

Howard League for Penal Reform

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Contents

	Page
Introduction	2
Features	
Rethinking justice: The clinical model of responsibility without blame Hanna Pickard, University of Birmingham	4
Measuring the social impact of Secure Training Centres in England and Wales Claire Paterson-Young, University of Northampton	11
Understanding the disproportionate representation of minority youth in special education and the juvenile justice system: A fundamental discussion for the justice of minority youth Shameka Stanford, Howard University, Washington DC	19
‘Double deviancy’: The subjectivities of ‘motherhood’ and ‘criminality’ within the criminal justice system in England and Wales Olivia Tolaini, SOAS	23
Book Reviews	
Human Rights and Restorative Justice (edited Theo Gavrielides) Reem Radhi	29
Madeleine Symons: social and penal reformer (By Martin Ferguson Smith) Lorraine Atkinson	35
Guidelines for submission	36

ECAN Facebook Group

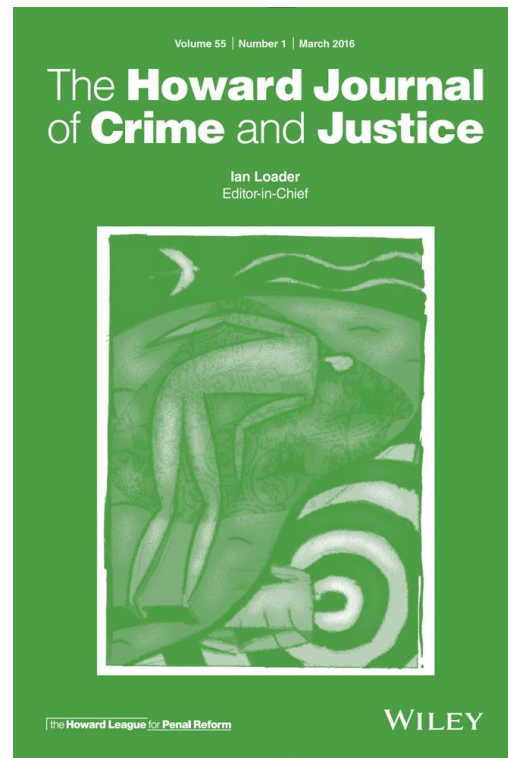


The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

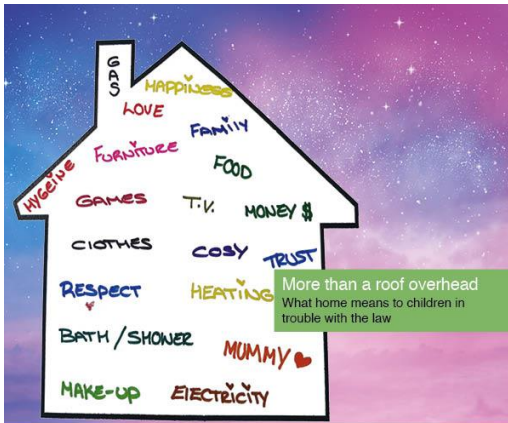
Introduction

For years the Howard League has pressed for reform of [short prison sentences](#) and the treatment of [women in penal system](#). Now there appears to be a real shift in government thinking on both issues. We welcomed the government U-turn on prisons for women: *Ministers deserve real praise for the broad direction of travel this strategy for women outlines. It is particularly encouraging that the government has listened to experts and decided not to proceed with building oxymoronic community prisons – a policy that [we] strongly opposed ... Women’s centres can achieve what prisons cannot – working with other organisations in the community to turn lives around and reduce crime.*

Perhaps in a few years the penal landscape for women will be transformed with five residential women’s centres in the community. The announcements in the strategy for women in the criminal justice system, combined with Prisons Minister Rory Stewart’s strong condemnation of short prison sentences, will hopefully result in an end to women, and men, being sent to prison for just a few weeks and investment in community responses instead.



Over the last couple of months the [Howard Journal of Crime and Justice](#) has launched a new initiative. Selected articles will now be accompanied by a video abstract where authors provide a brief introduction to the issues explored. The first two are now available: [Emma Colvin and colleagues](#) describe their research into the criminalisation of children in care in Australia, while [Francis Pakes](#) and Helgi Gunnlaugsson use the lens of Nordic penal exceptionalism to take a look at Iceland. This will be a continuing feature on the journal, so when the Howard Journal accepts your next article contact me to organise your video abstract.



Howard League for Penal Reform

Key points

- Children leaving custody need more than just a roof over their heads
- Almost 100 children and young people in prison or at risk of criminalisation told the Howard League for Penal Reform what they thought a home should be like
- Children said they wanted to feel loved, be cared for and feel happy and safe; they rarely mentioned material goods
- There are clear legal duties on statutory services to ensure children leaving prison have suitable accommodation and support that takes into account their wishes and feelings
- Effective resettlement is key to reducing the risk of reoffending
- Evidence gathered by the Howard League and inspectorate reports show that too often resettlement planning is wholly inadequate
- Listening to what children want and making sure children leaving custody have a home to go to where they feel safe and cared for is essential if they are to settle into communities successfully and lead crime-free lives

Our legal team receives calls via our legal advice line from children and young people in custody who have inadequate plans or no plans in place for release despite the clear legal duties on local authorities following M v Hammersmith and G v Southwark. We worked with children in custody to find out their views of what home means to them. This report, [More than a roof overhead](#), shines a light on what home means to them: love, happiness, caring, safety, food and drink, warmth and comfort.

Do you work with or know about any really good community-based criminal justice projects?

Nominations for the [Howard League's Community Awards 2018](#)

are now open. Our annual awards celebrate the country's most successful community projects encouraging desistance from crime; those that help to keep people out of the criminal justice system, by providing alternative, proportionate, effective and targeted interventions will help reduce the risk of re-offending; and, champions work in the community that challenges and changes people for the better. For further information on the awards criteria and how to nominate [download the entry guide](#). Nominations close on 24 July 2018.

To keep up to date with all our work, please [join](#) the Howard League. We can only continue to undertake all these things with your help.

Anita Dockley, Research Director

Features

Rethinking Justice: The clinical model of responsibility without blame

Hanna Pickard

Why does responsibility matter to questions of justice? The classic answer is that a finding of responsibility is necessary for punishment to be *morally permissible*. According to this line of thought, justice demands that those who commit crimes get their “just deserts” and are punished. One commonly accepted constraint on punishment is proportionality: the punishment must be proportionate to the crime (for critical discussion, see Lacey and Pickard 2015a). But another constraint is that the person who committed the crime did so, broadly speaking, *voluntarily*. It is only fair to punish if the conduct was in an important sense *up to the offender*: an action for which they are responsible. Responsibility therefore matters because of what it licenses and legitimises: the sanction, stigma, and hard treatment (such as prison) that constitutes punishment in our society.

I am a philosopher, but for the past decade I have also worked in a Therapeutic Community for people with personality disorder and complex needs. This experience has led me to believe that responsibility matters to questions of justice for a very different reason. Voluntary actions are



important not only in connection to punishment. They are also important because it is only voluntary actions, for which a person is responsible, that are open to them to change. According to this alternative line of thought, responsibility matters because it pinpoints where interventions that support people to change wrongful patterns of action have the potential to be *practically effective*. For, people can only change what is in an important sense *up to them*. But, for such interventions to succeed, a finding of responsibility must be divorced from sanction, stigma, and hard treatment; and practices of holding responsible and to account must be developed which are non-stigmatizing and forward-looking. Effective treatment

for personality disorders requires adopting a stance I have come to call *Responsibility without Blame*.

The aim of this article is to explain what a Responsibility without Blame stance means in theory and to explore its potential value to questions of justice. Many of these ideas are developed more fully in published articles co-authored with [Nicola Lacey](#) (cited below; as well as available on my personal webpage www.hannapickard.com). But working with a Responsibility without Blame stance is a practical skill. If you are interested in developing your ability to do so in practice, [The Responsibility without Blame Project](#) offers a free, interactive e-learning, designed for staff from multiple sectors, including mental health as well as police and correctional services.

Why is a clinical approach relevant to criminal justice?

As is well known, prisons are full of people who have mental health problems and come from multiply disadvantaged backgrounds. In particular, approximately 2/3 of men and 1/2 of women who have been convicted of an offence have a personality disorder; many also struggle with depression, anxiety, and substance use disorders. Of course, the connection between criminal conduct and complex mental health needs is far from tight: most people with these needs do not commit any offences, and there are no doubt cases where an offence has no connection to any underlying mental disorder. Nonetheless, the overlap means that clinical approaches clearly ought to be relevant to criminal justice. If a wrongful pattern of action is on the one hand connected to mental health

problems, and on the other constitutes a criminal offence, then an effective clinical intervention not only addresses the problem and so helps the person, but also serves some of the ends encoded in the UK Criminal Justice Act 2003 purposes in sentencing, namely, crime reduction, reform, and rehabilitation (Lacey and Pickard 2013).

Given the obvious relevance of mental health to criminal justice, what stops us from adopting clinical approaches more readily in criminal justice contexts? Arguably, part of the answer is that the purposes in sentencing include not only crime reduction, reform, and rehabilitation, but also *punishment*. According to the classic line of thought sketched above, this aim is central to the very idea of justice: justice demands that those who commit crimes get their “just deserts” and are punished. Such punishment, however, stands in stark contrast to clinical interventions, in so far as it is typically inflicted with the intention of retaliation and hard treatment, to make people *suffer* for what they have done. In contrast, clinical interventions aim not to retaliate or inflict suffering, but *to help and to heal*. There is no getting around the fact that these purposes cannot be straightforwardly reconciled: you cannot consistently and at one and the same time intervene in a person’s life with the aim of harming them and helping them. But rethinking why responsibility matters to justice, and severing it from the discourse of “just deserts” and blame, offers a way forward.

The rescue-blame trap

Why sever responsibility from blame? The answer in the clinic is

that this is what enables interventions supporting people to change to be effective. Without it, it can be all too easy to get caught in a trap between two equally unhelpful mindsets: rescue and blame. Responsibility without blame is the solution to escaping this trap (Pickard 2013 and 2014).

First, consider blame. Confronted with voluntary actions that cause harm, we may instinctively respond with blame: indeed, at times, nothing can feel more natural. But what is blame? Blame typically includes specific kinds of thoughts, feelings, and actions. Blaming *thoughts* often involve condemnatory and stigmatising judgements focused on the person and their character or essential self, and not simply their conduct. Blaming *feelings* include hostile, negative emotions, such as anger, resentment, hatred, contempt, scorn, and disgust – and often in addition involve an impulse to retaliate. Blaming *actions* often express these thoughts and feelings by actually retaliating – whether through direct aggression or more indirect rejection. Blame can be “hot” or “cold”. We may “lash out” or we may give a “cold shoulder”.

Together, these thoughts, feelings, and actions constitute what it is to respond with blame when we judge a person responsible for wrongful conduct. But, as I hope is obvious from this description, blame is straightforwardly inconsistent with a duty to care. Blame is destructive of a therapeutic relationship: it is in effect impossible to maintain positive regard and compassion for a person when gripped by blame. As a result, blaming a person typically has terrible consequences

for their motivation to engage in a therapeutic relationship, adhere to treatment, and work to change a pattern of action – as well, of course, as being detrimental to their general wellbeing. Indeed, it hardly needs saying that blame is not conducive to good clinical outcomes: as we all know, blame can make people feel terrible about themselves: hopeless, unworthy, and despairing.

Clinicians therefore rightly recoil from any blame they may be inclined to feel. But, in doing so, they often may swing to a rescuing mindset instead. So what, then, is rescue? A simple, straightforward way to block any instinct to blame is to maintain that the person “couldn’t help it”. It is easy to avoid blame and continue to feel that someone deserves positive regard and care despite whatever harm they have caused *if their actions are not in fact voluntary*. For, if their actions are not voluntary, then they are not in fact responsible.

It is natural to adopt a rescuing mindset when working in mental health. People with mental disorders typically experience extreme levels of psychological distress and suffering, and are in desperate need of help. Clinicians bear witness to this. Moreover, their job is to help and to heal. Rescue therefore has the clear virtue – especially if the only other option is blame – of preserving a therapeutic relationship and maintaining positive regard and compassion. However, a rescuing mindset achieves this by disempowering and indeed in many cases pathologising the person: it treats people as helpless, to be cured or fixed, as opposed to treating them as having within themselves the

ability to learn to do things differently and make positive and meaningful changes for themselves. In other words, rescue blocks any tendency to blame; but it does so by denying agency and responsibility. In so doing, it impedes clinicians from effectively supporting people to change wrongful patterns of action. Moreover, if patients themselves accept they are helpless and need to be cured or fixed, it impairs their ability to believe in themselves. For, once again, people can only change what is in an important sense up to them: what they *can* help, not what they *can't* help. As a result, rescue is ultimately as ineffective as blame: it blocks clinicians and patients alike from working productively together to change patterns of action that cause harm. Neither mind-set is conducive to good clinical outcomes or offers the appropriate kind of therapeutic stance or relationship.

How do clinicians escape this trap between rescue and blame? The key is to rethink responsibility. Responsibility must not be seen as licensing and legitimising blame. Rather, it must be seen as an indicator of where there is genuine possibility of change. Working clinically, we can acknowledge a person's responsibility and the appropriateness therefore of holding to account for wrong actions, while nonetheless maintaining respect, concern, care and compassion. A person who is responsible has some degree of choice and control: that is what it means for an action to be voluntary. But, just as they have choice and control over their actions, so too we have choice and

control over how we respond. We can judge a person to be responsible and hold to account without blame, but with a more non-stigmatising and forward-looking attitude. This is what allows clinicians to escape the rescue-blame trap and help and support people effectively to make changes for the better.

Responsibility and criminal justice

Above I said that it is all too easy to get caught in a rescue-blame trap when working clinically with people with complex mental health needs. But this trap is in no way confined to the clinic: it pervades much popular and criminal justice discourse about wrongful actions. We are prone to see things in black-and-white terms: either a person is responsible for a crime, and so deserves stigma, blame and punishment; or they are not responsible, and so are seen as a good and potentially valuable member of our community. But, of course, things are rarely so black-and-white. A combination of good and bad exists in most if not indeed all of us; and, as the connection between mental health problems and prisons testifies, many people who offend are highly vulnerable and victims of multiple forms of adversity and disadvantage. People can have fewer or greater choices genuinely available to them, and voluntary control over one's actions can be easier or harder to achieve. The fact that there can be mitigating circumstances, limited real choices, and reduced control, means that responsibility comes in degrees. But, putting this important matter of nuance and complexity to the side, even if things are sometimes black-



Image from: <https://www.responsibilitywithoutblame.org/>

and-white, it is yet open to us to choose to respond without blame, while yet attributing whatever degree of responsibility is appropriate, and maintaining our corresponding right to hold to account and address wrong actions. We are not *required* to do this with blame: we have a choice.

To move beyond the rescue-blame trap in criminal justice, we need to free the idea of responsibility from the discourse of “just deserts” and blame. The point of a finding of responsibility should not make it morally permissible to sanction, stigmatise, and inflict hard treatment: to give the person who has offended what they “deserve”. The point of a finding of responsibility should be accountability and answerability for wrong actions, institutionalised and enacted in a way which, on the one hand, does not shy away from addressing the harm done; but, on the other, looks forward to the possibility of crime reduction, reform, and rehabilitation – indeed, arguably, forgiveness (Lacey and

Pickard 2015b) – as opposed to looking backwards to punishment for past wrongs. We cannot aim to make people suffer through sanction, stigma, and hard treatment, while at the same time aiming to help and to heal. But we can aim to hold responsible and to account in a way which supports people to change and so promotes crime reduction as well as rehabilitation and reform.

That, at least, is the theory, painted in sweeping brush strokes. But how to fill in the details and translate it into practice? The effectiveness of Responsibility without Blame approaches in the clinic points to the genuine feasibility of translating theory into practice (see [The Responsibility without Blame Project](#)). But there are, of course, differences between clinical and criminal justice contexts that matter: translating between them will not always be straightforward in practice. Nonetheless, that said, there already exist many alternative approaches within criminal justice, which resonate with a

Responsibility without Blame stance. These initiatives include, among many others: less adversarial courtroom practices, and mechanisms to resist the tendency for trial and conviction to slide into character condemnation and judgmentalism; the opportunity for those convicted of offences to have a voice in the kind of sentence that would be a meaningful and concrete way to make good the wrong perpetrated so far as possible, and appropriately be held answerable and to account; the provision of workforce or educational training as part of the pathway towards rehabilitation, as well as therapy for mental health problems; fewer and shorter prison sentences, and, needless to say, more humane prisons; better visiting rights and accommodation for families, so that important relationships can be preserved despite periods of separation imposed by incarceration; post-sentence practices that ‘wipe the slate clean’ as opposed to practices that create enduring exclusion, inequality, and stigma; lastly, restorative justice and community-focused approaches – to name but a few recent and valuable ideas and initiatives, from different orientations and jurisdictions (for further discussion see Lacey and Pickard 2013, 2015a, 2015b and 2018). However, I want to conclude by very briefly sketching a final and central part of how we need to rethink the very idea of justice if we are to sever responsibility from blame and sideline the demand for “just deserts”.

Victims

What is lost if we forsake the call for “just deserts” in order to free responsibility for other aims of

criminal justice? One natural concern pertains to the rights of victims of crime. The rhetoric of “just deserts” often claims that justice for victims is served through punishment of those who have offended. If this is correct, then accountability and answerability practices that do not aim to make people who have offended suffer, but rather aim to address the harm done in a way which promotes crime reduction, reform, and rehabilitation, *fail* to do justice to victims. This would be a serious concern were it correct; but we should not accept that it is (Lacey and Pickard 2018).

Unquestionably, the criminal justice system as it currently stands all too frequently fails to care appropriately for the needs of victims, whose rights to information, compensation, and legal, social, and mental health services required to help them through the aftermath of crime may be utterly unmet. But, arguably, this is because our conception of justice for victims focuses *not* on actually helping *them*, but only on punishing those who committed the crime against them. What, exactly, does this punishment offer to victims, which is of genuine value and meaning? No doubt, some victims want that person to suffer; and, in such cases, “just deserts” may give such victims some satisfaction (for empirical evidence that suggests in fact it does not, see McGeer and Funk 2017). But apart from the possibility of such satisfaction, offender suffering provides no real or concrete good to victims – many of whom are in desperate need of support and help as a result of their victimisation. Indeed, it is arguably a remnant of an outdated “logic of revenge” widely agreed to be

inconsonant with the aims and values of modern criminal justice systems – a “mysterious piece of moral alchemy”, as H.L.A Hart famously put it, which needs to be relegated to the past (for discussion see Lacey and Pickard 2018).

Rethinking justice involves critically interrogating not only how we ought to treat people who have offended, but also how we ought to treat victims. On the one hand, we need to sever responsibility from blame in order to fashion accountability and answerability practices that do not shy away from addressing the harm done, but do so in ways that are non-stigmatising and forward-looking, hence capable of engaging offender agency and ability to change, and so promoting ends such as crime reduction, reform, and rehabilitation. On the other, we need to move beyond the idea that justice for victims is served through inflicting punishment and suffering on people who have offended, and attend to the interests and needs of victims in their own right. The rhetoric of “just deserts” and the righteousness of blame handcuffs us with respect to both.

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About the author

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Measuring the social impact of Secure Training Centres in England and Wales

Claire Paterson-Young

Measuring the social impact of custody on young people is a nascent area, with attention focusing instead on the offending and re-offending rates of young people (Paterson-Young et al., 2017). Creating effective interventions that support young people involved in offending benefits from individual (micro), organisation (meso) and community (macro) level understanding. With processes for developing effective and sustainable interventions existing in a wider context of austerity measures, the availability of funding is scarce (UK Children's Commissioner, 2015). Adequately directing funding to effective and sustainable interventions is central to improving outcomes, particularly those interventions supporting young people. Over the past decade, the number of young people receiving cautions or convictions, in England and Wales, reduced by 81% while the numbers sentenced to immediate custody reduced by 74% (YJB, 2018). Despite reductions in the numbers entering the criminal justice system, the reoffending rate increased by 4 percentage points (YJB, 2018). Current measures for establishing the effectiveness of interventions rely on output data with limited emphasis on understanding the social impact (e.g. relationships, education and independence). Social impact measurement allows organisations to explore the



intended and unintended consequences of interventions to help them understand whether interventions are effective and sustainable (Vanclay, 2003). The research project focused on exploring how social impact measurement can be used to measure the outcomes for young people in Secure Training Centres (STC). A sequential mixed-method design was adopted by combining quantitative and qualitative methods to explore the perceptions of children, young people and staff in STCs. The following section briefly explores key data relating to social impact using questionnaire and interview data.

Impact of custody on young people

Effective interventions and services for young people can only be developed if an organisation has clear strategic direction alongside relevant core principles and values.

The strategic direction of STCs was developed twenty years ago, with limited revision since this date. This issue was highlighted by staff members participating in the research:

“They are appropriate for the centre but not for our clientele, in terms of the young people ... We are still running around with the same rules [from 1998] but we are not the same we were 20 years ago. Things have moved forward but unfortunately they haven’t moved it and changed enough to deal with the young people we are dealing with now” (S12)

The challenges presented by the static organisational purpose and rules; increases in the age profile of the young people accommodated; the limited engagement with community partners; the limited support and supervision of staff; the inadequacy of training; and the available provisions for young people all impact on the delivery of effective and sustainable services for young people. Analysing the data resulted in emerging themes and the creation of the rehabilitative environment model (Figure 1). This environment promotes positive outcomes for young people in custody by addressing factors such as health and wellbeing, relationships, education, independence and resettlement.

Positioning this rehabilitative environment within a social impact measurement framework benefits individuals (supporting positive outcomes), communities (supporting communities to empower young people and victims of crime) and on institutions, government and funders (supporting the development

effective and sustainable approaches to reduce the financial burden). This framework offers a clear pathway for measuring the social impact of interventions, with interval measurement. For example, measuring young people’s understanding of the impact of offending on victims at arrival (short-term and intermediate-term outcomes), release (intermediate-term and long-term outcomes) and at post-release follow-up (long-term outcomes and impact) would allow professionals to identify changes in restorative attitudes which are key for desistance (Nevill and Lumley, 2011). By introducing this approach, the organisation has the opportunity to identify the resources and activities required for supporting young people and the outputs, outcomes and impact achieved from such interventions. Rather than focusing on the social impact measurement framework, this article briefly explores some of the factors that influenced the development of the rehabilitative environment model.

Health and wellbeing

Research showed that a significant number of young people had been exposed to parental separation (68%), pro-criminal family members (68%), domestic abuse (51%), bereavement (25%) and/or experiences in the care system (43%). The trauma resulting from experiencing child abuse, domestic abuse and bereavement can hinder the development of young people (Cohen, Mannarino and Deblinger, 2017). So, what support do young people receive in custody? During the induction to the centre, young people engage in a Comprehensive Health Assessment Tool (CHAT)

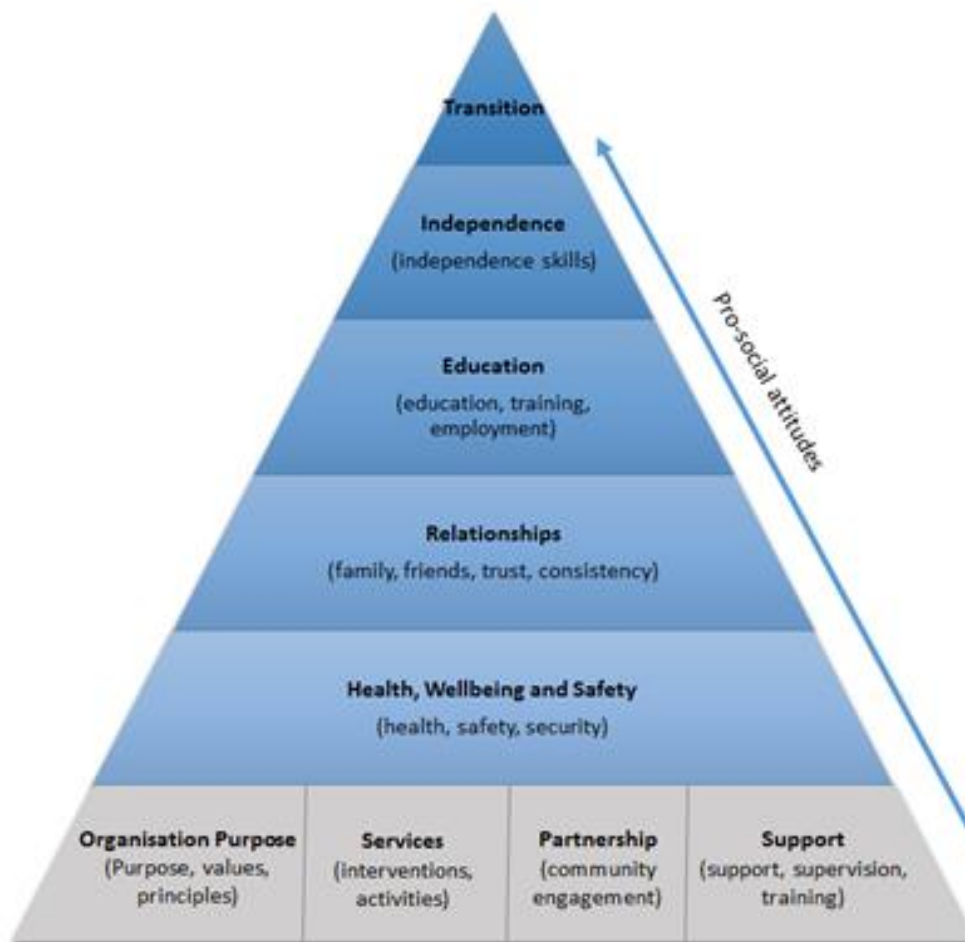


Figure 1 – Rehabilitative Environment

which covers physical health, mental health, neuro-disability and substance misuse. Staff also arrange initial appointments with the General Practitioner (GP) and dentist for young people. During the research period, the centre employed two part-time assistant psychologists and one locum psychiatrist, which appeared inadequate for addressing the needs of young people entering custody. A recent Ofsted (2017) report commented on the delays young people experienced in accessing psychology services with four young people on the waiting list during Ofsted's visit.

Given concerns over the mental ill-health of young people in custody and the impact of mental ill-health on life satisfaction and desistance, providing adequate service provision is critical (Lader, Singleton and Meltzer, 1997; Hughes et al., 2012).

Relationships

Strong and supportive relationships aid desistance from offending, with offending behaviour influenced by poor family relationships, negative school experiences and delinquent influences (Farrington, 2005; Farrington and Ttofi, 2014). Despite the central role family play in supporting young people in custody and transitioning from custody,

some young people have fractured relationships with family members:

“Well my mum and dad don’t talk to me anymore because of the offending and other stuff. Mum just wanted to disown me anyway, she hated me. It’s difficult at times cause my family hate me. I was in Foster care for 2 years (or nearly 2 years) before I came here” (P03)

Custodial environments play a crucial role in helping young people develop positive and trusting relationships which promote positive attitudes and outcomes (Maguire and Raynor, 2006). So do STCs help foster positive and trusting relationships with young people? Research showed a significant correlation between feelings of optimism and receiving regular visits from family and friends. Despite this correlation, 45.6% of young people did not experience regular visits from family and friends. Relationships with staff members were also explored, with data analysis suggesting that a significant number of young people (96%) have positive relationships with staff. The STC has a multitude of departments for supporting young people, with staff offering support in different areas (for example, substance misuse). Despite questionnaire responses regarding positive relationships, interview responses varied in terms of these relationships with young people’s views influenced by staff management of situations:

“... if they restrain me then I will hold a grudge ... The staff are alright but you hurt me and I won’t forgive you like, that’s how it goes.” (P01)

Despite the positive relationships reported by young people, analysis showed that young people have

case management and intervention from an average of 4.1 members of staff (excluding unit staff members¹). Case Managers are assigned to beds rather than young people. In the event young people are relocated to another unit in the STC, a new Case Manager is assigned. This change results in young people having to build significant relationships with a revolving door of professionals, which, unsurprisingly, serves to disrupt the continuity of trust between young people and staff.

Education

Findings showed that a high proportion of young people participating in the research had stopped attending education prior to arriving in custody (84%), with 37% ceasing education over 12 months before arriving in custody. National statistics on the proportion of young people ‘not in education employment or training’ (NEET) ranges from 15-19 years-old, with national averages varying across counties. For young people under 15 years-old, 34% were categorised as NEET which is significantly higher than the national statistics (9%) for NEET young people in England and Wales in 2015 (Mirza-Davies and Brown, 2016). So what support do young people receive to access education in custody? Education was placed at the heart of STCs, with a key aim to “provide a positive regime offering high standards of education and training”. On entering STCs, young people are enrolled in education (core curriculum and vocational subjects) for 25 hours per week, with the ratio weighted in favour of core curriculum subjects during the data

¹ Numbers on units are variable.

collection period. Young people's views of education varied in interviews, with 46% of young people reporting negative views of education, 27% reporting positive and negative views, and 27% reporting positive views of education. The positive views of education primarily related to feelings of achievement, with interviewees expressing the following views:

"Some of the teachers are good, they give us proper education work to do. Like they give us sheets of paper with ... with ... I don't know what they are called really... but they have things on it that help me learn" (P02)

Providing young people with the means to complete qualifications increases the availability of meaningful opportunities on release (Merton, 1938, Farrington, 2005). Despite some positive commentary, the negative views expressed by young people overshadowed the positive:

"... the education here isn't very good. Because it's just, I wouldn't even count it as education really, it's like, you go to a lesson and the teacher will turn up like 20 minutes late and you're just there colouring. I am expecting to go into A-levels now and I'm sitting here colouring in, I'm not even revising" (P13)

This illustrates young people's frustration with the education provisions available, with young people expressing dissatisfaction with the use of "colouring", "cross search words" and "worksheets" in education. During the research period, a high proportion of young people accommodated were aged between 15 and 17 years-old (89%); however, the educational provision, which have remained relatively unchanged since the

creation of STCs, are primarily for young people aged 12-14 years-old. With STCs now accommodating 12-18 year-olds, the effectiveness of current educational activities (particularly for the older age groups) requires consideration.

Independence

Young people in custody experience isolation from society, impacting on the development of the independence skills crucial for release. Supporting young people to develop personal and social skills promotes safety, security and resilience which are central to promoting positive transitions. Masten (2001) explored the notion of resilience, focusing on the importance of the environment in fostering or hindering the individual's ability to thrive. The removal of adequate connected arrangements of support upon release creates a dislocation for young people at a time when they enter a difficult period compounded by a greater risk of involvement in criminal behaviour. This reduces the available protective factors for young people are critical for promoting positive outcomes and desistance (Farrington and Ttofi, 2014). Developing independence skills is equally important for promoting resilience in young people transitioning from custody, with young people receiving support to complete daily activities (e.g. cleaning, cooking), support that ceases upon release. Data analysis showed that over 59% of young people believed that no support was provided in learning independence skills. The results show that a high proportion of young people report having no opportunity to learn independence skills at home or in the STC.

Research found that young people learn limited independence skills in custody, with 69.1% reporting limited knowledge of applying for education and/or employment opportunities and 73.5% reporting limited knowledge of filling out forms. Given the expectation of early-transition for young people leaving custody, support is required to improve independence skill and reduce the barriers to positive outcomes (Montgomery, Donkoh and Underhill, 2006).

Attitudes to offending

Personal narrative plays a crucial role in understanding desistance and recidivist behaviour. Individuals sentenced to custody face several obstacles on release (for example, finding secure accommodation, reconnecting with friends and family, and securing education or employment); supporting the development of pro-social attitudes is critical. Zamble and Quinsey (1997) explored the impact of such obstacles, finding that recidivists tended to respond with anger and despair, resulting in a decrease in motivation. One of the young people participating in the interview phase was informed his hostel placement was closed which resulted in feelings of anger and despair. The loss of secure accommodation and distance from family and friends resulted in a decreased motivation for desistance, as expressed in the statement “... *I will end up back here in a few weeks anyway, no point in being good, you get fucked anyway*” (P11). In exploring attitudes to offending for participants in this research, 62% expressed no remorse for the crimes they had committed. Furthermore, findings show that young people expressing no

remorse were significantly less likely to express a desire to apologise or make amends. Research by Jolliffe and Farrington (2004) explored the importance of empathy in understanding recidivism and desistance, finding a strong relationship between low cognitive empathy and offending. By supporting young people to understand the impact on victims and the value of restorative thinking, there is an opportunity to increase levels of empathy. Several young people participating in the interview expressed no remorse for the victim of offences, expressing views that the victim was ‘deserving’ or expressing a lack of empathy – ‘I don’t care’. This idea of the ‘deserving’ victim was rooted in young people’s perception of the victim’s behaviour. Hosser, Windzio and Greves (2008) longitudinal analysis of event-history found that expressing guilt and remorse was associated with lower rates of recidivism. Results from this research reinforce the fact that custodial environments have a crucial role in supporting young people to understand develop restorative values and pro-social attitudes. Despite this, young people rarely participate in meaningful restorative interventions, with existing ‘restorative practices’ offered by untrained staff.

Summary

Findings from the research study have wider national and international relevance for the youth justice system, specifically in addressing the lack of effective measurement frameworks. This research has contributed to knowledge in relation to the methodology, theoretical approach and social impact measurement

framework. It demonstrates the validity of a sequential mixed-method approach for measuring the social impact of custody on young people, as well as allowing for the measurement of inter-organisational outcome performance. The position of the rehabilitative environment within a social impact measurement framework offers organisation, funders and policy makers an opportunity to measure impact on the micro and meso level which contributes to macro level understanding. This model demonstrates an environment that promotes positive outcomes for young people in custody by addressing factors such as health and wellbeing, relationships, education, independence and resettlement. By monitoring and reviewing each step in this rehabilitative environment, STCs and the YJB have the opportunity to measure the outcomes at each stage. Empowering young people, as well as staff creates an environment that promotes the development of young people which, in turn, supports the development of effective interventions and services. Overall, the research shows that the current STC model lacks direction, purpose and overall social impact. This results in confusions for the staff members employed in the STC environment that, in turn, impacts on the outcomes for young people. Overhauling the STC requires acknowledgement of the issues previously explored with emphasis on refocusing the purpose and vision, retraining and developing staff members, introducing support and supervision and focus on addressing the factors contributing to positive outcomes for young

people as explored in the rehabilitative environment. The research findings show that the current STC model fails to empower young people by offering inadequate and/or limited service provisions and also fails to empower staff by providing inadequate direction, support and training.

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Understanding the disproportionate representation of minority youth in special education and the juvenile justice system: A fundamental discussion for the justice of minority youth

Shameka Stanford

The prevalence of minorities over-represented in the United States (U.S.) criminal justice system and special education system has been persistent for over two decades (Hartney and Vuong, 2009). More specifically, African-American youth primarily from low-SES (socio-economic status) communities in the U.S., account for more than 20.2% of the overall special education system population. In both instances, the representation of African-Americans in the criminal justice system and special education system is staggering.

This may be secondary to the fact that minority youth who reside in low-SES minority communities within the U.S. are predicted to have a history of decreased access to quality education, routine and specialised healthcare assessment, treatment, and intervention. When access to quality education, assessment, treatment, and intervention is limited, this can impact the quality of life, social life, and academic success of minorities from low-SES communities. As well as, this can also perpetuate the school-to-prison pipeline increase for youth to the juvenile justice system, jails, and prisons. At this time, the current status quo as it pertains to researching communication disorders, the impact of health barriers on individual behaviours and specifically on low-SES minority communities; has not yet extended

analysis to factors like the presence of Cognitive-Communicative Disorders (CCD) recognised as a structural determinant of future societal and academic success (World Health Organization, 2016). As such, there is a scarcity in the research, findings, and current initiatives that have investigated and/or analysed the influence of CCD on the risk of problem behaviours (CTB), the school-to-prison pipeline, and recidivism amongst low-SES juvenile minority youth.

CCD is defined as a deficit or significant impairment in the primary functions of attention, memory, problem solving, emotional functioning, comprehension and production, literacy, pragmatic skills, social skills, and expressive and receptive language abilities (American Speech-Language-Hearing Association, 1997). CCD can affect an individual's communication and comprehension status in a way that impairs their ability to fully participate in all aspects of life including social, vocational, and educational endeavours (American Speech-Language-Hearing Association, 2001). My research suggests that specifically in low-SES minority communities, a variety of health disparities are taken overlooked and not addressed enough in the research realm. Untreated/undiagnosed CCD is a primary health disparity factor that is often overlooked. CCD is a health

disparity that when untreated/undiagnosed can be exacerbated by the systemic barriers already present within the U.S. school systems, communities, and the minority youth's experience with the U.S. criminal justice system.

Minority youth residing in low-SES communities consistently experience disproportionate access to educational resources, and related service referrals for CCD assessment, intervention, and treatment that can impact their overall academic success leading to increased referrals to the U.S. special education and juvenile justice system (DOH, 2014). Juveniles from low-SES communities faced with higher risks of being referred to special education include the under explained and overgeneralised presentation of CCD related behaviours during class interactions such as poor decision making, lack of inhibition, delayed cognitive skills, and limited literacy skills. Minority youth being placed in U.S. special education classrooms where there is no direct functional treatment and intervention readily available, can thereby lead to a higher probability of criminal activity and recidivism early in life. Therefore, impairments to educational attainment and literacy skills as a result of a CCD can severely alter the ability to receive academic and future societal success.

In the United States, every 1 in 17 white males is sentenced to jail in their lifetime as compared to every 1 in 3 black males. ... recidivism rates for juveniles aged 15-20 years released from prison is significantly higher than any other age group in the U.S.

In my research, it has been hypothesised and preliminarily discovered that when a CCD is undiagnosed or lacks proper treatment, academic and vocational difficulties may persist throughout the juvenile's childhood into adulthood. For example, academic and vocational difficulties secondary to undiagnosed CCD can affect the youth's expressive and receptive language skills, literacy skills, behavioural skills, social and pragmatic skills, problem solving and decision making skills. This is especially prevalent in low-SES minorities who experience a

multitude of health disparities. Further, factors of social health determinants such as substance abuse, violence, and cranial-cerebral trauma secondary to engaging in avoidable risks such as traumatic brain injuries, sports related injuries, fights etc., are more

prevalent in low-SES minority communities and increases the risk of concomitant CCD impairments that can change the trajectory of their quality of life (Powell, 2016).

Conversely, minority youth involved with the U.S. criminal justice system have been documented as having lower educational achievements, significant deficiencies in literacy skills, and the majority of whom qualify for special education services. More specifically, African-American males from low-SES communities living with an undiagnosed/untreated

CCD have a higher rate of dropping out of school and entering society with significantly higher juvenile school infraction and incarceration rates than their peers of other races. African-American youth make up a mere thirteen percent of the U.S. population, however, they comprise over 40% of all inmates within U.S. jails and prisons (Losen and Orfield, 2002). In the United States, every 1 in 17 white males is sentenced to jail in their lifetime as compared to every 1 in 3 black males. Further, the criminal recidivism rates for juveniles aged 15-20 years released from prison is significantly higher than any other age group in the U.S. (The Council of State Governments Justice Center, 2015). It has been discovered that seventy-six percent of youth under the age of twenty-five who were released from prison, were re-arrested within three years; and eighty-four percent were re-arrested within five years.

Consequently, CCD intervention and the lack thereof can influence an individual's life decisions from a young age and set trajectories that determine whether or not a child will grow up to be a productive and law abiding adult within society. Without a societal understanding of the confluence of CCD, academic success, and the criminal justice system; long-term detrimental effects of CCD on minority youth, such as reinforcement of violent behaviour and attitudes, limited education, exacerbated mental health, learning disabilities, and increased future involvement in the criminal justice system will persist (The Council of State Governments Justice Center, 2015).

Therefore, within the United States, there is a critical need to discuss and

address the plausible correlations between cognitive-communicative disorders and the disproportionate representation of low SES African-American youth in special education, and their overrepresentation in the criminal justice systems. The acquisition of such knowledge is important to the development of improved therapeutic interventions, reducing disproportionality, and increasing novel strategies of engagement within U.S. minority communities, the special education system, and juvenile justice systems.

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‘Double deviancy’: The subjectivities of ‘motherhood’ and ‘criminality’ within the criminal justice system in England and Wales

Olivia Tolaini

As Baroness Corston identified in her seminal report, female offenders are an incredibly complex group with varying needs (Corston 2017:14); neither solely ‘offenders’, nor ‘victims’, they cannot be slotted into traditionally strict and overwhelmingly male legal structures. The criminal justice system however, was historically designed with men in mind – courts, sentencing procedures, and even prisons themselves, were conceived to house men (ibid.:19). Women on average make up just 5% of the general prison population, and are a thoroughly marginalised minority (ibid., 19-20): of the approximately 10,000 women who enter prisons in England every year, around 70% are mothers. Some 600 are pregnant, and 100 will actually give birth whilst still in custody. Remarkably, 10 years on from the Corston report, we are arguably no closer to a workable alternative to prison for women, and the concrete realities of life for many of these mothers remain very damaging. The following article has been adapted from research I undertook for my MA thesis, shedding new light on an issue which is not merely neglected in an entirely male-centred criminal justice system, but considered an ‘impossibility’.



Deconstructing motherhood

Motherhood, whilst existing as an ‘embodied’ reality, is also lived, constructed and given meaning outside of the maternal body itself, through social and cultural inscriptions. Discourses of class, race, age, and economic participation are intrinsic to classifications of *which* bodies and *which* mothers are ‘good’ and ‘successful’ figures and which are ‘bad’ and ‘deviant’ (Woodward 2003). Where before, traditional notions of ‘domestic motherhood’ were socially valued, mothers who are now considered ‘unemployed’, or who receive welfare support, are deemed to be ‘bad’ mothers (Goodwin and

Huppertz 2010); 'undeserving' subjects. Either assumed to be black or non-British nationals, or problematically white, exhibiting a '... 'dirty whiteness'... contaminated with poverty', these mothers are the targets of censure and intervention; set up to fail by the State itself (Tyler 2008).

The duality of 'motherhood' and 'criminality'

The subjectivity of the 'criminal mother' within the criminal justice system remains caught in a rigid binary: the law operates within strict dualisms; one is either 'innocent' or 'guilty', the 'victim' or the 'perpetrator', and as it stands it cannot conceive of a subject as both. It has been repeatedly reported that women convicted of offences do not fit within such clearly delineated categories. Around 50% of women in prison reported having experienced domestic violence (Corston 2007:7), 49% said they suffered from anxiety and depression...and 37% reported that they had attempted suicide at some time in their lives (O'Keefe and Dixon 2015). Substance-misuse and drug-addiction are known to play a disproportionate role in many women's offending behaviour. Baroness Hale has stated that an individual's 'criminal' status should be negated because '...[their] basic citizenship rights – such as the right to physical or sexual integrity – have been violated by abuse from which the State has failed to protect them...' (Hale 2005). If there is to be any State intervention, it is predominantly employed 'for the sake of the children'. It is a particularly frustrating yet potent discourse: the mothers need to be punished, and their children saved from a similar fate. Institutions become the official

carers of these children; removed from their parents, some manage to stay within their families, others often end up in foster care or adopted.



Mum's Mug of Cocoa, HMP & YO1 Holloway – Koestler Trust Platinum Award for Painting 2016

Women in the criminal justice system

Over the last 20 years or so there has been a notable increase in the number of women receiving custodial sentences. Magistrates' courts in particular have been employing assessments of culpability and 'just punishment' that do not take into account differences of gender, race or class. As a result, a woman is now seven times more likely to go to prison than she was in 1991 (Hale 2005). Not only does a woman's identity as a mother increase the severity of her crime, she is also prevented from using it as a supposed 'bargaining tool'. One woman, who appeared in court alongside her daughters for the

same offences, received a sentence twice as long. The judge said to her: 'You are the villain of the piece. It is your fault your daughters are in court. Some mother.' (Baldwin 2015:39). Many BME women find that their race as well as their 'motherhood' status is a contributing factor to their sentencing. In particular, many Afro-Caribbean women are measured against white British cultural assumptions of 'traditional' family life and 'womanhood' (Kennedy 2005:170). Black women often feel that their claim to motherhood is also marred by the supposition that their maternal relationship is inherently flawed or less significant.

Parenting from prison

The Prison Service, despite clear regulations, has arguably struggled in its commitment and practical arrangements to encourage and develop the principles of contact and performative parenting. Prison Rule



Blizzard on the Beach, HMP & YOI
Low Newton – Koestler Trust 2015

31 states: 'Special attention should be paid to maintaining contacts [sic] between prisoners and their families, ... which best promote the interest of their family and social rehabilitation.' Prisoners are restricted to phone calls, letters and infrequent visits. Visiting procedures can be particularly difficult for children, travel can be long, visitors can be searched, physical contact is very limited, and resources are not necessarily provided to make the prison environment more hospitable (Brooks-Gordon 2004). All of these factors make mothering from prison particularly difficult and women can feel very isolated from their children (Gardiner et al 2014). Many male prisoners also feel guilt and shame caused by the separation from their families, but often experience less anxiety (Ibid.), shutting off their emotions, a process known as 'hard timing' (Brooks-Gordon 2004:319). Arguably women do not have that luxury as 'only 5% of women prisoners' children remain in the family home once their mother has been sentenced to custody' (Corston 2007:20). Mother and baby units (MBUs) were therefore established as a space in which women could live alongside their young children in a separate part of the prison in order that they could engage in active parenting and build a relationship with their child in a safe environment (O'Keefe and Dixon 2015). For some women, such arrangements provide a place away from the things that brought them to prison in the first place – drugs or abusive partners (Ibid.). Currently, MBUs enable women in open and closed prisons to keep their babies with them until they are 18 months old, after which time they are sent to live with other family members, or within community care,

fostered or in some cases adopted. Within the female prisoner estate in England, there are only six mother and baby units across the twelve establishments. Wales has no female prisons whatsoever. Women must apply for a place on an MBU (Galloway et al 2014), and in England in particular there is a very high rate of rejection for MBUs, many of which operate at less than 50% capacity (O'Keefe and Dixon 2015:14).

Institutional invisibility

It has been well documented that there is an institutional lack of information surrounding accurate numbers of mothers and young children in prison (Pösö et al 2010). The most worrying, and telling revelation, is that there is no Prison Service Order providing information or guidelines surrounding best practice for pregnant women in prison. PSO 4800 accounts for the general running of the women's estate, and PSI 49/2014, Prison Service Instructions, outlines the care and treatment of MBUs (Birth Companions 2015). The PSI provides very rudimentary information regarding the application process, placement and transportation to and from the MBU. A recent World Health Organisation report clearly stated that 'Current provision of healthcare for imprisoned women [including those in the UK] fails to meet their needs... it is far short of what is required by human rights and international recommendations...' (van der Bergh et al 2010:689). Within English law, '...a convicted prisoner, in spite of their imprisonment, retains all civil rights which are not taken away expressly or by implication.' The UK government is therefore obliged by

law to provide healthcare equal to that with which they would be provided in the community. Shockingly however, some women reported still being handcuffed between prison and their hospital appointments (Birth Companions 2016:22).

A new 'vulnerable/peripheral' subject

The criminal justice system as it stands is established around the notion of the autonomous liberal subject, who is deemed to be largely in control of *his* own individual actions and needs (Fineman 2008:4). My analysis of women as mothers and offenders is informed by feminist legal theory, exemplified by Martha Fineman's 'vulnerability' thesis which contends that the concept of 'autonomy' is clearly a fallacy, as our human reality is far more complex and our fragility is



Love and Life, HMP Grendon – Koestler Trust Sir Hugh Casson Gold Award for Painting and Platinum Audience Choice Award 2015

ever-present. Pregnancy and motherhood are moments not only of 'embodied' experience, but form part of what Fineman termed a 'continuum', subject to material and social power relations which can operate often unexpectedly and harmfully (Fineman 2008:2). Rather than a hierarchical organisation of difference along gender, class or race lines, a new legal subject would not be defined within dualistic categories. Rather than view a woman's subjectivity as 'vulnerable', a vulnerability analysis deconstructs the assumptions of individual autonomy and posits instead the need for a re-figured relationship with the State. My methodology is grounded in the understanding of a more nuanced subject, following the work of theorist Ratna Kapur. Her 'peripheral subject', is one that perfectly inhabits this liminal legal space between 'equality' and 'difference', because the 'peripheral subject' lives outside of what is even known to exist within the 'liberal rights' discourse. The 'peripheral subject' is not recognised by institutional norms or policies, and has hitherto not been accounted for. In this way, the 'vulnerable/peripheral' subject is the ultimate challenge to the State's normative assumptions of a mother's identity (Kapur 2005:128), broadening the scope of who is deemed to be a worthy subject, and who can even exist within the legal imagination. In this way, it is important to deconstruct damaging definitions in order to achieve a truer sense of social justice, else these women will remain invisible and 'doubly victimised'.

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artworks which can ultimately help them change their lives, and challenge negative preconceptions of what ex-offenders are capable of.

About the Author

Olivia Tolaini is currently a researcher for the British Red Cross looking at the Refugee Family Reunion process in the UK. She recently graduated from SOAS with an MA in Gender Studies and Law. Her MA thesis "Double Deviancy" was highly commended in the Howard League for Penal Reform's 2017 John Sunley Prize. Her research interests include gender studies, feminist legal theory, migration studies, and international law.

Book reviews

Human Rights and Restorative Justice

Edited by Theo Gavrielides

RJ4ALL Publications: London, 2018

Introduction

Human Rights and Restorative Justice is published by RJ4All Publications as part of the Restorative Justice Series. RJ4All Publications specialise in social sciences and the publication of cutting edge research on restorative justice, criminal justice, equality and human rights.

This volume aims to advance knowledge on the interdisciplinary relationship between restorative justice and human rights in theory and practice. Through the contributions of eight international experts, it explores the potential of an ideological partnership between restorative justice and human rights, to inspire effective social and legislative changes in various contexts, within and beyond the criminal justice process.

Theory

Many theoretical questions on the relationship between restorative justice and human rights emerge. How do we deal with defining the parameters of restorative justice and human rights within a continually fast-changing social and legal environment? What is the theoretical relationship between restorative justice and human rights? Can the achievement of the aims of one discipline hinder the values of the other discipline? The volume successfully addresses these questions from many angles.



Theo Gavrielides

To unravel the theoretical relationship between restorative justice and human rights, Gavrielides (2018a) historically examines the development of restorative justice and human rights as separate disciplines to highlight their shared theoretical groundings. Restorative justice encompasses an array of theories dealing with the process of voluntary and honest dialogue, to restore harm of a crime on direct and indirect parties (Gavrielides 2007). Human rights could be defined as the entitlement of humans to freedom and basic rights (The United Nations 1968-1998). The historical development and current practices of restorative justice and human rights reveal their shared common values of 'empowerment, inclusion, participation, and individual responsibility' (Gavrielides 2018b). From there, Gavrielides (2018a) distinctively argues for a joint 'human rights-restorative justice

approach' to modernise current youth justice policies.

Van Ness (2018) adopts a thought-provoking view of overcoming issues of defining restorative justice and human rights. He advances a view of the universe as 'relational and moral': communities all interdependent and share a set of moral values. This view would help us understand the norms of each community, institute just and fair laws on permissible and impermissible behaviour, and understand ways of dealing with the violation of norms. Importantly, restorative justice processes help communities define and reaffirm their norms and can justly deal with repairing the morals of a community through restoring the harm caused to victims and holding offenders accountable. The moral and relational view of the universe determine when restorative justice practices are a just and fair response to dealing with certain violations of norms, and to develop 'human rights' standards and guidelines to ensure that the application of restorative justice practices and other methods of punishment would not violate the rights of individuals involved in the process.

Harvey (2018) advances a 'human rights in perspective' approach to restore and reconstruct the definition of 'human rights'. Given the sheer volume of human rights law, and the misalignment between human rights standards and current societal needs, human rights may lose its critical edge to inspire the democratic practice of rights. Harvey argues that advancing the project of restoration and engaging in restorative justice practices would

help us move away from forms of legalism that suppressed the voices of individuals who have been disproportionality impacted by human rights violations. This would vitally ensure that members of the community, including those who are disproportionality impacted by human rights violations, are empowered to engage in dialogues and negotiations regarding emerging rights violations. Therefore, the employment of restorative justice principles is vital to further our understanding of what we mean by 'human rights'.

Practice

The volume further provides evidence-based studies concerning the advancement of restorative justice and minimising human rights violations, primarily in the context of youth justice policies and youth crime. In the context of juvenile crimes, Grimes (2018) advances an 'RJ plus' model, which is an alternative dispute resolution model based on restorative justice principles and meets due process human rights standards. The model, aiming to develop university *Streetlaw* programmes in the UK, involves the collaboration of a non-profit restorative justice organisation with statutory authorities. Statutory authorities could refer certain cases to the organisation which would then liaise with universities to train law students to be involved in the restorative justice process. After the organisation has successfully conducted a restorative justice conference, it would assign the cases to law students to conduct the follow-up stage of the restorative process. The model distinctively emphasises the continuing education of young people who have offended through dialogue with

law students, a young segment of the community. The model would effectively target anti-social behaviour and criminal behaviour amongst young people convicted of crimes and promote engagement and civic responsibilities across various members within the society.

Additionally, Barabas (2018) explores the potential of human rights violations to life and dignity in Hungarian juvenile prisons. She argues that deterrence-based sentencing policies of 'going hard' on young people have failed to fulfil purposes of reducing re-offending. In other words, detention in poor circumstances and imposing long prison sentences risks violating human rights standards and is likely to lead to further criminality within prisons and following release. The article summarises the findings of a study of two Hungarian prisons on the lives of prisoners, and their perceptions on their criminal acts and the impact of their crimes on victims. Barabas finds that adopting restorative justice programmes within prisons, as a post-sentence measure, will help young offenders understand the responsibilities of their crimes. It will facilitate communication between those convicted of crimes and official parties to further understand the causes of crime, re-affirm compliance with human rights standards, and help build programmes that help offenders integrate back into their communities following release.

Beyond the criminal justice process, Hadjipavlou (2018) studies employing restorative justice as an informal conflict resolution mechanism, to remedy past historical human rights violations.

She conducted youth workshops, modelled on restorative justice principles. The historical political tensions between Greece, Cyprus and Turkey have resulted in human rights violations within minority communities, and a continual impact on the attitudes of youth communities. The aims of the workshops were to start a dialogue on the sources of conflict, and to help participants understand their responsibilities in embracing diversity and promoting peace within their communities. Hadjipavlou argues that the positive outcome of the workshops, attended by more than 400 participants, necessitates future institutional frameworks based on peace education.

The volume further provides contributions relating to the possible challenges of bridging the gap between the theory and practice of restorative justice and human rights. Walgrave (2018) advances a narrow view of restorative justice as positively creating a constitutional democratic society, where a more participatory, inclusive, and democratic society, is promoted through the law. Nevertheless, a 'restorative justice society', where the powers of the state are non-existent, would not successfully advance these aims in practice. Restorative justice can appropriately deal with the consequence of a crime, and could limit deterioration of democracies, if practices are employed according and within an adequate legal frame, managed by state power, to ensure that the rights of individuals in the community are not compromised.

Johnstone (2018) explores efforts to standardise restorative justice practices to ensure that the rights of

individuals involved in the process are not compromised, and to expand the use of restorative justice in further contexts. Nevertheless, movement towards standardisation may threaten the roots of restorative justice as a social movement, and adversely impact its multidimensional way of addressing crimes and other conflicts within communities.

The significance of human rights and restorative justice

Human Rights and Restorative justice compellingly weighs on much-needed legislative changes to address the rise in the levels of crime by young offenders. There is an evident lack of understanding of the causes of youth crime, and how the law should respond to such violations in a way that would reduce re-offending rates and promote norm compliant behaviour in the long term. This year witnessed a rise in the levels of knife crimes in England and Wales. Across the pond, an average of one school shooting per week occurred in the United States (BBC 2018; CNN 2018a). Amnesty International (2018) views lenient gun control laws as a human rights violation because of failure to protect “the rights to life, liberty and the pursuit of happiness, without discrimination or prejudice of any kind.” Similarly, Liberty (2008, para. 1) stated that “human rights law requires states to take reasonable steps to protect people from serious and violent crime.”

A ‘human rights-restorative justice approach’ could initiate a process of reforming and modernising current youth justice policies and practices (Gavrielides 2018a). This year’s gun crime epidemic was surprisingly

accompanied by a youth-led movement to communicate the impact of the crimes on their lives, and inspire involvement of members of the community (CNN 2018b). Parallel to the views of Van Ness (2018) and Harvey (2018), the establishment of formal restorative justice practices in times of crisis and when human rights are violated could assist in redefining and reaffirming the norms of the community, repair the harms suffered by the victims, hold offenders accountable, and inspire dialogue by the victims who have been disproportionality impacted by the violations. The employment of restorative justice within a legal framework, as Walgrave (2018) and Gavrielides (2018b) argue, could successfully deal with the impact of crimes on various stakeholders within the community, and inspire a participatory and inclusive democratic society. The development of human rights values stems from a participatory community and active citizenship. It follows that a participatory community and active citizenship is motivated by laws, policies, and practices that represent the current wants and needs of the community.

Additionally, protecting the human rights of victims, people convicted of offences and stakeholders in the criminal justice system is a human rights discourse unto itself. The employment of restorative justice principles at certain stages within the traditional criminal justice system could advance the fulfilment of the human rights of those within the criminal justice system. As Barabas (2018) argues, establishing restorative justice programmes in youth prisons would help in understanding the underlying

causes of young people committing serious crimes involving weapons.

Conclusion

Overall, *Restorative Justice and Human Rights* significantly confirms how restorative justice weighs on social justice issues like human rights. It follows that the successful implementation of criminal justice policies, which includes restorative justice practices, relies on foundational laws that protect the human rights of stakeholders, including the victims and those who have offended. The volume convincingly contributes to theoretical ideologies relating to restorative justice and human rights as interrelated disciplines, and provides evidence of their effectiveness in tackling conflicts within communities and dealing with crimes.

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Madeleine Symons: social and penal reformer
By Martin Ferguson Smith

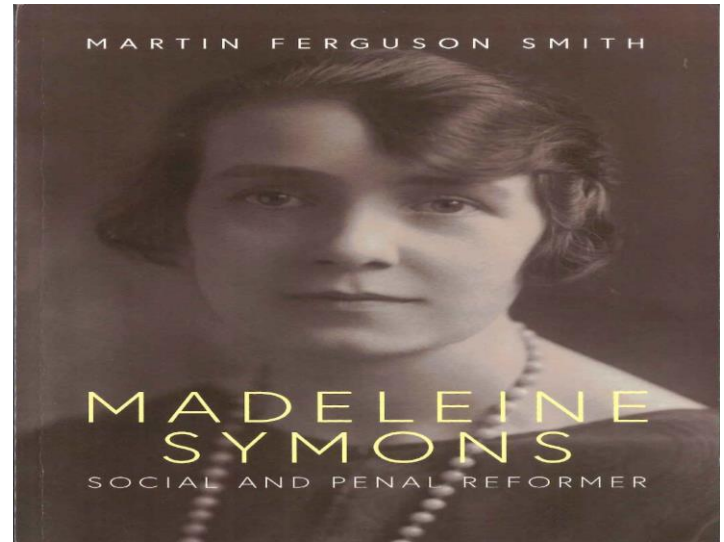
Silverwood, 2017, ISBN 978-1-78132-719-7

This fascinating and detailed biography of Madeleine Symons provides the reader with a clear insight into the life and work of a penal reformer, champion of the Howard League for Penal Reform and lifelong campaigner for the rights of women and children.

It highlights Symons' early life as a student of economics at Newnham College, Cambridge. It discusses the important contribution she made to the women's trade union movement during and after the First World War.

Madeleine became a magistrate in the juvenile court in the 1930s, a role she held for 25 years. She was a member of the Howard League's executive committee dedicating time and energy to supporting the charity until her death in 1957. She campaigned for reform, wrote articles for the Howard Journal and represented the Howard League internationally, attending a Paris UN meeting for NGOs along with Margery Fry in 1948.

This biography coincided with the 60th year of Madeleine Symon's death and the centenary (2018) of the celebration of women's suffrage for women aged 30 and over. The limitations placed on women's suffrage in 1918 impacted on Madeleine, who despite being a JP and a member of a Royal Commission, was not able to vote until she turned 30 in 1925.



The book seamlessly weaves her professional and personal life, providing a detailed portrait of a hardworking and committed campaigner for penal reform. It describes how she became a mother to Theresa in 1926 yet kept her birth a secret to all but a few close friends. As she was unmarried Madeleine adopted Theresa in 1927; 18 months later she adopted a boy and the author tells us she adored both her children.

This biography recognises and champions the work of just one of the many women who fought for social justice yet still largely remain hidden from history. Martin Ferguson Smith deserves praise for shining a light on the important contribution made by Madeleine Symons who was 'a tireless advocate of women's and children's rights. Many of the issues Madeleine Symons campaigned for, like court reform, the treatment of children in the criminal justice system and the inequalities faces by women are still relevant today and the Howard League continues to be outspoken about injustice.

*Lorraine Atkinson, Senior policy officer,
the Howard League for Penal Reform*

Guidelines for submissions

Style

Text should be readable and interesting. It should, as far as possible, be jargon-free, with minimal use of references. Of course, non-racist and non-sexist language is expected. References should be put at the end of the article. We reserve the right to edit where necessary.

Illustrations

We always welcome photographs, graphic or illustrations to accompany your article.

Authorship

Please append your name to the end of the article, together with your job description and any other relevant information (eg other voluntary roles, or publications etc).

Publication

Even where articles have been commissioned by the Howard League for Penal Reform, we cannot guarantee publication. An article may be held over until the next issue.

Format

Please send your submission by email to anita.dockley@howardleague.org.

Please note

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.