school:

"School was interesting. By saying things on behalf of other kids who couldn't say what they wanted to and retaliating on behalf of kids who were given a hard time, my status in the class rose naturally… It's not that I became the leader of the gang, but my status rose just the same."

The informal student culture that exists at schools consists not only of delinquent youths, but mostly of normal kids. Nevertheless, that culture is seen as providing a cultural basis for delinquency. For example, Takahashi said that certain aspects of play among normal kids could be seen as manifesting elements of delinquency:

"… there are more normal youth than delinquent youth who… manifest elements of delinquency through play, good and bad. This tendency is particularly noted among high-school students"[9]

Yajima describes student culture as follows:
"Student culture is characterized by an awareness that includes not only problem youth, but also honest students. A negative image accrues to both problem youth and honest students. The average middle-school student [aged from 13 to 15 years old] *alternately grows closer to problem youth and honest students, and negative labels are not applied at all times by one group to the other, but rather are applied mutually in the context of the two groups' actual power relationship. The power relationships between students in this mutual labeling remain invisible from the standpoint of the teacher culture. Rather, they are part of a subculture that is separate from the surface culture that exists at the school; in short, they can only be understood from standpoint of the student culture"*[10].

(1)　　status given by the criminal groups:
"I was pretty high up. But I didn't go against my older classmates… among what you might call the bad kids, it's just etiquette to give older classmates respect."

(2)　　existence of yakuza organizations in the neighbourhood:
"We'd go to street vendors' stalls at night. It was lots of fun, like a miniature fair. There were lots of yakuza there. You get to know them. It's no big deal."

Secondly, individual factors include:
(1)　　poor performance at school:
"My grades… were the worst."
(2)　　low educational achievement:
"When I turned 16, I dropped out of high school and joined a group of stall vendors. But I became a real yakuza when I was 18, when an older member introduced me."
(3)　　previous experience of joining delinquent groups:
"I formed a youth gang with my friends from a long time ago. We called ourselves the Chizakurakai… the members were friends from my elementary school days."
(4)　　early onset of delinquency:
"I didn't have any money when I was in middle school. Older kids would tell me to go find some money. At first, we tried blackmail, but most middle-school students our same age didn't have any money, either, so we targeted high-school students… in any case, it was really hard back then. I did my job."
(5)　　adherence to the status of groups in which they belong:
"If you refuse to be taken advantage of, your status will naturally rise. Then when you become a yakuza you'll get money. So it's like killing two birds with one stone."

Among those factors, the existence of youth culture, nearby yakuza organizations and status given by belonging groups haven't been pointed out previously.

4. Consideration of findings in the light of current theories and my resulting thoughts
The collected data was analysed through four pre-existing theories—three for social factors and one for personal factors:
a. **The differential opportunity structure**[11]: This refers to legal and illegal opportunity structures. The former are those that are supported and accepted in society as customary and legal, while illegal opportunity structures are those that are not supported and accepted. According to Cloward and Ohlin, individuals straddle both legal and illegal opportunity structures and they asserted that when individuals attempt to achieve cultural success whether they adopt legal or illegal means to do so depends on what is available to them which, in turn, depends on their status in society[12].

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[9] Takahashi et al., 1983, p. 6-7.
[10] Yajima, 1996, p. 136.
[11] R. Cloward and L. Ohlin.
[12] Cloward, Ohlin, 1960, p. 150-152.

b. **The focal [main] concerns**: According to Miller[13], lower-class culture has its own value system and ways of thought, which differ from customary social norms and includes delinquency and criminal elements. Consequently, delinquent and criminal activities are a means of adapting to the values and traditions of lower-class culture and do not necessarily represent intentional opposition to customary society. This lower-class culture is characterized by toughness, smartness, excitement, fate, autonomy and trouble. According to Miller, the extent to which these abilities are mastered determines how status is gained in lower-class neighbourhoods. By demonstrating these abilities actors gain reputations, which is important to them.

c. **Recapitalisation**[14] (J. Hagan[15]): this is when material and human capital are not increased by social capital—in the form of human networks and trust—as well as cultural capital—in the form of the accumulation of art and knowledge. Parents find themselves unable to give their children knowledge and opportunities to contribute to their future lives, and so the 'capital' that is available to them—for example the illicit sale of drugs for financial profit—is used to live.

d. **Self-enhancement** (Kaplan[16]): individuals with a low self-worth have a strong tendency to engage in delinquent activities. The reasons behind this tendency derive from the fact that people generally desire to be evaluated positively. If an individual has a negative experience in a group to which he belongs and as a result forms a negative self-image, that individual will lose his motivation to conform to good customary patterns. When this happens, he will find himself faced with the need to discover an alternative pattern that will increase his self-esteem. Such individuals have a tendency to become aware of a series of criminal patterns and to take advantage of them. In that new group, the individual will receive a positive evaluation by successfully engaging in delinquent and criminal acts which bolsters his self-image, minimizes his own negative attitude, and helps restore his self-evaluation.

The following operational idea was reached by combining the accumulated knowledge of this study and each of these four theories.

First of all, from the theoretical viewpoint on a social level, one thought is that those who have grown up in a home lacking social and cultural capital tend to join the yakuza when they want the status that is provided by an illegal opportunity structure.

Secondly, on a personal level, another hypothesis is that those who are rejected by society tend to join yakuza when they want to build their self-esteem.

5 Contradictory findings

This research generated a number of findings that diverge from previous studies in the field, including the facts:

- that gang members were not found to exhibit a past tendency toward non-attendance at school,
- that their affirmative recollections of school life prevent them from being labelled as maladjusted to school,
- that gang members were not found to lack substantive relationships in their communities, and
- that the families of individuals with gang experience did not exhibit a categorical tendency toward poverty.

6. Conclusion

It is not possible to make generalizations concerning the differences between my findings and those of past studies based on my limited field work, but I hope that this study will inspire new research and become a cornerstone on which to base new thinking about gang membership.

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Bibliography

Asai, K. (1994). Helping members quit gangs. Keisei, 105(4), 26-35.

Babbie, E. (translated by Watanabe, S.) (2003). The Practice of Social Research 1: Fundamentals and Preparations. Baifukan.

Babbie, E. (2005). The Practice of Social Research 2: Implementation and Analysis. Baifukan.

Cloward, R., and Ohlin, L. (1960). Delinquency and Opportunity: A Theory of Delinquent Gangs. Glencoe, IL: Free Press.

Hagan, J. (1994). Crime and Disrepute. Thousand Oaks, CA: Pine Front Press.

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[13] Miller, 1958, p. 8-12.

[14] Recapitalization is a widely-accepted theory in the field of sociological criminology. It represents prostitution, drug trafficking, etc.

[15] Hagan, 1994, p. 70.

[16] Kaplan, Martin, Johnson, 1986, p. 385-386.

Hirosue, N. (2007). Consideration of Yakuza Participation Causes: From Field Work for Yakuza Members. Bulletin of the University of Kitakyushu Graduate School of Social System Studies, 5, 79-92.

Hirosue, N. (2008). Consideration of Yakuza Participation Causes (part2): From Field Work for Ex-Yakuza Members. Bulletin of the University of Kitakyushu Graduate School of Social System Studies, 6, 57-70.

Hoshino, K., Mugishima, F., and Harada, Y. (1981). Recent research into gang members and gang "youth reserves": Research into new members and gang "youth reserves." Reports of the National Research Institute of Police Science: Research on Prevention of Crime and Delinquency, 22(1), 1-17.

Hoshino, K., Mugishima, F., and Harada, Y. (2001). Introduction to Social Pathology. Gakubunsha.

Iwai, H. (1963). Structure of Pathological Groups. Seishinshobo.

Iwai, H. (1964). Criminal Sociology. Kobundo.

Kaplan, H., Martin, S., and Jonson, R. (1986). Self-rejecting and the explanation of deviance: Specification of the structure among latent constructs. American Journal of Sociology, 92(2), 384-411.

Liebow, E. (2001). Tally's Corner: A Study of Negro Streetcorner Men. Boston: Little, Brown and Co.

Matsumoto, K. (1980). Opportunity structures and life structures: A perspective on play-type delinquency. Research in Criminal Sociology, 5, 142-165.

Miller, W.B. (1958). Lower class culture as a generating milieu of gang delinquency. Journal of Social Issues, 14(3), 5-19.

Mugishima, F. (1990). Characteristics of, and responses to, early-onset delinquency. Youth Delinquency Problem Research Group edition. The Problem of Delinquency in Youth: Suggestions from Academic Experts. Gyosei, 115-134.

Nakamichi, H. (1997). Social Research Methodology. Koseisha Koseikaku.

Raz, J. (translated by Takai, H.) (1996). Anthropology of Yakuza: Japan as Seen from Its "Back Door". Iwanami Shoten.

Sato, I. (2001). Fieldwork. Shin'yosha.

Takahashi, Y., Mugishima, F., Akoh, H., Mori, T., Matsumoto, T., and Uchiyama, A. (1983). Attitudes of delinquent youth toward play and associated experiences. Research in Criminal Psychology, 20, 6-7.

Takimoto, K. et al. (2001). Research into the awareness of imprisoned gang members. Reports of the Legal Research Institute Research Division, 14, 1-60.

Yajima, M. (1996). Cultural Theory of Youth Delinquency, Gakubunsha.

Children as victims of gangs and children as gangs in Pakistan

Abdullah Khoso

Children as victims of adult gangs

The phenomenon of street gangs is common in Pakistan: all major cities have small and big gangs that operate for different purposes, be it political, ethnic, economic or geographic.

The account of street gangs is vast and complicated. The city of Karachi has an estimated 21 million people belonging to diverse ethnic, political and religious groups. Almost all major political parties in Karachi have gangs actively involved in street crimes. Karachi has some areas known as no-go-areas for the political activists of certain other groups. They fight to retain key areas and centres of economic activities and industry. In May 2012, the Karachi police started a crackdown against the gangs living in Lyari—-an area of Karachi— which went on for more than a week and caused more than 100 casualties, including policemen[1].

One of the leaders of an ethnic group has filed a petition in the High Court of Sindh in Karachi to seek an end to 'no-go-areas in Karachi[2].

The Inspector General of the Sindh Police also informed the Supreme Court of Pakistan that there are certain no-go-areas in Karachi, where the police and people belonging to certain factions of political parties do not have access[3]. Gangs in these areas are actively involved in street crimes such as extortion, robbery, kidnapping, rape, abduction and so on. "*Most of these gangs involve and exploit children for their vested interest but it cannot be said how many numbers of children are being used by these gang members*", said a human rights activist[4].

Besides political gangs, there are also traditional gangs in Karachi. Many female gang members are involved in dacoity[5] in rich areas of Karachi. They get employed as housemaids and wait for the right time to commit dacoities. From January 2011 to February 2012, about 42 dacoities were committed by members of the housemaid gangs[6]. "It can safely be said, since young girls are preferred as housemaids, that, adults use child housemaids for these crimes"[7].

Lahore is the second most densely populated city in Pakistan. In June 2012, the police arrested 68 members of 15 criminal gangs and recovered 40 million Rupees[8]. The gangs were involved in abduction for ransom, murder, dacoities, and vehicle stealing[9].

In comparison to Karachi and Lahore, Islamabad is well advanced but it too has criminal gangs. In April 2012, the Islamabad police arrested 36 members of 14 gangs involved in dacoities and car snatching. The police also recovered looted items worth 2.1 million Rupees[10], illegal weapons and 13 stolen vehicles. The gangs' members confessed that they had taken away 44 vehicles from various areas of the city and transferred them to tribal areas of Pakistan[11]. In 2011, the Islamabad police arrested 1623 gangsters and busted 453 criminal gangs.

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[1] Ali, S. H. (2012), Over 740 killed in five months: HRCP sees change in Karachi violence pattern; in Dawn newspaper; last retrieved on 7 November 2012, find it here.

[2] Dawn (2012), No go areas, Afaq's please referred to SHC; last retrieved on June 20, 2012, find it here.

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[3] The Nation (2011), Some areas in Karachi are no go areas-IG informs SC; last retrieved on June 19, 2012, find it here.

[4] Iqbal Ahmed Detho, Regional Manager SPARC Sindh.

[5] Section 391 of the Pakistan Penal Code (PPC) states that dacoity (banditry) means "When five or more persons conjointly commit or attempt to commit a robbery." Section 390 of the PPC says "In all robbery there is either theft or extortion." Violence or fear of violence is involved.

[6] Hussain, (M. (2012), Female dacoit gangs rule Karachi; in the New Tribe; last retrieved on June 20, 2012, find it here.

[7] Iqbal Ahmed Detho, Regional Manager SPARC Sindh.

[8] $743,356; €579,568; £463,988.

[9] The News International (2012), 15 gangs busted; find it here.

[10] $39,026; €30,427; £24,359.

[11] Pakistan Criminal Records.com (2011), CIA police busted 14 gangs during April; find it here.

All in all, 18 gangs were charged for blind murder[12] and kidnapping, and the remaining gangs were involved in burglaries, thefts, car tempering, rapes, dacoities and so on[13]. The victims were minors in most of the rape and kidnapping cases.

In 2010 from all over Pakistan, 2252 cases of child sexual abuse were recorded in newspapers[14]. In 2011, this number increased to 2303[15]. In 2010, the cases of missing children in Karachi numbered 2582[16]. In Pakistan there was a sharp increase in child abduction cases – it went from 850 cases in 2010 to 1112 cases in 2011[17].

Gang trafficking of children
In October 2011, the Karachi police arrested three gang members caught red-handed in the kidnapping of babies. The gang was led by a female doctor[18].

In Bahawalpur City, the police arrested four members of a gang and recovered three kidnapped children. Children were usually sold to another gang in Lahore city[19].

Interestingly, child victims of exploitation in criminal activities are not treated like adult criminals but are tried under the Anti-Terrorism Act 1997.

The exploitation of two minor sisters (M. & S.) by adults and their trial by the ATA is a case worth mentioning. Both sisters were used by a gang of adults in kidnapping a child for ransom. Both sisters were tried by Anti-Terrorism Courts rather than juvenile courts. In August 2010, both sisters were trafficked through a lady named Nadia from Peshawar city to Rawalpindi city and were asked to look after a 13-year-old boy, W.K., who, on August 4 2010, was kidnapped in Rawalpindi. When the police raided the house to recover the kidnapped boy—on the hint of a spy—they arrested the girls who were deployed as child domestic labourers.

The police kept them at the Westridge Police station and charged them under section 364-A of the Pakistan Penal Code and Section 7 of the Anti-Terrorism Act (ATA) 1997 without a fair investigation. The girls had been exploited by adult gang members. Even if they had done something illegal, they were supposed to be treated as juveniles and under no circumstances were they supposed to be kept at a police station and imprisoned[20] (Juvenile Justice System Ordinance 200). Trial of the girls under the ATA was totally unfair and against the rights of children[21].

Like M. and S., other exploited children are not treated as victims but as offenders. In March 2011, the Federal Investigation Agency (FIA) arrested a 12-year-old at Peshawar Airport. The boy was about to board a plane headed for the Emirate of Sharjah. The FIA treated the boy as an offender rather than a victim of exploitation and trafficking.

I met Toheed in late 2010 in the juvenile ward of the district jail, Quetta. He had travelled from Punjab to Iran in search of a job. According to him, his elder brother had paid 20,000 Rupees[22] to a trafficking agent. Toheed was arrested in Iran and deported to Pakistan where he spent four days in the FIA lock-up in Quetta. He appeared before the magistrate who sentenced him to 15 days' imprisonment under Section 17 (border crossing) of the Emigration Ordinance 1979 when he should have been treated as a victim of exploitation[23].

Like other types of gangs, beggar gangs are actively involved in all parts of Pakistan. Due to poverty, unemployment and hunger, families and their children are seen begging in public places. There are also professional gangs who abduct minor children and bring them to big cities to beg. Abducted children are sold to gangs which usually disfigure them by breaking body parts such as hands and legs, or by inflicting wounds so that the child beggars attract the sympathy of the passers-by[24]. In most cases, such children become the subject of further abuse.

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[12] A murder where there are neither circumstantial nor eye witnesses.

[13] The News International (2011), 1623 gangsters arrested this year; find it here.

[14] Sahil (2010), Cruel Numbers 2010, Islamabad, find it here.

[15] Sahil (2011), Cruel Numbers 2011; Islamabad, find it here.

[16] Maverick Pakistan (201), 2010: Pakistan witnesses sharp increase in child abduction cases.

[17] Sahil (2011), op. cit.

[18] Pakistan Today (2011), Infant kidnapper's gang busted in Karachi; find it here.

[19] The Express Tribune (2012), Busted: gang of kidnappers arrested; find it here.

[20] At the time of writing this article, both sisters were still detained in Adiala Jail Rawalpindi and their trial was still ongoing.

[21] Child Rights Desk Pakistan (2010), Female Juveniles being held illegally in prison: Sparc; find it here.

[22] $372, €290, £232.

[23] Khoso, A. (2011), Offenders or victims of exploitation; find it here.

[24] Dharejo, S. (2010), Is child begging a profession by choice or compulsion? With Child Rights Desk – Pakistan, find it here.

Children and gangs

Across the country there are thought to be about 170,000 street children at risk of abuse or exploitation[25]. Children themselves form gangs—both formal and informal—and commit offences. There are many refugees in Pakistan—from Afghanistan, from floods in 2010 and 2011, from war against militants in the tribal areas and from the earthquake of 2005—all of which add to the number of homeless children who can fall into gangs[26].

According to an NGO worker, Iqbal Ahmed Detho, the Lyari area in Karachi has gangs composed solely of young children[27]. During a Lyari operation, the police suspected that many young boys were being used to attack the police. The boys had a stronghold in an area in Lyari that the police were unable to enter. The Inspector General of the Sindh Police wanted to have 'head money' on 34 outlawed members of criminal gangs mainly belonging to the Lyari area[28]. It cannot be ascertained how old those young boys were; however it is being claimed that various political or religious groups recruit children of about 16 for their vested interests[29]. It is obvious that in a city of 21 million people with high unemployment, an absence of law and order and an economic recession, young children must be at risk of all types of exploitation, street crimes—as victims and offenders—and gang wars.

The business of money extortion in cities like Karachi is so profitable that dozens of gangs, small and big, have jumped into it. "Small groups of young boys, sometimes as many as two or three, go to the shopkeepers and put a bullet in front of them and demand money. The demands range from 1 million to 1.5 million Rupees"[30]. It is routine and traders are unable to deal with it. And the law enforcement agencies are inactive[31].

Amjad's gang life

Street criminal life is such that children easily get involved in it. Amjad joined a company of boys who were involved in drugs, stealing, robbery, possession of illegal arms and mobile snatching.

For the sixth time, Amjad[32], 17, was arrested and sent to the Children's Jail[33] in Karachi. Before then he used to take drugs and keep company with bad boys. After each release from jail, Amjad always went back to those very same boys. He said that he always confessed to the judge who released him three times on personal surety and bond, but asked him not to commit any offence again. He always promised. But the first time Amjad went home, his elder brother beat him badly and so he ran away. He continued with the same criminal activities and lived at friends' houses. "There are chains of young boys who are involved in criminal activities in Karachi city", said Amjad. He added that most of them have political support and those do not end up in the police station like him. Amjad's gang was comprised of mainly four boys; all belonging to poor families of poor localities.

According to Amjad's elder brother[34], he was again arrested in August 2012 but was this time sent to an adult Jail in Landhi Karachi. "It is good that he [Amjad] is in jail. He would be killed or kill somebody if he came out. He is not only a drug addict but part of a chain of gangs of young boys". His gang's members sell drugs, do robberies and snatch money and mobiles. Amjad's father is peon—an unskilled labourer—at a restaurant and could not financially support Amjad's education after he passed grade three at the age of 9. There was no one to pursue Amjad to stop him from joining a street gang.

Victimisation of children by youth gangs

A young boy was kidnapped by a group of his own schoolmates and a week after was found dead on Karachi beach. He was killed because he used to go out with a girl that one of his assailants—a gang member—was interested in[35].

Street gang involvement is increasing among elite children who are attracted to having guns[36] as well as to delinquent behaviour.

[25]The Express Tribune (2011), Age of innocence: Police have a hand in abuse, say Karachi's street child sex workers; last retrieved on June 15, 2012, find it here.

[26] Jaine, C. (2012), "There are no street children in Pakistan"; in Dawn newspaper; find it here.

[27] Iqbal works with SPARC in Karachi office.

[28] Dawn (2012), IG Sindh Police calls for bounty on 34 wanted criminals; last retrieved on June 19, 2012, find it here.

[29] Pakistan Institute for Peace Studies (2009), Profiling the Violence in Karachi; last retrieved on 7 November, find it here.

[30] $18,584 to $27,876; €14,489 to €21,734; £11600 to £17400.

[31] Ahmed, K., Give money or life, extortionists rule the Karachi city; in Weekly Pulse, find it here.

[32] This name is an alias, for the sake of privacy. Amjad's interview was conducted on March 15, 2011 at Youthful Offenders Industrial School Karachi for the research study "life after detention" by the author of this article. That research has not been compiled and published yet.

[33] Known as Youthful Offenders Industrial School.

[34] On October 6, 2012, Amjad's brother was contacted on the phone and related that Amjad has not changed but rather has become worse than before.

[35] Dawood, S. M. et al (2003) Gangs of 'New Karachi'; in Newsline Magazine, find it here.

[36] Ibid.

Are youth gangs recent or not?

Akhtar Hussain is 35 years old and lives in a poor village in Sindh Province. He said that, when they were less than 16, he headed a gang of four young boys. At night, they used to steal paddies—rice crops—from people who owned different lands and sold the rice in the market. "I see no difference between my childhood's offences and today's young children's activities. Children in my village have formed strong gangs to do dacoities, robberies and motorbike snatching". The only difference is that Akhtar and his gang did not have guns. "We were never caught by anyone. Maybe our victims didn't go to the police for such small misdeeds. The scale and nature of offences committed by youth gangs are so much larger nowadays that formal complaints are lodged by the victims and the children are then caught by the police".

How law enforcement agencies deal with street gangs and exploited children

Almost all cities in Pakistan have street children who beg or pick garbage. Ashiq, 10, is not a beggar but a scavenger; he sifts through garbage and tries to find plastic items and papers and sells them in the market. He is one those children on the street who are at risk of being picked up and recruited by gangs involved in the sex industry. The police are not helping these children but providing protection to criminals and abusers[37]. Up to 90 per cent are sexually abused on the first night that they sleep rough and 60 per cent accuse police officers of sexually abusing them"[38]. On his third night on the street, a policeman picked up Ali, 12, and abused him. The second time it happened, the street gang leader who had abused him forced Ali to join his group. By the time he was 14, Ali was a full-time sex worker, part of a vicious sex industry and known as a pimp for young boys[39].

Senior police officials deny charges of abusing children and helping the criminals and abusers but confess that there may be occasional abuses by some low-ranking officers[40].

Legal grounds to protect children from street gangs

As provided by Article 3 of the Constitution of Pakistan, "the State shall ensure the elimination of all forms of exploitation", such as child begging and the use of children for any economic or political gains.

Under Section 328 of the Pakistan Penal Code, a child below 12 years of age shall not be abandoned or exposed at any place. If the parent or guardian does so, he will be punished by up to seven years imprisonment, or by a fine, or by both.

The Free and Compulsory Education laws[41] (except in Balochistan) should have been able to prevent children from becoming street children. These laws state that children should go to primary school. If arrangements are not made for a child to go to school, his/her parent or employer may, in the first instance, be fined up to 200 Rupees and imprisoned for up to one week. However, these laws spare parents and employers if there are reasonable excuses[42].

Since 2010, after insertion of the right to education in the Constitution of Pakistan (Article 25-A), every child has a fundamental right to schooling until Grade 10 (16 years). No Province has implemented the Article yet, and there is no compulsion for them to do so.

The Sindh Children Act 1955 prohibits child begging and states an offence as being committed if anyone uses, employs, encourages or exhibits a child for begging. Such an act is punishable with imprisonment up to one year, or with a fine up to 300 Rupees, or both[43]. This law also deals with the issues of destitute and neglected children who are found on the street and provides a mechanism to protect such children.

In May 2011, the Sindh Legislative Assembly passed the Sindh Child Protection Authority Act 2011. The Act *inter alia* deals with street children and child begging issues. The authority established under the Act will ensure implementation of the Act and to coordinate and monitor child protection issues at both provincial and district levels. Yet the authority has not been established. The effects of its work could and should be far reaching.

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[37] Hasan, S. S. (2012), The children working Karachi's streets; in Pakistan Today last retrieved on June 15, 2012, find it here.

[38] The Express Tribune (2011), op. cit.

[39] Ibid.

[40] Hasan, S. S. (2012), op. cit.

[41] These laws are the Punjab Compulsory Primary Education Act 1994; the North West (now known as Khyber Pakhtunkhwa) Compulsory Primary Education Act 1996; the Sindh Compulsory Primary Education Ordinance 2001; and the Islamabad Capital Territory Compulsory Primary Education Ordinance 2002.

[42] Please see Section 4 of the Punjab Compulsory Primary Education Act 1994: these excuses are- if the child is sick or mentally incapable; the child is receiving education in any of other institution; and no school within the limits of two kilometers.

[43] Section 49.

Similarly in 2010, the Khyber Pakhtunkhwa Child Protection and Welfare Act was promulgated. In March 2011, a Child Protection and Welfare Bureau was established. Apart from the emphasis placed on protecting vulnerable children, the law carries rigorous imprisonment of up to three years and a fine of 50,000 Rupees for employing, causing, convincing or encouraging a child to beg[44].

The Punjab Destitute and Neglected Children Act, 2004, also provides a good child protection system and mechanism. The Child Protection and Welfare Bureaus established in Lahore, Multan, Gujranwala, Faisalabad, Rawalpindi & Sialkot have been rescuing children. Since its inception in 2007, the Bureau in Rawalpindi has taken custody of 1850 child beggars and other missing children and helped them to reunite with their families[45]. The rescued children are taken to the Juvenile Court established under the Act, which authorizes the Bureau to take custody of the child and search for his/her parents. But these Bureaus cannot fully implement the Act due to a lack of human and financial resources.

The issue of trafficking is partially addressed through the Prevention and Control of Human Trafficking Ordinance (PACHTO) 2002, but it does not address internal trafficking between provinces and districts. Child beggars and child domestic workers are trafficked from one province to another but it is not monitored and checked by any law enforcement agency, until someone lodges a complaint with the police.

The PACHTO aims at controlling human trafficking and providing effective measures for preventing offences related to human trafficking between countries and to protect and assist victims of such trafficking and exploitation[46]. Unfortunately, children like Toheed are not treated as victims of exploitation but as offenders.

The Police Order 2002[47] provides for community policing and care and protection of children so that children may be saved from becoming the prey of gangs and exploitation. But the Order has not been implemented at the community level and it was repealed in 2011 in Sindh and Balochistan Provinces. Sindh restored the Police Act 1861[48] which was later reiterated in the Balochistan Police Act 2011[49].

Conclusion

Gangs and street gangs are a problem in Pakistan. Whether the gangs are child gangs or children used by adult gangs, the victims are always children who are exploited and abused. There are laws to protect children from abuse and exploitation, but those haven't yet been implemented. Law enforcement agencies treat children as criminals rather than as victims of circumstance and exploitation. A large number of children would be protected from being on the streets, from membership of street gangs and exploitation by adult gangs if Article 25-A of the Constitution—the right to education—was implemented.

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44 Section 45.

45 Daily Times (2012), 46 child beggars rescued by CPWB in December; find it here.

46 Khoso, A. (2011), op. cit.

47 Applicable to the whole of Pakistan but provincial governments do have rights and powers to disown national laws and can make their own laws.

48 Raza, A. (2011), Orders for restoration of Police Act 1861 issued; Daily Times, July 22, 2011.

49 Shahid, S. (2011), Balochistan to introduce new police act; Dawn, August 12, 2011.

Breaking the Cycle—breaking gang association	Reece

Reece works at Leap Confronting Conflict, a charity that trains young people to understand and manage conflict in their lives and communities. Here he describes his journey from gang affiliation to becoming a father and entering the world of work.

I would say my experience with gangs comes from an affiliation with gangs rather than being an entrenched gang member. That's not to say I've never been in trouble, or committed a crime, but I was never part of what some would describe as a gang.

In my opinion, a gang is a group of people that pre-meditate and commit crime. If there's no crime, then it's just a group of friends hanging out together; your 'family'. In today's society so much labelling occurs for a group of people that dress a certain way, hang out with a larger number of people, or conduct or present themselves in a particular way. They'll be labelled as a 'gang', but actually they'll see themselves as regular people.

There have been plenty of times I, and people I hung around with, have been named as being a gang. But this wasn't accurate because there was no criminal activity. Young people are often labelled as being in gangs just because they hang out with their friends, in large groups, and wear particular clothing such as hoodies, hats and scarves that cover your face. They may be over-confident, have tattoos, and use slang. But in my opinion, without crimes such as public violence, shoplifting, selling drugs and robbery that are carried out either by a group or for a group, this is just a group of friends. This labelling can be dangerous and have a knock-on effect – young people begin to think and feel how they're being described, which can impact day-to-day activity, ambition and morale, and consequently lead to all-round negativity.

However these characteristics are what I first thought a gang was. From about 12 years old, the things I picked up on was what was around me: friends and family smoking cannabis, wearing particular clothing, using particular slang terms, and seeing a particular materialistic lifestyle being lived. It was from this age that I started knowing, being around, and having relationships with many different people who would class themselves as a gang member. Not just people in one gang; I knew people from different areas so gangs at school were different to gangs in my local area.

Expectations and actions
I would say I've been involved with gangs in two stages of my life: at school from the ages of 12-16, and then again from 18. At 17, I started college and although I wasn't in a gang at that time, there were others around me who were. I was still involved in fights and public violence, and this contributed (along with attendance and punctuality) to me eventually being kicked out of college. As I got older, actions were more thought out; more strategic, more pre meditated. Earlier, things were more rash; reacting to situations as they arose. Looking back, it's clear that age-appropriate interventions and support is what my friends and I would have needed to get out of these situations.

Nothing was ever forced upon me, nor expected from me. Your personality, the people that you know, your background and where you're coming from all play a factor in whether you are asked to do anything. I wasn't asked to do anything because I already had earned respect from my previous behaviour, where I had the capacity to be aggressive and somewhat anti-social, as well as who my family members and friends were. It also had a lot to do with your reputation and status – if the right thing is said about you (for example, he stabbed someone or he's got money), and this is spread around, then you're respected and nothing you do appears to be wrong. However, there's always the odd rebel that may start something for their own reputation's sake or because they disagree with your actions.

I've read so many things about the hierarchies of gangs, and how older members nurture and groom younger members into becoming gangs members. In some cases this may be true, but in my experience, actually sometimes it's more young people trying to prove to older people that they're prolific enough to be part of a gang and have 'what it takes' for example by distributing drugs and being willing to carry out hits, or carry weapons. That's also not to say gangs aren't organised; there are older people who are responsible for the younger lot, which is dependent on the status you have, but the way it's published in the media is blown out of proportion. This makes you feel like the media are out of touch with young people and misrepresenting them.

If you're associated with people who get in trouble, then you're perceived the same way. For example, I was in a situation where I was in a fight with people I didn't know just because they wanted to see how I'd react and if I lived up to what people thought about me and the perceptions they had. They thought I could have been aggressive, based on rumours about things I may have done, so they tested me. Rumours and speculation actually play a huge part in conflict between gangs... people hear things that may have happened or could have been said and this can cause trouble or rifts.

That's not to say I've never been in trouble, or done anything that warrants being in trouble, just that when I did it was a decision I made myself rather than being forced into it.

On one occasion, years ago, I went out with a couple of my friends, shoplifting. I got caught, and was prosecuted. I stood before a court and got a fine which I had to pay. I remember my mum not being happy. On another occasion, again when I was much younger, I got caught with a 'bladed article', and got brought before court again. I got another fine and sentenced to 60 hours at an attendance centre, which I had to go to on Saturdays.

At the attendance centre we played hall games and there was a classroom session where we spoke about contemporary issues. There wasn't much in place to reflect on the crime committed, and to think about not carrying a weapon again. I don't remember the punishment having that much of an impact on me; it didn't seem relevant. Also, the centre wasn't near where I lived and I wasn't reimbursed for the travel. At the time I had no financial security, and no means of income apart from committing crimes. I couldn't afford to attend the sessions at this centre, and in fact the only way I could do so was by committing more crime; perpetuating the cycle.

Starting to change
The turning point came for me when I started to lose friends to knives and guns, and others were given jail sentences. I experienced one of my close friends murdering another person from a rival school, and as a result sentenced to a minimum of 12 years in prison. He immediately lost a huge chunk of his life, as well as losing contact with friends and some family members. Even though I wasn't involved, I was only around the corner from where it happened. I could have been there, I could have been charged with joint enterprise, if not murder. Since then I've been present at events with the victim's family (a Foundation was set up in memory of the son), and hearing their point of view has opened my eyes: it was a waste of life.

It made me begin to reflect, to think empathetically, is it all worth it? I was 18, surrounded by much older people who had no ambition, no focus, no drive and no financial security. I needed to think about what I needed to do to break the cycle and not live up to people preconceptions of me.

My Head of Year at school referred me to the Southwark Community Safety & Enforcement Team. One of the employees there, who worked with other young people similar to me, offered me support to start making a transformation. He enabled me to access training on delivering gang awareness sessions, and I also began a vocational qualification, a NVQ Level 3 in Business Administration through an apprenticeship scheme.

However, I wasn't emotionally ready. I had just become a dad; I had extra responsibilities and it was a lot to handle. Making the transition from living a counter productive life to developing as a professional in the workplace was a big ask at that current time.

However, some months down the line, I had time to reflect and was distraught that I messed up my opportunity with Southwark and was determined to get another chance somewhere down the line. Becoming a dad had been a real wake-up call; I now had responsibilities and I wanted to be a positive role model.

This is where I was lucky. The worker at Southwark got back in touch with me and suggested I attend a Home Office event to talk about my experiences and what I was currently up to, which was nothing. Without this commitment, passion and 'door always open' policy from Southwark, it could have been a different situation. By coming back to me, not forgetting who I was, I was given a second chance. It was there I met someone from Leap who told me about the Quarrel Shop (a 60-hour Leap training programme for young people, which enables them to gain greater awareness of themselves in conflict and become peer facilitators) so I went along for an interview and got a place.

When I first heard about Quarrel Shop I had nothing to lose; I wasn't doing anything positive. I thought the course would benefit me and would show a keenness to do something different with my life. I also wanted a qualification.

ANTON

Leap show you that conflict is inevitable and that there are short and long term consequences in every conflict situation. You may get that initial buzz and status from a fight in the short term, but in the long term you could end up seriously hurt or in prison. You learn to understand you have choices in life – and it's your responsibility to be accountable for your decisions. You look at facts and how you interpret and react to them. It's a place where you can express yourself and relate to each other; the trainers and staff at Leap give you empathy and understanding. You can just be yourself, there's no judgement. This is important because young people in gangs are constantly seeking approval from their peers, and Leap provide a safe environment with ground rules where you didn't have to do that; it allows honesty without fear of being judged by your peers.

When I finished Quarrel Shop, someone from Leap asked if any of us wanted to volunteer in the main office. Before college, I'd always had an interest in bookkeeping and finding out what it involved, and I came in and spoke to Leap's Finance Manager to find out more.

I started to look at the bigger picture; I wanted to find out more and develop my skills. After volunteering for six months, Leap offered me the permanent position as the Finance and Office Assistant. I was comfortable in the office as I knew the other staff, and I could relate to the work Leap was doing. This position has changed my mentality; I didn't think working was the way forward, but now I earn a legitimate wage. I also have financial security and have a purpose to wake up everyday and do something.

I still see a few people from my old lifestyle, but we're not as close as we used to be. My life has moved on and I've changed mentality. I made the decision to cut off some people; leave particular friendship groups and cut communication. At the age of 21, I'm now more focused, better able to provide for my son and have a better relationship with my family.

Reece, November 2012

Gang Stereotypes in Court   John M. Hagedorn

I begin my university classes on "Gangs and the Media" by asking students to free associate the word: "gang." They yell out: "violence" "drugs;" "drive-bys..." They go on for a minute or so and then I cut them off. It's the same list every year. So, every year, I ask them the same follow-up question: "What about "human beings?"

Usually there is quiet and some students are embarrassed and get the point. Others wonder what planet I come from. But the exercise is not just academic. Stereotypes on gangs are firmly planted in our minds by what we learned from our families and teachers and through exposure to movies and other mass media.

These stereotypes also appear in courts. For example in a rural Georgia death penalty case a police gang squad "expert witness" was asked what the name of the gang, "Folks," stood for. He responded authoritatively to an all-white rural southern jury considering the sentence of two black gang members for murder: "FOLKS stands for Followers of Our Lord King Satan."

Well, let's see: young black males, gang members, accused of murder and incredibly, devil worshippers too? Are you surprised the jury barely left their seats before they returned a sentence of death?

I got involved with that case on an ineffective counsel appeal filed by a remarkable Georgia attorney, Brian Kammer. The police gang squad "expert" admitted on the stand that he learned most of what he knew about gangs "from TV and the movies." But he didn't make up the quote about what Folks stood for. We subpoenaed the local police manual on gangs and there it was in a footnote on page 5:

"Make sure you tell the jury that FOLKS stands for Followers of Our Lord King Satan." Of course that is nonsense. "Folks" is a common term for kin or friends and formally derives from a coalition of Chicago gangs opposed to another coalition called "People." I also brought to court statements from Chicago police officers belittling the Georgia police usage of the term.

Now let me be clear. This trial lacked a fair and impartial consideration of the evidence, but these two young men were indeed guilty of murder. More troubling, their sentencing hearing was coloured by fear with no serious consideration of the capacity of the two offenders for rehabilitation. Gang members as devil worshippers are by almost any definition evil and therefore unredeemable. The death penalty was a predictable decision by the jury. Despite further appeals based on the indifference of the original defense counsel to the prosecutor's use of emotionally charged stereotypes, both young men still face execution.

Gangs = evil

So what is the American stereotype of gangs? Let's consult Roget's Thesaurus for synonyms of "gang member":

… bad person, evil person, no saint, sinner, hardened sinner, limb of Satan, Antichrist, evildoer, fallen angel, backslider, recidivist, lost sheep, lost soul... one without morals, immoralist reprobate, scape-grace, good-for-nothing, ne'er-do-well, black sheep, scallywag, scamp, rake... profligate, libertine, wanton, hussy, loose woman... outcast, dregs, riff-raff, trash, white trash, scum, object of scorn…[1]

It is pretty clear anyone associated with those words must surely be guilty and deserving of the worst punishment. When someone who is accused of being in a gang is on trial, prosecutors of course take advantage of our pre-existing stereotype that "gangs = evil" to better make their case. Some prosecutor's behaviour I've found reprehensible, like in the Georgia case above. But more importantly, the use of dangerous stereotypes about gangs is embedded in the nature of the adversary legal system. And, frankly, using stereotypes works. It is hard to illustrate this better than by quoting a popular manual published by the American Prosecutors' Research institute:

Faced with the prospect of defending a case involving gang evidence, defence attorneys cower. Understanding the power of such evidence, the defence bar will try almost anything to prevent a prosecutor from admitting gang evidence against their client.

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[1] Roget's Thesaurus in Microsoft Bookshelf, 1995.

The first and most clamorous cry is always the same: "Objection! Gang evidence is prejudicial." The prosecutor's response should be equally strident: "Of course it is! That's the point!"[2]

Indeed. I'll argue that one way to balance such admittedly prejudicial approaches is to make the process of stereotyping conscious in trials and other court proceedings[3].

Of course gangs do real harm and gang members, we know from research, are typically more violent and criminal than non-gang members. This should be kept in mind by judges and juries. But to generalize from a conclusion about a group to a specific case is what is known in social science as the ecological fallacy. For example, to say the Irish are heavy drinkers does not mean my wife's aunt Betty is also a drunk – she is 93 by the way and is a celebrated teetotaler. To claim a specific gang member has committed a specific violent act you need evidence with attention to details, not guilt by association[4].

I have consulted as an expert witness in fifty or so gang-related cases including two-dozen capital cases. What I have seen in courts is the awesome power of stereotypes to distort and subvert the process of justice. In this article I'd like to give you a few more examples from my own experience. But first I want to argue that stereotyping isn't something they do but is based on the categorical way we all think. All of us tend to take "cognitive short-cuts" as we subconsciously fall back on our own comfortable past beliefs and folk wisdom, including stereotypes, to guide or frame our present judgments.

Stereotypes, schema, cuing, and dangerous frames

A stereotype, the American journalist Walter Lippman said, is a "picture in our head"[5]. In my classes, I ask everyone to close their eyes and imagine a gang member. When they open their eyes, the image I project on the screen is that of a blonde, blue-eyed female. Well, aren't girls members of gangs, even blondes? But I've yet to find anyone in my classes who imagined anyone like my pretty blonde as a gang member.

This captures the meaning of stereotype, or images we recall that exist beneath our consciousness. Stereotyping is not a process of faulty reasoning, it is a fundamental basis of how we all think. This notion is a principle tenet of the academic field of "social cognition." Gordon Allport, in his seminal book The Nature of Prejudice[6], argued that it is human to think in categories and we automatically draw conclusions from those categories. For example, we unthinkingly decide to sit on a chair and put our drink on a table, not the other way around.

Allport went on to say we also divide people into "in-groups" and "out-groups" and he argues we unconsciously give the benefit of the doubt to in-group members, while looking for faults or problems in out-groups[7]. For our judgments, we subconsciously draw on what are called "schema" or "implicit stereotypes." In the US, research has demonstrated deep gendered and racialized schema among the general population, which of course includes juries and judges. Surveys have found, for example, Americans have some stable, subconscious ideas about the "dangerousness" of black people[8] and Roget's Thesaurus summarizes our internalized folk knowledge of gangs.

These underlying ideas are "cued" or "primed" by words or images that cause us to interpret them in ways consistent with our schema. Thus, for example, in a gang death penalty case in Tennessee, when the defendant, Patrick Stout, was ordered to take off his shirt and display his gang tattoos to the jury, the natural response of the jury was fear, based on what they already "knew" about gangs. The jury forewoman, when consideration of the death penalty commenced, asserted to the rest of the jury that the teardrop tattoo signified "how many people Stout had killed." Patrick's fate was sealed.

We know this and more about that case since another brave attorney, Brad MacLean, appealed on the basis of ineffective counsel. He argued, among other reasons, that the original defense attorney did not challenge Mr. Stout's displaying the tattoo nor call expert witnesses to re-interpret it.

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[2] Jackson, Alan. *American Prosecutors' Research Institute.* 2004. Prosecuting Gang Cases: What Local prosecutors need to know. p. 8. Retrieved on 9.16.12, find it here.

[3] This argument is laid out in more detail in Hagedorn, John M. and Bradley A. MacLean. 2012. "Breaking the Frame: Responding to Gang Stereotyping in Capital Cases." The University of Memphis Law Review 42:1-33.

[4] United States Court of Appeals, Eighth Circuit. UNITED STATES of America, Appellee, v. William Clinton ROARK, Appellant. "In other words, proof of defendant's membership in the Hells Angels Motorcycle Club in no way proves that defendant is guilty of the crimes with which he is charged." P.7.

[5] Lippmann, Walter. 1922. Public opinion. New York, Harcourt. In the social cognition literature, this picture in our heads is called a prototype or exemplar.

[6] Allport, Gordon W. 1954. The Nature of Prejudice. Reading, MA: Addison-Wesley.

[7] See the discussion of this and summary of the research presented here in the authoritative review by Fiske, Susan T. 1978 (1954). "Stereotyping, Prejudice, and Discrimination." Pp. 357-411 in The Handbook of Social Psychology, edited by D. T. Gilbert, Susan T. Fiske, Gardner Lindzey. Boston, MA: The McGraw-Hill Companies, Inc.

[8] Entman, Robert M. and Andrew Rojecki. 2000. The Black image in the white mind : media and race in America. Chicago: University of Chicago Press.

In testimony in the habeas proceeding, I pointed out that the teardrop is a common tattoo and usually indicates sorrow for friends or kin who had died. Further, I pointed out, the tattoos that the prosecution labeled as indicating strong gang commitment were amateurish and inaccurate and demonstrated the exact opposite of what the prosecution asserted. In this case, due to MacLean's brilliant work, the death penalty was overturned, though Patrick's conviction was not.

Tattoos are a good example of "cues" or "keys" that unlock pre-existing beliefs that colour our judgements. We all use "cognitive short-cuts" to avoid having to think through every issue. Our brains constitutionally want to follow the easiest, quickest path[9]. For example, if you are crossing a street and you hear an engine roar and a loud horn blasting, you do not stop and think, "Hmm. I'm in the middle of a road, the sound is probably from an on-coming vehicle, and it is loud so it might be a truck, and the horn is warning me to get out of the way…" … Splat! No, we are "cognitive misers" and we start running when the sounds cue us we are in danger. In other words, we don't need to think about how dangerous a gang member must be, we "know" from our pre-existing beliefs.

Using another theoretical concept, we are inclined to see facts through frames, as a picture frame focuses our eyes on what is inside, ignoring what is around it. Framing is a major concept in the communication and social psychology literature, and can be defined as "a central organizing idea or story line that provides meaning to an unfolding strip of events, weaving a connection between them"[10]. A frame "is something like a code which shapes, typifies, informs and even confirms" our prior judgments[11].

Juries and judges, like all of us, think by framing, which "links or stands between the everyday world and the legal world"[12]. Thomas Gilovich has noted in court:

When examining evidence relevant to a given belief, people are inclined to see what they expect to see, and conclude what they expect to conclude. Information that is consistent with our pre-existing beliefs is often accepted at face value, whereas evidence that contradicts them is critically scrutinized and discounted[13].

As George Lakoff among others has noted, when the frame is tenacious, the facts bounce off[14]. In other words, when juries or judges have deep implicit stereotypes about gangs, the facts in any case, through natural and subconscious processes, are filtered or coloured by those frames. Research has shown even presenting contrary facts can have the effect of strengthening existing beliefs rather than undermining them through a process called "biased assimilation"[15]. This is the deeper meaning of the advice to prosecutors quoted above that "of course gang evidence is prejudicial." Such testimony confirms and strengthens existing stereotypes and discredits any contrary evidence.

Let's look at a few examples from my own court work of the harm the process of stereotyping causes and then consider what we might do about it.

How this works in court
Unfortunately, I have an embarrassment of riches of examples of the harm gang stereotyping does in court. Let me pick out two from my expert witness testimony. The first concerns an innocent man who was nearly convicted of murder based almost entirely on irrational fears of black gangs "invading" rural Minnesota. The second features a young teenage Puerto Rican girl who did commit murder, but whose demonisation in court demonstrated a frame so strong that essential information about her was not even considered in sentencing her, as a juvenile, to life without parole.

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[9] e.g Lehrer, Jonah. 2009. How we decide. Boston: Houghton Mifflin Harcourt.

[10] Gamson, William A., Amedeo Modigliani. 1989. " "Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach." American Journal of Sociology 95:1-37. p. 3. See also Goffman, Erving. 1959. The Presentation of Self in Everyday Life. New York: Anchor Books.

[11] Manning, Peter K, and Keith Hawkins. 2005. "Legal decisions: a frame analytic perspective!" Pp. 203-233 in Beyond Goffman: Studies on Communication, Institution, and Social Interaction, edited by S. H. p 207.

[12] Manning and Hawkins, ibid. p. 207.

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[13] Gilovich, Thomas. 1991. How We Know it isn't So: The Fallibility of Reason in Everyday Life. New York: The Free Press. p 50.

[14] See for example Lakoff, George. 2004. Don't think of an elephant!: know your values and frame the debate: the essential guide for progressives. White River Junction, Vt.: Chelsea Green Pub. Co. Riggins. Berlin, New York: Mouton de Gruyter.

[15] Lord, Charles G., Ross, Lee and Mark R. Lepper. 1979. "Biased assimilation and attitude polarization: The effects of prior theories on subsequently considered evidence." Journal of Personality and Social Psychology, 37 2098-2109. I omit discussion of the power of the unconscious through study of the brain in what is sometimes called "social neuroscience". e.g. Mlodinow, Leonard. 2012. "Subliminal: How Your Unconscious Mind Rules Your Behavior." New York: Pantheon Books.

Timothy Shanks was a black carnival worker, who traveled around northern Minnesota working as a laborer. In small, all-white towns, this young black man from Chicago, showed off his tattoos and hinted at a gang connection. This caught the attention of the girls and every city meant another party.

When two other black carnival workers asked him how to collect a debt they were owed, he impressed the girls by off-handedly telling them *"Do what you gotta do." They murdered the debtor and soon police took them and Shanks into custody*.

In the late 1990s when this occurred, gangs and violence were at the top of the page in the mass media and movies on gangs filled movie theaters. Minnesota officials feared that gangs were coming to their state and put together a set of special prosecutors to stamp out the gang threat. They cut a deal with the two shooters who claimed that Mr. Shanks ran a "cell" of the Black Gangster Disciples, and as an "OG" or senior gang member of this Chicago gang, ordered them to kill the victim. As evidence, they asserted Shank's handshake and his common greeting to others of "What's Up Folks," proved his gang membership.

Shank's small town attorney, Peter Cannon, was told privately by the judge in the case that he should not contest the charge since the full weight of the State of Minnesota was arrayed against him and what chance did a black gang member have in Mahnomen, Minnesota anyway? But once again, justice begins with the courage of an attorney, and Cannon searched for an expert to look into the case. He eventually contacted me and I talked with Mr. Shanks and explored the facts. An excerpt from my affidavit is below:

"What's up folks" and the gangster handshake described in this case, are routinely said and done in Black communities, as well as in many small towns and suburbs around the Midwest, and not just by gang members. An "OG" often refers to someone from the streets over thirty, not a member of a specific street gang. If we are to condemn anyone who uses the term "folks" as being a gang member, shall we investigate Porky Pig for stuttering "Th…th… th…that's all Folks?" Similarly, the greeting "what's up folks?" usually means nothing more on the streets than "how are you doing?" It can hardly be cited as proof of gang membership.

This is one of the few stories that ends well. After I testified in the case, the Minnesota Assistant Attorney General approached the bench and asked for the dismissal of all charges. Attorney Cannon dug into his own pocket and gave Timothy Shanks bus fare back to Chicago. The court expressed its regrets over the 10 months he spent in jail awaiting trial and Timothy got out of town.

As I write the **Jacqueline Montañez** case is still unsettled. Ms. Montañez was one of three young girls who killed two rival gang members in Chicago's Humboldt Park. She was sentenced to life without parole even though she was only 15 years old at the time of her crime. The case grabbed local headlines as it is rare for girls to kill, much less kill two young men. The prosecution used her case as a stage from which to denounce the epidemic of gang violence that was occurring and also to claim that women now were becoming as violent as men.

In Ann Jones classic, Women Who Kill[16], she finds women accused of murder are either labeled as "monsters" or "ladies." As a gang member, Jacqueline Montañez was a monster and the prosecutors spared no rhetoric. Ms. Montañez was the "teen queen of criminals," a "cold blooded assassin," and "a hit man on a mission." She committed a crime of which "Al Capone would be proud" and of course she was the embodiment of "evil." Chicago's prosecutors improved on Roget's Thesaurus.

There were other irregularities in this case, but for us the central issue was the tenaciousness of the gang frame that was presented to the judge and jury. "By highlighting this gang frame," Entman and Rojecki say, a prosecutor "obscures other possible mental associations such as, perhaps, the shooter's absent father, unemployment or low wages, and clinical depression. The gang frame makes these more sympathetic connections less available to the audience"[17].

In the rush to convict Ms. Montañez, no one, not even her own attorneys, looked outside the frame. Anyone familiar with the literature on women who kill knows that most come from backgrounds of physical or sexual abuse. Ms. Montañez was no exception. As her Northwestern University Bluhm Legal Clinic attorneys discovered fifteen years later, she began her childhood of horror by being regularly beaten and raped at age seven. She ran away repeatedly but was returned home by social services and the rapes and beatings continued. The stepfather who raped her, significantly, was a gang member.

When she finally ran away from home for good, she joined the rival gang to her stepfather and, as you might have guessed, the two young men she killed were members of her stepfather's gang. In an emotion-packed statement in the visiting room of her prison, she told me with tears "It wasn't them I wanted to kill it was my stepfather." She went on: "There was no child in my childhood"[18].

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[16] *Jones, Ann. 1996.* Women who kill*. Boston: Beacon Press.*

[17] *Entman, Robert M. and Andrew Rojecki. 2000.* The Black image in the white mind: media and race in America. *Chicago: University of Chicago Press. P 49.*

[18] *Interview with Jacqueline Montanez, December 7, 2010.*

Jacqueline Montanez was guilty of the murder of two gang members, but in her sentencing, no consideration was given to her tortured background. The gang frame was too strong, the rush to judgement too powerful, the prosecutor's belief in her innate evil too deep. There were other complicating legal factors, but today, despite a Supreme Court ruling that overturns such unjust sentences for juveniles, the Illinois States Attorney refuses to apply that decision to her case.

The gang frame was so powerful that the facts of her life were not seen by the court as relevant in her sentencing. Today a clemency petition for Jacqueline Montañez sits on the Governor of Illinois' desk. Amnesty International has taken up her case. You can sign a petition on her website to ask the Governor to review her life without parole sentence.

Breaking the frame

Unfortunately in court the facts aren't always sufficient to produce a fair trial. We've learned from the social cognition literature that when the frame is too strong the facts "bounce off." Experiments have shown that even reasoned points of rebuttal can strengthen prior beliefs and polarize rather than persuade. The adversary system encourages prosecutors to take advantage of "implicit stereotypes" of gangs that narrow a jury's decision-making to remain inside a "frame of evil." We've seen that evidence that is "discrepant" or outside the frame, as in the Montañez case, is often disregarded.

In all the cases I cited above, intrepid attorneys, driven by the indignities of injustice, took initiative and challenged the prosecutor's gang frame. They confronted distorted facts and used research to dispel stereotypes. Regrettably, in most of these cases, their work began only after conviction and sentencing. I have too few Timothy Shanks stories in my repertoire. Confronting stereotypes needs to begin at trial.

Providing a jury or judge with "discrepant information" is a start, but as Janet Fiske points out we all have a "default mode" that applies our implicit stereotypes. She goes on:

people are not aware that they have a bias toward group-differentiating, negative, stereotype-confirming information, or paired distinctiveness. If they are unaware, how can they control these biases?[19]

In the Tennessee "tattoo" case of Patrick Stout, I was qualified as an expert witness not only on gangs but also on the "public response to gangs." This allowed me to testify about stereotypes and put that issue in front of the judge. While we don't know what effect my testimony had on his decision to order a new sentencing hearing, it was clear from his questions from the bench during my testimony that he was engaged with the concept of stereotypes and what impact they might have had on sentencing.

The heart of my argument is very simple. When a case involves a volatile subject like gangs, everyone, including juries, judges, and attorneys, inevitably recall and rely on pre-existing stereotypes. That is natural and human. The social cognition literature teaches us that we all think in categories and our brains tend to search for easy routes to judgment.

On the other hand, while these subconscious processes are powerful, judges and jurors, like all of us, have a variable capacity to "break the frame" if presented with discrepant information and a persuasive storyline. Most people want to do the right thing. But there are constraints to simple rationality and I argue justice requires one more step.

Making the process of categorical thinking conscious to judges and juries gives them the opportunity to rise above stereotyping. It provides them an important conceptual tool to weigh the reliability of evidence. To ask a judge or jury to consider the impact of categorical thinking on judgment is not a scheme to get an acquittal or a lesser punishment. Rather it is a request for the court to follow a more difficult, but rational path in decision-making. It aims to reveal hidden, "implicit stereotypes" that subconsciously influence how decisions are made. In my view, it is the best way to avoid the miscarriages of justice I've reported on here.

This essay is also a plea for judges to take heed of the power of stereotypes and take the lead in making the courtroom a fairer and more just place.

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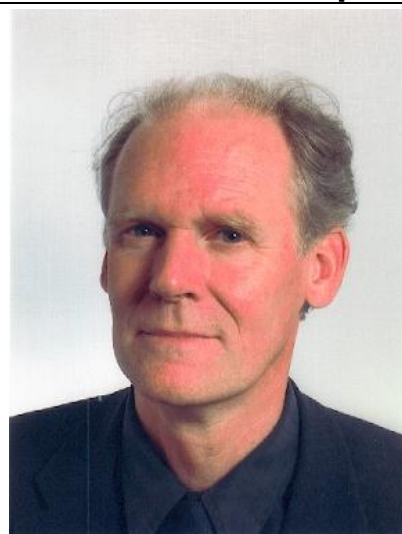
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[19] Fiske, ibid 357.

The role of the lawyer and parents in the youth court:—a pedagogical perspective

Professor Ido Weijers & Stephanie Rap

Stephanie Rap

Ido Weijers

Introduction

There is broad consensus today on the idea that youth justice procedures need to be adapted to the age and level of maturity of young defendants. This idea is based on international human rights law and standards concerning the rights of the child, in particular rule 14.2 of the Beijing Rules and article 12 of the UN Convention on the Rights of the Child (CRC)[1].

Effective participation of minors in youth court procedures depends first of all on the practices in court. When court hearings are held in a disorganised way, with delays in the start of hearings caused by the absence of court staff, missing or misplaced files and paperwork, confusion in the calling of cases etc., this results in a lack of participation of young defendants. When court professionals act unprofessionally, by making humiliating comments about the attire worn by the juvenile defendant, eye rolling or sighing when the defendant tries to explain something, snapping at the defendant and his parents when they ask for more information, this contributes to a negative atmosphere in court. This has in turn been found to correlate with juvenile defendants having less positive perceptions of the juvenile justice system in general[2].

A negative atmosphere can easily intimidate the young person and feeling intimidated hampers children from giving their own view on the case[3]. Defendants' experience of procedural justice improves when they feel that they are being heard and taken seriously during the criminal trial. To be able to communicate one's own side of the story, to participate actively during the process and to experience being taken seriously are fundamental aspects of procedural justice. These experiences can contribute to the perception of a fair trial and also to acceptance of the judge's decision[4].

It might be fruitful to take note of relevant knowledge from pedagogy and developmental psychology and from recent studies. Juveniles' capacity to defend themselves is closely related to the developmental stage they find themselves in[5]. A fascinating wealth of studies has been published recently not only on the cognitive and emotional development of adolescents in general, but also specifically on juveniles' competence to participate in youth court procedures[6].

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[1] See Kilkelly U (2010) *Listening to Children about Justice: Report of the Council of Europe Consultation with Children on Child-friendly Justice.* Strasbourg: Council of Europe.

[2] Greene C Sprott JB Madon NS & Jung M (2010) Punishing process in youth court: Procedural justice, court atmosphere and youths' views of the legitimacy of the justice system. *Canadian Journal of Criminology and Criminal Justice* 52: 527-544.

[3] Archard D & Skivenes M (2009) Hearing the child. *Child and Family Social Work* 14: 391-399.

[4] Tyler TR (1990) *Why People Obey the Law.* New Haven: Yale University Press.

[5] Cashmore J & Parkinson P (2007) What responsibilities do courts have to hear children's voices? *International Journal of Children's Rights* 15: 43-60; Piacentini L & Walters R (2006) The politicization of youth crime in Scotland and the rise of the 'Burberry Court'. *Youth Justice* 6(1): 43-59.

[6] See in particular Grisso T & Schwartz RG (eds) (2000). *Youth on Trial. Developmental Perspectives on Juvenile Justice.* Chicago: University of Chicago Press and Scott ES & Steinberg L (2008) *Rethinking Juvenile Justice.* Boston: Harvard University Press.

This article presents an overview of the most important insights arising from recent behavioural science studies. It focuses firstly on the adjudicative capacities of juvenile defendants and then looks more specifically at the role of lawyers and parents in assisting minors in the youth court process. First, however, it is necessary to reflect on a crucial feature of youth court procedures in the Western world: the difference between the adversarial and the inquisitorial legal tradition.

Implications of the adversarial and the inquisitorial tradition

Structural differences between criminal court procedures have important consequences for the participation of juvenile defendants in the youth court[7]. These structural differences are to some extent brought about by the legal tradition in which the youth court operates: either the adversarial or the inquisitorial legal tradition. The first belongs to the common law countries, where the law originates from English common law; the latter can be found for the most part in the civil law countries of continental Europe. In both legal traditions determining the truth is the overall goal of the criminal trial. The search for the truth differs however between the two systems.

In the adversarial tradition the criminal court process revolves around two equal parties, the prosecution and the defence, who are opposed to each other and prepare and present their own case before a passive and impartial judge. Each party presents the evidence of their version of the truth to the court and the interaction between the prosecutor and the defence lawyer dominates the criminal trial. The trial does not take place on the basis of a dossier and in principle all the evidence is presented in court. The judge or magistrate(s) (or jury) does not have any prior knowledge of the case. The emphasis lies on the oral presentation of evidence in court by the prosecutor and the defence lawyer. The task of the judge is to oversee the whole process, to make sure that the procedural rules are followed and to bring in a verdict of guilty or not guilty[8].

In the inquisitorial tradition the dossier plays a central role. During the investigation by the police, the public prosecutor, and in some cases the investigative judge, a trial dossier is compiled that is presented to the court, which is available to the judge, the prosecutor and the defence. This implies that it is not necessary to produce all the evidence in court, because most is contained in the dossier.

At the criminal trial the judge has an extra, active truth-finding role by asking the defendant questions and hearing witnesses. The interaction between the judge and the defendant stands at the heart of the trial. In contrast with the adversarial legal tradition, the two principal players in the inquisitorial tradition are the judge and the juvenile defendant, who engage in a dialogue during the trial.

In general it may be concluded that the continental inquisitorial court tradition is better suited to facilitate the participation of juvenile defendants in court. Three aspects of the youth court hearing in the inquisitorial legal tradition contribute specifically to the effective participation of adolescents in court.

First, as we have seen, the judge has a dossier, which implies that he has information concerning the circumstances of the offence and the personal situation of the young person. As a result the judge is in a position to speak with experts, in the presence of the young person and his parents, about the personality of the adolescent, the situation at home and possible problems he is experiencing.

Second, the judge engages in a dialogue with the young person regarding the offence and regarding his personal life. The juvenile defendant has the opportunity to give his views at three distinct moments during the hearing: when the judge starts a dialogue about the facts and circumstances of the offence; when the young person is invited to comment on the social work report that has been written on his personal circumstances; and when the young person is given the opportunity to say something to the judge at the end of the hearing, the so-called 'last word'.

Finally, the judge engages the parents of the juvenile defendant during the youth court hearing, usually when the personal circumstances of their child are discussed.

Adjudicative capacities of juvenile defendants

There is broad consensus that defendants have to be competent to be brought before a court for adjudication. But what can be said about minors' capability of participating in criminal proceedings from the perspective of the behavioural sciences?

The legal concept of competence to stand trial presupposes that:

(1) the defendant has sufficient ability to understand and to recognize the importance of criminal proceedings;

(2) he is able to assist his lawyer in his defence; and

(3) he is able to understand what the judge says to him and to communicate adequately with the judge(s) (at least in the inquisitorial tradition). This implies that three abilities are required to be competent to stand trial.

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[7] Weijers I (2004) Requirements for Communication in the Courtroom: A Comparative Perspective on the Youth Court in England/ Wales and The Netherlands, *Youth Justice* 4(1): 22-31.

[8] The test for a guilty verdict is " beyond all reasonable doubt" *(Editor).*

The first ability – *the competence to assist counsel* – includes that the defendant understands the charges, recognizes that he is a defendant in a criminal process and gives all the relevant information concerning the case to his lawyer. In short, this term refers to the competence of adolescents to understand the meaning of the criminal procedures and to participate in it with the assistance of a lawyer.

The second ability – *the decisional competence* – includes that the defendant understands the information that is provided in order to reach a decision, recognizes his position as defendant confronted with certain legal decisions and that he can suggest alternative decisions and choose between alternatives. The defendant must be able to engage in cognitive and judgement processes in order to reach these decisions[9].

A third ability is only required in the inquisitorial tradition: *the competence to communicate with the judge(s).* This includes that the defendant is able to understand questions posed by the judge, the prosecutor and the defence, and to answer them adequately. This in turn implies that the defendant must have an idea about the judge's expectations and about the behaviour that is appropriate and needed in the courtroom, such as politeness, paying attention, signs of empathy, etc.

Juvenile defendants' understanding
Generally adolescents are only capable of understanding what it means to come in front of a judge when they are around 14 years of age[10]. However, many young people between the ages of 14 and 16 who have to appear in court are not yet capable of forming accurate ideas about what they can expect or what is expected from them, partly because of individual differences in maturation and partly because of a range of problems they often experience. Moreover, young people suffering from intellectual and emotional problems generally have a less well developed understanding of legal proceedings[11]. Delinquent youths have a higher risk of experiencing a range of problems, certainly those who commit crimes persistently.

On the individual level developmental delays, intellectual deficits, learning disabilities and emotional disorders are prevalent, but problems at the wider environmental level, such as street violence victimization, domestic problems and out of home placements, truancy and substance abuse, are also more prevalent[12].

Hearing the views of juvenile defendants
Several studies indicate that children value being heard in cases that affect them, in spite of their limited knowledge and understanding of the law and court proceedings. For instance, children and adolescents involved in family law cases prefer to be heard directly by the judge, because they value being heard by the decision-maker in their case[13]. They also indicate that they would like to be recognized by the judge and find it important that the judge knows who he or she is taking decisions about. They want to be sure that their views are not misinterpreted. Moreover, children feel that better decisions can be reached when judges have a good and complete understanding of what is happening in their life and this can be accomplished by hearing the child directly[14].

Researchers also highlight the importance of hearing the views of children, because this can have several positive effects. First, active participation in decision-making processes may help children understand and accept the final decision. The judge's decision is better accepted when the reasons for taking the decision are explained and consequently understood by the child[15]. Moreover, participation can help children to develop certain adaptive coping strategies. Participation can have a positive effect on children, because it may stimulate their emerging feelings of taking responsibility for their behaviour[16].

Juvenile defendants must be enabled to effectuate their legal rights—their due process rights and their right to be heard in the decisions that are taken concerning them. This implies that juvenile defendants have among other things the right to assistance and to adequate information.

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[9] Bonnie RJ & Grisso T (2000) Adjudicative competence and youthful offenders. In: Grisso T & Schwartz RG (eds) *Youth on Trial. Developmental Perspectives on Juvenile Justice*. Chicago: University of Chicago Press, 73-103.

[10] Grisso T (2000) What we know about youths' capacities as trial defendants. In: Grisso T & Schwartz RG (eds) *Youth on Trial. Developmental Perspectives on Juvenile Justice*. Chicago: University of Chicago Press, 139-171; Weijers I & Grisso T (2009) Criminal responsibility of adolescents: Youth as junior citizenship. In: Junger-Tas J & Dünkel F (eds) *Reforming Juvenile Justice*. Dordrecht: Springer, 45-67.

[11] Grisso T Steinberg L Woolard J Cauffman E Scott E Graham S Lexcen F Reppucci ND & Schwartz R (2003) Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior* 27: 333-363; Lansdown G (2005) *The Evolving Capacities of the Child.* Florence: UNICEF Innocenti Research Centre.

[12] Domburgh L van Vermeiren R Blokland AAJ & Doreleijers TAH (2009) Delinquent development in Dutch childhood arrestees: Developmental trajectories risk factors and co-morbidity with adverse outcomes during adolescence. *Journal of Abnormal Child Psychology* 37: 93-105.

[13] Cashmore J & Parkinson P (2007) What responsibilities do courts have to hear children's voices? See also Kilkelly U (2010) *Listening to Children about Justice*.

[14] Saywitz K Camparo L B & Romanoff A (2010) Interviewing children in custody cases: Implications of research and policy for practice. *Behavioral Sciences and the Law* 28: 542-562.

[15] Fagan J & Tyler TR (2005) Legal socialization of children and adolescents. *Social Justice Research* 18: 217-242.

[16] Archard D & Skivenes M (2009) Hearing the child; Lansdown G (2005) *The Evolving Capacities of the Child;* see also CRC/C/GC/12, 20 July 2009, paras. 28, 43.

In the following paragraphs these notions will be further explained, by focusing on the role of legal assistance and the role of parents in the juvenile justice process.

The role of the lawyer

The child's right to legal counsel is *inter alia* enshrined in article 40 (2) (b) (ii-iii) CRC[17]. The quality of legal representation is of special importance to children[18]. A juvenile defendant does not have to understand every legal detail of a criminal case[19]. However, he has to understand the main points of the accusation (and its possible consequences) and of the procedure. This implies that the lawyer has the crucial task, first of all, to explain the essential elements of the charge and its implications, to discuss the defence strategy before the hearing, to make clear after the hearing what has happened in court, and to advise the minor regarding the decisions that have to be taken—in short, important information concerning the substantive law dimension. Secondly, the lawyer has to inform the young person before the hearing about the procedural law dimension, what will probably happen during the trial and which actors will be present; that is who is who.

The minor must have the confidence that he is represented by a well-informed and trained professional, who can advise him properly[20]. He needs assistance in the juvenile justice process. Young persons are only able to make their own well-informed decisions in the process, when they understand that their lawyer has only their interest in mind when giving advice and taking certain decisions.

Research has shown that many children who are confronted with the justice system, have little faith in authorities. They mistrust them, because they feel they are not respected and their special needs are not taken into consideration[21]. Furthermore, being treated with respect and honesty by the lawyer appears to be a strong predictor of viewing the justice system as legitimate[22]. Sometimes juveniles have wrong perceptions about the role of the lawyer, thinking for example that they will only be represented if they are not guilty[23]. If the young person does not understand the role of the lawyer, he will perceive the lawyer as an adult who decides for him, instead of understanding that he has the legal capacity to act and to direct his lawyer. Consequently, a constructive lawyer-client relationship enhances the participation of juvenile defendants in court.

Explanation

There is little doubt that a young person can hardly participate adequately in the youth court if the lawyer does not prepare him in advance for the various aspects of a hearing. He needs to be prepared for what the allegations are, what will be expected of him, the procedures, who will be present and what their role will be, where he is supposed to sit in the courtroom, that he should pay careful attention and that he is not obliged to answer immediately because he has the right to remain silent. The lawyer has to explain the procedures and judicial terminology to the young person (as well as to the parents) in language that he understands and in an atmosphere that encourages the young person to ask questions. During the hearing the lawyer should be alert to the fact that the young person might not comprehend important statements or questions posed by the judge or prosecutor and he can facilitate the involvement of the young person in the proceedings[24]. After the hearing has taken place, the lawyer has to fulfil the important task of explaining the judgement and sentence to the young person and his parents[25]. It is important to recognize that the lawyer can dispel the young person's and parents' worst fears and uncertainties, by explaining beforehand which sanctions could potentially be ordered by the court.

Enhancing the juvenile defendant's understanding of the procedures in the youth court is considered to be in the best interest of the young person. In an important study it is rightly stated that 'youths who pass through this process without an adequate understanding of its meaning, as passive and uncomprehending observers, learn nothing about the law and acquire no reason to respect it'[26].

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[17] See also Beijing Rules 7.1 and 15.1; and paras. IV, D, art. 37-39, *Guidelines on child friendly justice*, 2010.

[18] Bueren G van (1995) *The International Law on the Rights of the Child*. Dordrecht/Boston/London: Martinus Nijhoff Publishers, and Bueren G van (2006) Article 40. Child Criminal Justice. In: Alen A Vande Lanotte J Verhellen E Ang F Berghmans E & Verheyde M (eds) *A Commentary on the United Nations Convention on the Rights of the Child*. Leiden/Boston: Martinus Nijhoff Publishers, 1-31.

[19] See ECHR, 15 June 2004, Appl. no. 60958/00 (Case of S.C. v. the United Kingdom), para. 29.

[20] Beijing Rule 22.1; CRC/C/GC/10, 25 April 2007, para. 49; see also CRC/C/GC/10, 25 April 2007, paras. 44, 49, 50.

[21] Kilkelly U (2010) *Listening to Children about Justice.*

[22] Sprott JB & Greene C (2010) Trust and confidence in the courts. Does the quality of treatment young offenders receive affect their views of the courts? *Crime & Delinquency* 56(2): 269-289.

[23] Driver C & Brank EM (2009) Juveniles' knowledge of the court process: results from instruction from an electronic source. *Behvioral Sciences and the Law* 27: 627-642.

[24] Buss E (2000) The role of lawyers in promoting juveniles' competence as defendants. In: Grisso T & Schwartz RG (eds) *Youth on Trial. Developmental Perspectives on Juvenile Justice*. Chicago: University of Chicago Press, 243-265.

[25] See the *Guidelines on child friendly justice*, 2010, para. IV, E, art. 75.

[26] Tobey A Grisso T & Schwartz R (2000) Youths' trial participation as seen by youths and their attorneys: An exploration of competence-based issues. In: Grisso T & Schwartz RG (eds) *Youth on Trial. Developmental*

The role of parents

The Beijing Rules (rule 7.1) and the CRC (art. 40 (2) (b) (iii)) point out that both the right to counsel and the right to the presence of a parent or guardian are basic procedural safeguards for juvenile defendants. Moreover, the responsibilities and rights of parents have to be acknowledged and parents should provide the child with 'appropriate direction and guidance' in such a manner that the child is able to exercise his rights[27]. Parents can be seen as the first appropriate persons to support the juvenile defendant in the youth court, unless the participation of parents conflicts with the best interest of the child[28]. Basically, minors are still under parental supervision and parents are the first to be held responsible for the upbringing and development of their child (art. 18 CRC). The responsibility for the upbringing of the child does not cease when he is suspected of having committed an offence or when he is convicted. In principle, parents are and continue to be the primary persons to support the child in his upbringing, even when he has to appear in the youth court[29].

An important question here is how parental participation in the juvenile justice process can contribute to the effective participation of juveniles in the youth court and to an effective response to their behaviour. In so far as the parents are not contributing to or maintaining some crucial aspects of the child's antisocial or delinquent behaviour, there are strong arguments for their involvement in the juvenile justice process. These arguments can be categorized under the headings *source of information* and *source of support*. First, the parents can be seen as a source of information or as a 'consultant', as it has been stated in the context of cognitive behavioural therapy[30]. They can act as a source of additional information to the court (supplementary to the social work reports that are usually prepared for the youth court in the continental tradition), regarding the young person, the socialization at home and general family circumstances. The parents as a source of support, or as 'collaborators', implies supporting the young person at the hearing, in accepting the sentence, when the sentence is executed and thereafter[31].

Active role of parents

When parents provide information to the court, as is usual in the continental tradition, this implies a rather passive role for them. They answer the questions posed by the judge or other court professionals and usually give specific information regarding their child, his upbringing and the family situation. However, they cannot generally engage actively in the discussions taking place during the youth court hearing[32]. The role of parents as a source of support to the child implies a more active involvement in the juvenile justice process. Supporting the child at a youth court hearing can only take place properly when parents understand the youth court procedures and understand what is expected from them and their child during the hearing. Lawyers can play an important role here.

When parents are available to the young person and they understand the court procedures, they may be a resource for their child in helping him understand what is happening to him during the juvenile justice process. Young people value the presence of their parents in court, because they believe that this provides them with a legal advantage as well as emotional support[33]. When parents speak during the hearing about what they think of what their child has done, rejecting their child's behaviour, adolescents may start to realize what they have done and what the impact of their behaviour is on others that are close to them.

The chance that parents accept the sentence that is imposed on their child increases when they feel that they are treated with respect and are taken seriously by the court professionals. Adolescents whose parents respect and accept the decision of the judge will be helped to accept the sentence and cooperate in its execution. This in turn might contribute to reducing the risk of recidivism. Empirical research in a Canadian youth court has shown that parents who have plans for their children have more influence on the final decision made by the judge (in bail and sentencing hearings) than parents who do not come to court with possible solutions or do not talk about the level of support available to the child at home[34]. Moreover, bail is more often granted when parents are present at the youth court hearing and parents can influence the bail conditions set by the judge[35].

Perspectives on Juvenile Justice. Chicago: University of Chicago Press, 225-242.

[27] art. 5 CRC; see also paras. IV, C, art. 30, 58, *Guidelines on child friendly justice*, 2010.

[28] art. 40 (2) (b) (iii), CRC.

[29] CRC/C/GC/10, 25 April 2004, paras. 53-54; Beijing Rules 7.1 & 15.1.

[30] Kendall PhC (2006) *Child- and Adolescent Therapy. Cognitive-Behavioral Procedures*. New York/ London: The Guilford Press, p.9.

[31] Peterson-Badali M & Broeking J (2009) Parents' involvement in the youth justice system: A view from the

trenches. *Canadian Journal of Criminology and Criminal Justice* 51(2): 256-270.

[32] Varma KN (2007) Parental involvement in youth court. *Canadian Journal of Criminology and Criminal Justice* 49: 231-260.

[33] Broeking J & Peterson-Badali M (2010) The extent and nature of parents' involvement in the Canadian youth justice proceedings. *Youth Justice* 10(1): 40-55.

[34] Varma KN (2007) Parental involvement in youth court.

[35] Peterson-Badali M & Broeking J (2010) Parents' involvement in the youth justice system: Rhetoric and reality. *Canadian Journal of Criminology and Criminal Justice* 52(1): 1-27.

This illustrates the importance of informing parents before the hearing about how and what they can contribute to the hearing and to the possible sentence.

Conclusion

Children below the age of 14 are hardly able in fact to participate effectively in the youth court process. Adolescents from 14 to 18 can participate in principle in youth court procedures, but they need special assistance to be able to participate effectively. Assistance can be provided by lawyers and parents. It has been shown, that lawyers and parents have different roles and interests with regard to the criminal trial of a juvenile defendant. However, the lawyer and the parents can complement each other's roles with regard to providing information to the young person during the youth court process and providing emotional support during the process and when the sentence is being executed.

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Resorting to custody? Sue Thomas

The use of custody for children and young people has long been a vexed subject and its overuse is something that various UNCRC reports have commented on in particular whether it is used as a measure of last resort[1]. It is well established there are wide variations in the use of custody across England and Wales and a range of factors can influence sentencing decisions such as public opinion, penal populism and the culture of local courts. There is however no single factor that can account for disparity in sentencing, rather it is a combination of factors that give rise to this. Examination of differential sentencing rates have found that the rate of diversion from court, the availability and promotion of bail supervision and support programmes and the distribution of sentencing across the available options are contributory, as are the quality of services provided by youth offending teams (YOTs) to courts and the level of confidence sentencers have in them (Bateman and Stanley 2002).

In 2010 I was a researcher in a study to examine why two areas of Wales (Bridgend and Merthyr Tydfil) had been experiencing higher than average levels of custodial sentencing, to try and establish why. In both instances the YOTs and youth benches agreed to participate and their help and support was not only necessary but extremely valuable in providing information about the services provided to courts, the operation of sentencing and views about the use of custody in their locality.

The research focused on detention and training orders which can be imposed for a period of up to two years and are the commonest form of custodial disposal for young people in England and Wales. Sentences of long-term detention were not included. The study took a mixed methods approach that included semi-structured interviews with YOT practitioners and youth court magistrates and examination of published Youth Justice Board (YJB) data on sentencing trends over a six-year period (2004/5 to 2009/10). This information was analysed within the context of the immediate locality (the Local Criminal Justice Board[2]) and wider national comparisons. A sample of pre-sentence reports was examined from each area, as was data on individual young people obtained from YOT case recording systems. What follows are some observations about the findings.

Perception and reality

Sentencers and YOTs in the localities studied were asked for their views about what they felt contributed to higher than average levels of custodial usage. Various ideas were put forward that included disparate levels of deprivation, generational unemployment amongst the adult population and therefore a lack of positive role models for young people and a prevalence of drug and alcohol misuse, which in one of the localities was considered to contribute to a high incidence of public order offences which occurred late at night, when licensed premises closed. A significant proportion of the young people the YOTs and magistrates dealt with were reported to have poor consequential thinking skills, generally lacked motivation and aspirations and had peer associations that encouraged involvement in crime. This was indeed borne out by an examination of their case histories.

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[1] See for example United Nations Committee on the Rights of the Child Forty-ninth session *Concluding Observations United Kingdom of Great Britain and Northern Ireland* CRC/C/GBR/CO/4 3 October 2008, find it here.

[2] These are now defunct.

One of the other main theories put forward was that youth offending was thought to be more serious, violent and persistent. Sentencing patterns were examined to test this out and comparisons were made between the youth offending patterns in the localities being researched with other areas. The analysis demonstrated that levels of offending were not in fact higher. Neither research site had a predominance of more serious offences, with the level of offending for serious and violent offending falling below the rates of neighbouring local authorities and the wider family of YOTs. Over the six-year period under examination there were inevitable peaks and troughs, and recollections of high profile local incidents featured significantly in the accounts given by some of the magistrates interviewed. However, these were generally not recent events and they tended to be extreme in nature, suggesting that extraordinary cases can have a significant impact on perceptions of what normally occurs.

What was evident, which had not been commented on in the interviews with sentencers or youth justice practitioners was that pathway to custody had shortened. By 2009/10 (compared to 2007/8) a greater proportion of young people were sentenced to a detention and training order on the third occasion. Custody was being used earlier in the sentencing history of young people than had previously been the case and there was less likelihood of community sentences being repeated. Some magistrates commented on the 'numerous' court appearances of particular individuals who they considered to have a high profile in their area. However, it was not possible to identify whether there was less tolerance towards them and more punitive treatment as a result and hence an escalated progression through the criminal justice system.

Many young people that end up in custody have a history of breach and non-compliance with community sentences and find it difficult to maintain engagement with YOTs and supervisory arrangements. Sentencers commented that the repeated appearance of some young people before their bench was a stark reminder of this failure. Breach levels were examined to compare respondent feedback with what was happening in practice. It was not possible to separate those young people returned to court simply for non-compliance from those returned to court for further offending and non-compliance, which would have been helpful in identifying patterns of behaviour. Also the findings were not wholly conclusive. In one of the participating localities the breach rates fluctuated and perceptions about its importance in custodial decision-making differed: magistrates suggested it was a significant problem, whereas the YOT did not.

In the other locality the breach rates were higher than the national average and the YOT reported young people tended to be more compliant on bail and less so whilst on a community order and at the end of a DTO licence.

Is custody therefore used as a last resort?

The UNCRC clearly indicates that the use of custody for children and young people should be one of last resort. However, the notion of last resort is difficult to define as it is likely to mean different things to different people and consistency in sentencing is as a result impossible to achieve. Magistrates were asked about the sentencing decision and how they made it. Deliberations included following the advice laid down in sentencing guidelines[3], the need to protect the public, the seriousness of the offence (and any mitigating or aggravating factors), previous offending history, previous responses to supervision, the demeanour of the young person in court (remorseful and cooperative or not) and the degree of stability and support in the family and community. Although some magistrates alluded to welfare concerns, none specifically mentioned taking into account the vulnerability of young people in custody and how that might influence the sentencing outcome.

Last resort was generally defined as being utilised when other options had diminished or been exhausted (because community options had been tried and failed) and as a result sentencers felt they could not realistically consider anything other than incarcerating the young person. The degree of tolerance could not be defined nor any indication given of how prepared magistrates were to repeat something that appeared to be failing, although one of the youth benches indicated they would rarely impose custody for a first breach of a community order. The extent to which the pathway to 'last resort' is pursued will to some extent depend on the degree to which the YOT advocates for alternatives to custody. In doing this there can sometimes be a tendency to make orders longer and more complex in anticipation of what YOTs expect magistrates will require. If this is the case then greater intensity is used as a means of dealing with past failures. There is some evidence to suggest that the likelihood of breach increases with the number of requirements imposed (Hart 2011).

This may not help those young people who are struggling to cope because of the complexity of their lifestyles, often a product of unhappy and neglectful backgrounds, a lack of supportive parenting and possibly a downward spiral into substance misuse and negative peer associations.

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[3] Sentencing Guidelines Council (2009) *Overarching Principles – Sentencing Youths*, find it here.

However, the need to protect the public also has to be addressed. The use of community orders that become increasingly lengthy and have multiple conditions may be a conflation between the welfare objectives of obtaining the help and support the young person needs and determining an appropriate punishment for the offending behaviour. If the response is increasingly penal, in some instances the young person's ability to comply and engage seems to diminish.

The matter of last resort appears to rely on who gives who what chances, how many times and in what circumstances. YOTs often have a dilemma about whether to breach a young person as they will be all too keenly aware that such action can result in a custodial sentence, even if alternatives are put forward and a willingness to continue to engage with the young person is clearly made evident. YOTs are also reluctant to promote the use of custody and this relies on them putting forward credible community options to the court. The degree to which magistrates will act upon the proposals contained in pre-sentence or other reports depends on the level of confidence they have in the YOT to carry out what they have put forward, their knowledge of how effective they think the proposal will be and the extent to which they believe it will reduce the risk of re-offending. The custody study demonstrated there was a high level of congruence between what YOTs proposed and what sentencers decided to do, but despite this levels of custodial sentencing were high.

Interaction between the youth offending team and the court

The relationship between the YOT and the court is an interesting one, where tension and harmony have to co-exist. Magistrates require information from YOTs about the young people they are seeing in court and the most suitable sentencing option. Some made it clear the YOT should act as an adviser and not overstep its role by telling magistrates what sentence to impose. From the YOT perspective practitioners need to be confident about their practice, retain a clear focus on what they believe to be right and put forward well-structured proposals that reflect this, and if difficulties are anticipated explain what they are and how they will be managed. If YOT practitioners are not confident the tendency will be to try and anticipate what they think magistrates will want to see contained in a court order, which may lead to the young person receiving a more intrusive sentence than might otherwise be warranted.

Lack of clarity or firm opinion was evident in some pre-sentence reports, particularly if they set out a variety of options, but did not firmly advocate for the preferred one, or when reports did not provide sufficient detail about how the proposed intervention would address the risk of re-offending. Sentencers could easily spot uncertainty and described these types of reports as unhelpful. They indicated they can present a quandary about what to do. For example, whether to err on the side of caution which may mean imposing a custodial sentence or taking a (sentencing) risk and selecting a community alternative, even if they are unclear what impact it will have. The role of the YOT in these instances is interesting and it raises the question of whether a lack of firm enough advocacy or the presentation of a confusing muddle of options is in effect a passive means of advocating for a custodial sentence. This then comes back to the matter of last resort and the question of whether that point has actually been reached, or whether other factors are at play.

The link between remand and sentence—a custodial continuum?

In forming opinions about the use of custody, discussion about last resort (and UN Convention compliance) has almost exclusively been reserved for those receiving a custodial sentence and relatively little attention has been paid to what happens earlier in the pathway through the criminal justice system. This merits further examination to establish whether denial of bail at the start of the process follows a young person throughout or not.

The justification for detention starts within the police station at the point of charge, continues in court when cases are adjourned prior to sentence and concludes at the point of sentence.· At the key decision-making points there are different considerations for example, whether there are substantial grounds for denying bail at either the police station or on appearance in court and whether the offence is so serious that a custodial sentence is necessary. The role of agencies and individuals in assessing the situation at key decision-making points and taking suitable action is important.

Appropriate Adults[4] in the police station should make representations to the police when denial of liberty is under consideration and YOTs should ensure that all young people attending court who have been detained overnight by the police are fully assessed for further bail denial in court and where appropriate bail supervision and support programmes[5] are offered to the court.

The evidence suggests that the majority of young people detained by the police do not pose a serious risk and are bailed into the community at the first court appearance (Nacro 2008). Likewise the majority of young people that appear in court are unconditionally or conditionally bailed into the community and are not deprived of their liberty (Ministry of Justice 2012). Although the custody study did not look at detention by the police it did examine what proportions of young people were remanded in custody immediately prior to a custodial sentence being imposed. This was analysed over a six-year period from information obtained from YOT case files. The findings demonstrated that seventy-five per cent of young people who were sentenced to custody were on bail prior to sentence[6]. The study did not examine remand pathways to determine whether they had been in custody at any time pre-sentence and whether their status had changed due for example to a successful bail application being made or whether those who were initially bailed failed to comply with their bail conditions or re-offended (or both) and were subsequently remanded in custody.

Being able to comply with a period of time on bail can be a potential indicator of compliance with a community-based order. Promoting bail supervision and support is therefore important, as is including information in pre-sentence reports about the response of young people to bail programmes, the obvious correlation being that successful completion of a bail programme can indicate the likelihood of successful completion of a community sentence. The custody study found this was an area that is sometimes neglected in pre-sentence reports and if it is magistrates will not have information that could be relevant to their decision-making.

There is a further dimension to the custodial continuum that relates to the earlier point about the proportions of young people that are incarcerated that do not go on to receive a custodial sentence. The Coalition Government's paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* indicated an intention to amend the Bail Act 1976 to remove the option of remand for young people who were unlikely to receive a custodial sentence[7]. The Legal Aid, Punishment and Sentencing of Offenders Act 2012 includes the clause that there has to be 'a real prospect' of a custodial sentence being imposed, for a remand in custody to be under consideration by a court, thereby indicating that sentencers need to think about the longer term outcome of the case in their very early deliberations about how to deal with an individual. However, this is likely to pose a challenge in its interpretation and does not reflect the fact that cases can escalate and de-escalate for different reasons up to the point of sentence and as a result risks increase and decrease. However the principle is positive in its intent but whether it is straightforward to implement remains to be seen.

Some conclusions

Rod Morgan[8] (2009) has suggested that independent enquiry into the high use of custody that encourages relevant agencies to reflect on their practice and to think about their behaviour can lead to a 'reactive effect' and a reduction in the use of custody. Both of the areas researched had long serving, stable youth benches and it was evident there was significant knowledge of youth issues and a genuine desire to 'do the right thing' by the young people that were being brought before them and also the local community. However, the process of independent review provided them with an opportunity to step outside of their normal routines and to think about their practice in a much broader context. The same was also true for the YOTs that were involved.

A further key component of the study was the involvement of HM Courts Service who at the end of the research phase facilitated a workshop between the YOTs and youth benches to consider the next steps. This led to a number of actions being identified some which arose directly from the study and others from the workshop.

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[4] The Codes of Practice that accompany the Police and Criminal Evidence Act 1984 require the attendance of an Appropriate Adult at the police station for juveniles aged 10 to 16 years of age. There is a statutory requirement for YOTs to co-ordinate this service.

[5] This is a statutory function of YOTs as defined by the Crime and Disorder Act 1998.

[6] Gibbs and Hickson (2009) estimated a similar figure and a recent thematic report (H M Inspectorate of Prisons 2012) on adult remand prisoners found that young adults and adults 42% are either acquitted or receive a non- custodial sentence.

[7] This report indicated that 57% of young people who are remanded are subsequently either acquitted or receive a community sentence.

[8] Chair of the Youth Justice Board for England and Wales (2004-7).

One of these was the idea to establish informal reviews of community orders part way through the sentence. One of the localities has taken this forward and now takes young people back into court to meet with magistrates to discuss the progress of their order. This has a number of benefits, young people are congratulated for good progress, areas of concern are raised and magistrates get to see first hand what progress is actually being made and to receive feedback about the orders they have imposed. This particular area (Merthyr Tydfil) which had one of the highest levels of custodial sentencing not just in Wales but in England too, has experienced a significant reduction in the level of custodial sentencing. Bridgend too has also undergone changes and has experienced a gradual and sustained decline in custodial usage. At the end of September 2012 the YOT advised it had no young people in the secure estate (although were supervising one young person subject to a Detention and Training Order in the community). Participation in the study allowed the YOT and magistrates to explore the factors that were contributing to the rate of custodial sentencing and as a result they are now able to work from a much more informed position, have a better understanding of each other and as a result the YOT considers that magistrates are more confident in what it proposes (in its pre-sentence reports) and the work it undertakes with young people on community orders.

The reduced numbers of young people entering and transiting through the criminal justice system in England and Wales is a good news story. The Ministry of Justice (2012) reported that since 2007/8 there are 55 percent fewer young people coming into the system and 30 percent fewer young people receiving custodial sentences. Collaborative enquiry is one way in which custodial practices can be examined and through which questions can be asked about particular practices to encourage local areas to think about how they can reduce their custodial populations. Another is one that is financially driven. The Legal Aid, Punishment and Sentencing of Offenders Act 2012 will make local authorities responsible for the cost of secure remands as a means of incentivising them to prevent young people entering custody.

The implementation process starts in November 2012. Also the Youth Justice Reinvestment Pathfinder Initiative[9] is being tested in four areas[10] over a two year period. This scheme provides the encouragement to local areas to reduce the use of custody for juveniles, and in particular the number of bed nights in custody, by investing in preventative and diversionary approaches alongside community based alternatives. If successful, notwithstanding there have already been significant reductions in the custodial population of England and Wales, it is possible this model could be more widely adopted. If unsuccessful (agreed targets not being met) there will be some claw back of the funds provided to test the model.

Sue Thomas is a Policy Development Manager with Nacro (the crime reduction charity) and is currently studying for a Professional Doctorate in Youth Justice at the University of Bedfordshire.

References
Bateman T and Stanley C (2002) *Patterns of Sentencing Differential Sentencing across England and Wales* London: YJB
Gibbs P and HIckson S (2009) *Children: Innocent Until Proven Guilty? A report on the overuse of remand for children in England and Wales and how it can be addressed* London: Prison Reform Trust.
Hart D (2011) Into the Breach? *The enforcement of statutory orders in the youth justice system* London: NCB.
Howard League (2011) *The Overnight Detention of Children in Police Cells* London: Howard League.
H M Inspectorate of Prisons (2012) *Remand Prisoners A thematic review* London: H M Inspectorate of Prisons.
Nacro Cymru (2011) *Reducing Custody: Bridgend* London: Nacro.
Nacro Youth Crime briefing (2008) *Police bail, detention after charge and the duty to transfer to local authority accommodation* London: Nacro.
Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* London: The Stationery Office.
Ministry of Justice, Home Office and YJB (2012) *Youth Justice Statistics 2010/11 England and Wales, find it here.*
Morgan R (2009) *Report to the Welsh Assembly Government on the question of Devolution of Youth Justice Responsibilities*, find it here.

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[9] 'Youth Justice Reinvestment Pathfinder Initiative: Information', find it here.

[10] Birmingham, and three consortia in North East London , West London and West Yorkshire.

Treasurer's column   Avril Calder

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Chronicle Chronique Crónica   Voice of the Association

The Chronicle is the voice of the Association. It is published bi-annually in the three official languages of the Association—English, French and Spanish. The aim of the Editorial Board has been to develop the Chronicle into a forum of debate amongst those concerned with child and family issues, in the area of civil law concerning children and families, throughout the world

The Chronicle is a great source of learning, informing us of how others deal with problems which are similar to our own, and is invaluable for the dissemination of information received from contributions world wide.

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A resource of articles has been built up for publication in forthcoming issues. Articles are not published in chronological order or in order of receipt. Priority tends to be given to articles arising from major IAYFJM conferences or seminars; an effort is made to present articles which give insights into how systems in various countries throughout the world deal with child and family issues; some issues of the Chronicle focus on particular themes so that articles dealing with that theme get priority; finally, articles which are longer than the recommended length and/or require extensive editing may be left to one side until an appropriate slot is found for them

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