

The effectiveness of the Italian juvenile justice system in rehabilitating and reintegrating young individuals into the society

Item Type	Thesis
Authors	Bottiglieri, Camilla
Citation	Bottiglieri, Camilla. "The effectiveness of the Italian juvenile justice system in rehabilitating and reintegrating young individuals into the society". BA Thesis, John Cabot University, Rome, Italy. 2020.
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Download date	2025-03-17 15:35:22
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Link to Item	https://hdl.handle.net/20.500.14490/366



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The effectiveness of the Italian juvenile justice system in rehabilitating and reintegrating young individuals into the society.

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Spring 2020

Abstract

The objective of this thesis is to determine the effectiveness of the Italian juvenile justice system in rehabilitating and reintegrating young individuals into the society. The analysis involves a qualitative research on the regulation of the juvenile justice system. School of thoughts and theories are discussed together with the main exponents of Italian criminology and their contribution to the justice system. The history of the development of the juvenile justice system is then examined, first on a global and second on a national scale, taking into consideration the various achievements in terms of children's rights, juvenile penal process, the very first court and the idea of rehabilitation rather than punishment. An individual case study is then conducted on one of the Italian juvenile penal institutions, Casal del Marmo which is located in Rome. The case study is mainly grounded on interviews conducted in December 2019 to some operators and volunteers of the institution. The analysis is then concluded with the understanding that the Italian juvenile justice system has been rarely effective in reintegrating young individuals into the society. The final chapter also shows the limitations of this piece.

Dedication

This thesis is dedicated to the two women who raised me. To my beloved grandmother, Laura, who passed down to me all the life values that I have; and to my mother, Cristina, who has taught me how to be an independent, strong and kindhearted woman. All that I am I owe to them.

Acknowledgements

First and foremost, I want to thank my thesis readers, Professor Costanza Hermanin, and Professor Andrea Lanzone. Your assistance was necessary to accomplish my project and I am grateful for your dedication and involvement.

I would like to thank the operators and volunteers of the institution. Their kindness and availability made it possible to respect my schedule and to have a complete understanding of the life of young detainees, which was fundamental for the purpose of this research.

The accomplishment of this academic journey required more than academic support. It has been a long and difficult journey and I have special people to thank for listening and, at times, having to tolerate me over the past three years. First, I would like to thank Marta and Camilla, who never failed to encourage me and to transform all my dark days into brighter days. I would like to thank Camilla, who has always pushed me to overcome my limits and who never failed to put a smile on my face. The friendship and support of each one of you has been fundamental to complete this journey, I will never thank you enough.

Last but not least, my family and my life-time friends, who have been my pillar of strength, who supported me and always insisted to truly dedicate myself in any kind of situation. To my parents, to my grandfather and to my uncle who never stopped believing in me. To my best friend Giorgia. Thank you for teaching me the value of true friendship, thank you for always believing in me, especially when I did not do it in the first place. To my friend Flavia, who even if we took different life paths, has always been there for me. To my boyfriend Emanuele. Thank you for coping with me through this crazy journey, thank you for being my number one fan.

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List of Abbreviations

IPM	Istituto Penale Minorile
RDL	Regio Decreto-legge
UN	United Nations

Introduction

The idea of this thesis was born when I first learned about the Jonesboro massacre that happened in 1998. Mitchell Johnson, 13 years old, and Andrew Golden, 11 years old, shot their classmates and teachers in Jonesboro, Arkansas (Usborne, 1998). Although this horrible crime took place in the United States, the psychology and the legal consequences of it, worked as an inspiration for my thesis.

Unfortunately, nowadays, societies have faced the fact that adolescents and even children commit crimes. What has always interested me is how the system takes action to re-educate these subjects and to make sure that they are re-integrated properly into the society. The American juvenile justice system is the first one I have ever learnt in depth about, and it is the one that that inspired this piece of work. This system is extremely focused on the re-education of these young individuals and less centered on the issue of punishment. I have always been interested in the justice system in general, but since the beginning of my college career I have developed a particular attention to the juvenile justice system. I believe that it is important to study the prison context of the country we live in; but it is even more relevant to know how younger subjects are treated as they are in need of greater protection and sensibility. Furthermore, the juvenile justice system takes care of the future members of our community and workforce.

The concept of the actual possibilities of a young detainee to receive proper rehabilitation and reintegrate into the society is an extremely sensitive and current issue. As such, this concept itself, must be considered when identifying the most effective strategies aimed at preventing social prejudices towards the detainees (Mancuso, 2001). My aim is to tell the story of a not well-known reality, which is that of the young detainees of our society (Degenhard & Vianello, 2010), and to explain under what condition the State is able to perform its formal functions to the

Italian society: the recovery and rehabilitation of the subjects through a system that grants the implementation of education rather than punishment. In this regard, it is important to point out the Article 27 of the Italian Constitution:

“Criminal responsibility is personal.

A defendant shall be considered not guilty until a final sentence has been passed.

Punishments may not be inhuman and shall aim at re-educating the convicted.

Death penalty is prohibited” (The Constitution of the Italian Republic).

Moreover, this piece of work is interested in understanding if the professional and educational training inside the prison, allows the young detainees to acquire the necessary skills that will be needed and eventually implemented in the labor market. Secondly, it wants to underline the positive, as well as the critical aspects of the treatment that aim at the social reintegration of detainees. Following my research, it is important to highlight that these aspects are not treated extensively by the Italian scholarship on juvenile justice.

The choice of the methodology was based on the need to examine an individual case study on the foundation of primary and secondary sources. It employed various techniques for data collection and analysis, concerning the social actors present in the IPM of Casal del Marmo. Juvenile detention is an extremely complex reality, and the best way to study such a difficult life would be through an ethnographic investigation¹ to be completely immersed in the reality of the IPM. Even though, due to the limited timeframe of this research it was not possible, this piece still builds its roots into different types of analysis such as interviews and numerical data. This type of investigation is dictated by the desire to reconstruct, at the best of my abilities, the prison

¹ A type of research in which the researchers immerse themselves in the reality they are studying. *What is an ethnographic study? - Definition & examples - video & lesson transcript.* (s.d.). Study.Com. <https://study.com/academy/lesson/what-is-an-ethnographic-study-definition-examples.html>.

context. Moreover, it wants to understand more in depth the types of treatment that are offered and their potential results. The review of the literature, previously presented in this chapter, showed that detainees who are released into the society without the proper work skills, have very little possibilities of accessing the labor market, and this implies an increment of chances of recidivism (Hawley et al., 2013).

In chapter two, through a historical and sociological overview of the juvenile justice system and the rights of the prisoners, attempts were made to understand the various changes that aimed at the proper educational and professional treatment in view of the reintegration of children and adolescents into the community (European Parliament, 2013). Chapter three aims to shed light to the way in which young detainees live in the IPM of Casal del Marmo. Due specifically to time limitations, the sample cannot be considered representative of the whole picture, but it was significant in relation to the purpose of this piece of work as it focuses on one of the biggest IPMs in Italy, located in the country's capital city. The last chapter will trace back what this research has done and how it has been conducted. It will give a clear answer to the question this thesis poses always considering the limitations of the research. Finally, it will provide final considerations and conclusions.

1. Chapter one: Literature Review

In Italy, many young people are released from prison and reintroduced into the community on a daily basis. Such individuals are extremely vulnerable and more likely to fall back into bad habits and recidivism. There are many reasons why a young individual could commit a crime in the first place. The focus of this chapter is to first of all trace back the roots of how the child was regarded looking at the two main schools of thought: Classical and Positive. Furthermore, it will analyze and explain the main factors that drive a young individual to commit a crime in the first place. Subsequently, it will analyze how the Italian legal system acts and it is structured to prevent recidivism.

1.1 The main causes of youth deviance

The common causes of youth deviance can be mainly identified in four factors: family, society, institutions, adolescence itself. For what concerns the family, it is important to point out here today's fragmentation of family realities, often marked by separations and divorces (ISTAT, 2016). These fragmentations often negatively interfere with the harmonious development of the minor's personality, deprived of a safe context of reference such as the family (Mastropasqua & Pagliaroli, 2008). It is not enough to state that a fracture of the family context is sufficient to explain, even legitimize, the phenomenon of child deviance; what it is intended to point out is how much the problems around the nuclear family, can easily increase youth deviance.

Another cause for youthful deviance must be identified in today's in society, and more precisely in the way society itself has evolved with respect to young people. In the past, marginality and poverty dominated the causes of deviant adolescents. Today, consumerism stands out, often

translated into the need to possess material goods; uncontrolled social mobility, capable of determining a fragmentation of individual identity with forms of maladjustment between the individual and the surrounding environment (Casoni, m2008); the postponement of entry into adulthood and into the world of work, typical of western countries where the age of majority is considered acquired with significant behaviors, such as cigarette smoking or alcohol consumption (Department of Juvenile Justice, 2001).

Finally, the problem of deviance appears to be linked to adolescence itself. The period from puberty to adulthood represents in itself a difficult moment of growth for the individual who is called to carry out what the scholar Robert James Havighurst defines “development tasks”²: think of addressing physical changes, managing relationships with peers of the same sex and the opposite sex, relating to institutions, choosing a system of values. In overcoming these objectives, “transgression is a universal characteristic of adolescence” (Maggiolini & Riva, 1999)³ and it is only thanks to the social context in which the minor is inserted, provided with precise behavioral codes of reference, that it is possible to avoid the deviant choice that borders on offense.

1.2 The classical school of thoughts

During the Enlightenment period (1685-1815) (History.com Editors, 2020), the delinquent child was depicted as morally misguided (Ponti, 1980, p. 108) and was subject to cruel penalties. During that time, the criminal subject, was left at the mercy of rules dictated by

²*Havighurst's developmental tasks theory.* The Psychology Notes Headquarters (2017). <https://www.psychologynoteshq.com/development-tasks/>.

³ Translated by me: “La trasgressività è una caratteristica universale dell’adolescenza”.

an authority whose only interest was to reaffirm the power of the State. Cesare Beccaria is the main exponent of the classical school of thoughts. The Classical School emphasized the idea of free will, meaning that individuals had responsibility of choosing between right and wrong. Moreover, according to this current of thought the crime committed determined the punishment. For what concerns juvenile justice, the Classical School was preoccupied with the question of the culpability of the minor and his ability to unfit to plead.

The change in attitude towards children started to emerge between the sixteenth and the seventeenth centuries, when children started to be regarded as different from adults. The first juvenile institutions started to arise from the eighteenth century, during the emergence of capitalism in Europe. Therefore, they partially followed the principles of the Classical School, but they proposed to deal first with abandoned children (De Leo, 1981b). The separation of criminal institutions for minors from that of the adults was encouraged by the awareness that children needed a separate and more adequate treatment. Within these institutions, discipline and hard work were imposed, with the aim of making the life of detainees faultless (Milani, 1995). This idea of separate incarceration of children and adolescents marked a distancing from the doctrines of the Classical School, which believed that everyone should be punished in relation to the crime they committed, regardless of everything, even age (Platt, 1975).

1.3 The positive school of thoughts

The experience of the Positive School began with Lombroso, Ferri and Garofalo, three of the main exponents of the Italian criminology. This school focused on the idea that criminals were born criminals. It is nature's fault rather than nurture's fault. Furthermore, the Positive School supported the idea that crime is often caused by other factors such as sociological, biological, psychological and environmental. The principle of social danger became the measure

of punishment. On the basis of this norm, the Positive School started to reread the problems of crime and deviance, especially for juvenile. What emerged is the image of a subject conditioned by internal or external factors, who behaved abnormally in relation to his abnormality. As a source of scientific legitimization of potential new punishments, the Positive School reopened a path in which the State's institutions have the power to pass the high-handedness when choosing the subjects to be punished. Similarly, it was responsible for ways and times of punishment based on the individual needs and criteria of re-education therapy (De Leo, 1981b).

The new requests for differentiation of treatment, promoted by legal positivism, however, did not find practical application as they were destined to clash with the politics of that time which was, still strongly present. During the whole nineteenth century, the attention paid to minors highlighted an irreconcilable ambiguity. On the one hand positivism proposed as necessary the scientific knowledge of the child and everything related to education, with the aim of protecting young people. On the other hand, the strong control over childhood (control deemed necessary) entailed very punitive interventions on minors, introducing institutions into the criminal sphere, with coercive and correctional measures deriving from a conception of childhood as a period of life to be molded so that was corrupted, dependent on the authority of those in charge of education (De Leo, 1981b).

1.4 The failure of re-education

Between the 1960 and the 1970s, people started to lose trust in institutions and in their ability to re-socialize and re-educate the minor: "In the vast majority of institutions, there was no real re-education treatment. Instead of an individualized treatment, which the individuals needed,

a mass treatment was applied, which humiliated the individual, made him fall out with environment and, consequently, forced him to anti-sociality⁴” (Senzani, 1969, p. 463).

Because of the results to this treatment, but also because of a series of critical considerations from an ethical point of view, the individualized and scientific treatment of juveniles entered a crisis which determined a turning point. It is thanks to this crisis that the way in which deviant juveniles were looked at and treated changed. It was introduced the idea that deviance is a social pathology and that can be overcome only with social relationships different from the ones which caused the deviance in the first place. Hence, the old reformatories were transformed into re-education houses which were set according to pedagogical criteria: The consent of the minor is sought to implement the projects and the idea of coercion or imposition of the intervention is abandoned, following the pedagogical principle that to be effective, a solution must be shared, not just imposed.

The most important aspect was the flourishing of sociological studies which focused their analysis not so much on the man and his pathologies but on the social systems, the social reaction towards the child in prison and the relationship between the individual and the society. From these came the belief that, not only was it necessary to modify prison structures from an architectural point of view and create alternative structures, but the culture of coercion and blackmail had to be changed as well, which is still a constant in the criminal-rehabilitation process. Undergoing a sentence, even if not accompanied by the concrete implementation of the entry into prison or semi-liberty, creates a precedent and contributes to a stigmatization process that lasts over time. The mark of the sentence influences the image of the young individual also

⁴ Translated by me: “Negli anni '60 -'70 la fiducia nelle istituzioni totali e nella loro capacità di risocializzare e rieducare il minore cade: “nella stragrande maggioranza degli istituti un vero trattamento rieducativo non esisteva. Invece di un trattamento individualizzato, di cui necessitavano i disadattati, veniva applicato un trattamento di massa, che umiliava l'individuo, lo inimicava all'ambiente e, di conseguenza, lo costringeva all'anti socialità”.

out of prison and the image that he has of himself. For this reason, from a pedagogical point of view, those recovery programs that take place in conditions of non-freedom are erroneous at and therefore not valid (Mancuso, 2001).

1.5 The role of public institutions

It is not easy for juvenile first-time offenders to be reintroduced in the community. Besides family's emotional support, there are many strategies that public institutions can implement to prevent recidivism. Each country has its own methods to deal with juvenile crimes. For example, the United States focus on social work and strategies of rehabilitation that are not as strict as one might think (Lemert, 1989, p.510). In Italy, the importance of the juvenile justice system has long been undermined. In fact, Lemert (1989, p.510) indicates that Italy was one of the last Western European nations to set up a juvenile court.

Even though there is a lack of research in this particular sector in Italy, there are a few scholars who have been trying to study more in-depth juvenile crimes and justice. Meringolo (2012) studied adolescents between 14 and 18 years old, looking at crimes and measures that were taken by the judge. Although it is a fact that juvenile delinquency is not decreasing and does not seem it will decrease in the upcoming years less strict measures remain the most chosen ones by the Italian judges. Generally speaking, to those who have a very solid socio-economic and cultural background, meaning family, school and job, the judge is more prone to assign a lighter sentence. The ones turned out to be the most effective ones are part-time detention and conditional release (Meringolo, 2012, p. 1083).

Italy mainly focuses on the psychological well-being and rehabilitation of the minor. Reyes, Donosco and Labrenz (2017) in a comparative study between England, Italy, Sweden and Chile found out that the Italian restorative justice system wants the minors to improve

through social work accompanied by emotional support. Moreover, they want people to take responsibilities for their life, more clearly, to be able to find the right path for a better future through social inclusion (Reyes et al., 2017, p. 8). Accordingly, Menon, Perali and Veronesi (2013) found that social inclusion and rehabilitation programs outside of jails are the more effective ones. Most of the regions in Italy are equally inclusive, despite their socio-economic and cultural background. Parents in Italy are pushing for a more modern system. They are worried for their children well-being and for their possible future. Research such as the one by Menon et al., (2013) aims to be useful for policy makers and to help them implement the correct investment for social inclusion.

2. Chapter two: Historical overview

The aim of this chapter is to explain and trace back the roots of the juvenile justice system. It will consider both historical-legislative and sociological aspects, as well as the establishments of the rights of the child. It will analyze the various fundamental transformations that characterize the system in place along with the legislative sources and the Constitution, which are the main references for the current system.

2.1 History of prisons

Over the centuries, very different experiences have been shared under the name of prison, both for the way it works and for the functions they intended to pursue. Sometimes, such experiences did not follow each other in a linear way, but also coexisted for long periods of time. What is the best penalty to use to guarantee the fulfillment of the functions which, according to the times and types of societies, are assigned to, it is an always open question. Over the centuries a metamorphosis of punitive systems has occurred, a gradual transition from archaic forms of punishment, such as the law of retaliation and private revenge, all that is more cruel types of repression. The history of criminal law is therefore marked by a slow process of humanization of the punishments, until the concept of institutionalized internment.

In ancient times the prison understood as a place of punishment of a certain duration was not known neither by the Greeks nor, with the exception of certain historical periods, by the Romans and by the so-called barbarian peoples, because of their nomadism. The situation, at least as far as the Italian reality is concerned, continues until the time of the Municipalities and Principalities. The prison, then, was only a subsidiary penalty, applied to those sentenced to a

monetary penalty, until they were in a position to pay, or to those who did not consider it convenient, due to their social status, to subject to corporal or defamatory penalties provided for the crime committed.

The origin of modern penitentiary institutions dates back to the second half of the eighteenth century when, after the corporal penalties were abandoned and the use of capital punishment reduced, prison became the main tool for striking violators of the law. Under the impulse of Enlightenment thoughts, the first steps towards the humanization of punishment are taken and the role of detention in internal structures emerges, as the only measure capable of replacing corporal punishment. Before then, places of punishment are mainly intended, rather than to punish the guilty, to keep them pending the trial or execution of corporal punishment or capital punishment. The first internment institutions host, in addition to the true transgressors of the law, categories of outcasts of society, such as madmen, vagabonds, alcoholics, sick people, prostitutes and poor people, united by the same mark of extraneousness to the schemes of the social order established. Prisoners are bound by stumps and chains, kept in underground rooms, damp and free from air and light due to the thickness of the walls and the smallness of the openings. As previously stated this lasted up until the sixteenth and the seventeenth century when also child started to be treated differently from adults.

2.2 The global understanding of the child and the first juvenile courts

The way in which children and adolescents are regarded has not always been the same. It has gradually changed due to socio-cultural, economic and demographic aspects. In fact, over the last decades the concept of child has changed several times, and it will keep changing in the next decades as well. It has undergone so many controversial transformations that many researchers are trying to understand if the system has been moving forward or backwards (Moak & Wallace,

2003). The establishments of children's rights on a global scale must be considered a recent achievement. As the literature in chapter one has showed, the identification of childhood started to gain importance during the sixteenth and the seventeenth centuries (Milani, 1995). Although this was a great achievement, the idea that children needed to be treated differently from adults did not consolidate until the twentieth century. as a matter of fact, in the 19th century, the minor was still regarded as an adult both for social and legal practices. During that time, the relevance of the proletarian class implied that children were considered properties - as the name of the class suggests -. Therefore, they were exploited for physical and non-physical work.

The child-saving movement, which started in the United States, was the most relevant event in the history of children's rights (Platt, 1969). It was conducted primarily by women who wanted to lighten the punishments of the juvenile justice system. Indeed, this movement's primary concern was to identify an appropriate treatment for deviant youths. Furthermore, it aimed at eliminating child labor and at promoting the idea that children should not be regarded as adults. As a result of this movement, in 1899, the world witnessed the creation of the first juvenile court in Chicago, US. This institution provided young criminals with a judge who helped them through educational provisions. However, it was an institution with a marked paternalistic imprint (Wright & James, 1982).

The child-saving movement did not stop in the United States, it also reached some countries in Europe which started their own movement. The first important steps were made specifically in London, where the society for the re-education of young offenders led to the creation of facilities for abandoned children and young criminals. Specifically, in 1908, with the Children Act, these institutions became mandatory in England and consequently in Scotland and Ireland; as these two countries were strongly influenced by the British government (Kelly, 2016). Furthermore,

during that time, the death penalty for children was almost completely abolished and it was established that no child under sixteen could be given the death penalty or even sent to prison (Milani, 1995). Significant changes started to be seen during the 1960s-70s when the cultural approach towards children started to modify. It is important to point out that before the 1960s there were no terms for interventions specifically on the child personality and well-being; the focus was only on the social prevention issues.

2.3 Children's rights on an international scale

The juvenile justice system is considered at this point an important part of the international legislation. As previously stated, the world has witnessed several changes for what concerns the juvenile justice system that must be considered essential for the well-functioning of the system itself. It is thanks to various important changes, such as the differentiation between children and adults, as well as the creation of one specific judicial body, that the juvenile justice system has been able to make many steps forward. For what concerns the rights of the child, although many Conventions has treated the issue in the past progresses can be considered more recent.

The first progresses were made in 1919, when the League of Nations created the first committee on the protection of the child (BICE, 2015). Even though this can be considered a significant achievement, what really implemented changes is the Convention on the rights of the child approved in 1924. This Convention granted the child the right to have a correct mental and physical growth. Moreover, it imparted the inalienable principles that have the primary aim of providing the child with full potentials development (Di Nuovo & Grasso, 2005).

Unfortunately, with the outbreaking of the first world war, the fight for children's rights makes some steps backward. During both of the world conflicts, children were trained and forced to join the military. Many of them were sent to the front line and killed. The absence of a legal

meaning for the child, combined with the lack of a system in charge of checking the ages of the soldiers, made it easier to exploit children for military purposes. Furthermore, we see the presence of child soldiers in the Iran-Iraq war that started in the 1980s. In 1984 Iranian President Ali-Akbar Rafsanjani decided that “all Iranians from 12 to 72 should volunteer for the Holy War” (Jacobson, 2008). As a result, thousands of children joined the army, and as a response to this, Iraq also decided to exploit children for war purposes.

The 1989 UN Convention on the rights of the child constitutes an evolution in how the child is regarded from the rest of the community. Thomas Hammarberg (1990) was the Secretary General of the United Nations and a human rights defender with a particular focus on the rights of the children. He explains that the main points of the Convention want to specify that rights are not granted from adults to children, but that children are the only direct owners of their rights. As a consequence, promoting children’s rights means safeguarding their lives and guarantee them survival and development at the best of the community’s abilities. Moreover, the child should grow up in a good environment provided by the family, nourished with love and happiness (Convention on the rights of the child, 1989).

2.4 The first juvenile court in Italy

The establishment of the first juvenile court in Italy introduced new norms into positive law. It is important to underline that, at present, the term *juvenile* indicates individuals under the legal age of 18 (HAQ, 2016). Although, the juvenile court in Italy, is designed for offenders whose age is between 14 and 25 years old. The creation of a specific court only for juvenile offenders, is due to the fact that children and adolescents need to be treated and re-educated differently from the adults (Di Nuovo & Grasso, 2005).

Along with the European context of the time, the R.D.L. n. 1404 of 1934, “Establishment and operation of the juvenile court” (Rende, 1935) brought a profound change in the Italian juvenile justice system. This decree, with its 35 articles, was the culmination of the various reform projects aimed at improving the juvenile justice system. Moreover, representing the last phase of a long process, this decree is considered to be the first attempt to systematically take care of the issue of the child and its protection. Predominantly, the juvenile court was the result of the widespread positivist theories that promoted first the alleviation of the strict measures, and second the need for the choice of education rather than punishment.

2.5 1988: the establishment of a juvenile penal process

The first comprehensive progress in Italy is represented by the establishment of the juvenile penal process in 1988. This process is considered a great achievement because it looks at the needs of specific young individuals during their evolving phase of life which is a very particular and sensitive moment. This process wanted to guarantee fair trial and most importantly avoid as much as possible the negative effects that could be caused by a close contact with the justice system. Due to the fact that the juvenile justice system wants to reduce the psychological harms of undergoing a trial, the sentence acquires a purely re-educational value.

Thanks to this decree, children and young adults acquired more importance than ever. It is during this time that the trial started to be the focus of the process. As previously stated, efforts were made to make it the least harmful and to the advantage of the child. The trial itself becomes on the one hand a chance for psychologically healing, and on the other hand it becomes a device for the community to see and understand the child’s distress. Furthermore, thanks to this arrangement, it emerges that the child is able to dialogue and confront the justice system. More specifically, this decree wants to create a system that focuses on the recovery of the child rather

than on the punishment. It wants the child to be aware of what happens during trial and to be aware of the society's reaction to their behavior (Giannino, 1997). The juvenile penal process' aim is to give power to the children themselves. This attitude is seen as an educational process that strives to make the self-regulatory skills emerge without the help of any educator but letting the child discover them by themselves (Palomba, 2002).

2.6 Modifications in juvenile detention facilities

When it comes to detention facilities, they have undergone a series of modifications as well during history. The various changes in rules have brought to the elimination of facilities for minors in precautionary custody and of facilities for the execution of the custodial sentence. They were both replaced with the Juvenile Penal Institute (IPM). All things considered, the conception of detention facility has evolved both from the point of view of functions and objectives and from the stance of the internal organization (Ministry of Justice, 2006).

The primary principle that dominates penal institutes at all levels is to guarantee everyone, both detainees and operators an environment in which the main feature is the respect for the dignity, rights and needs of the person. Along with this principle, the lifestyle within the institute is defined by the internal regulation, which is prepared and ratified by the director, that everyone must follow. These rules must be applied in the areas that are specified, such as meals, work activities, organizations, isolation sections etc. (Ministry of Justice, 2006).

During the last decades, the attention to the quality of life within penal institutions for children and adolescents has undergone a radical change (Ministry of Justice, 2006). Today, the life within the IPMs can be considered the least harsh one compared to the other detention structures. Compared to those for adults, for example, they are open and in continuous exchange with the territory and the external community, full of educational activities, cultural, sporting,

recreational use for the growth and resocialization of the child offender (Ministry of Justice 2015b).

2.7 From a closed to an open system

Throughout its history, the juvenile justice system has been preoccupied with mainly two factors: making the impact of the child with justice the least traumatic possible, and focusing on educational aspects, which is the issue that inspired the current legislation. Therefore, the juvenile criminal process aims to blend the need to respond to the crime, with the need to protect the child's growth by avoiding the separation from primary affective relationships, safeguarding their educational and developmental needs. The second concern that is constantly repeated and directly linked to the first one is about the fact that the impact with the system, to be as less traumatic as possible, must be able to welcome the child in the complexity of his world, of his relationships. Taking charge of the child who came into conflict with justice calls into question the ability of the system to know how to reconnect and make speak all the realities concerning the life of the child: from his family to the context in which his personality was expressed. In this sense, prison, a total institution by definition, actually represents the most traumatic element, precisely because it symbolizes maximum separation. We must, therefore, aim to break down the physical, but also mental barriers of the operators (Mastropasqua, 1997).

Italy mainly focuses on the psychological well-being and rehabilitation of the minor. Reyes, Donosco, and Labrenz (2017). The Italian restorative justice system wants the minors to improve through social work accompanied by emotional support. Moreover, public institutions along with the magistrate want people to take responsibility for their life, more clearly, to be able to find the right path for a better future through social inclusion (Reyes et al., 2017, p. 8). Accordingly, Menon, Perali, and Veronesi (2013) indicate that in Italy social inclusion and rehabilitation

programs outside of jails are the more effective ones. Most of the regions in Italy are equally inclusive, despite their socio-economic and cultural background. Parents in Italy are pushing for a more modern system (Meringolo, 2012). They are worried about their children's well-being and their possible future. It is important to understand that the development of the juvenile justice system in Italy depends also on social awareness and most importantly in the effort put by the community and by law and policymakers in trying to create a well-balanced system; which is the key for a functioning structure.

3. Chapter three: Case Study

Subject of this chapter is the individual case study of the IPM of Casal del Marmo, located in Rome. It is important to keep in mind that this particular IPM was chosen because of a limited timeframe and because of the availability of the operators.

3.1 Methodology

The previous chapters traced a historical-legislative excursion concerning the juvenile penal system and the protection of prisoners' rights, focusing on the sociological approach, on the functions of punishment and prison, as well as on a critical evaluation on the treatments offered to juvenile offenders. The aim of this chapter is to analyze in depth the individual case study of the IPM Casal del Marmo. Ideally, this research could have been based on data concerning the percentage of young inmates going back to school or accessing the labor market after serving their sentence. Alternatively, an assessment of recidivism could have supported a quantitative or mixed method inquiry. Unfortunately, it was not possible to do so because of the lack of available resources of this type. The choice of this IPM was dictated by the desire to use primary sources and to conduct interviews with people who contribute to the social and spiritual reintegration of the inmates. All this was important to show how restricted minor (14-17) and young adults (18-25) live within the IPM. Finally, I was able to shed light on the different treatments that are carried out within the IPM and that are fundamental for the purpose of this research.

Child detention is an extremely complex reality. This investigation was conducted in December 2019 and it used a qualitative ⁵ type of analysis. The choice of the qualitative method derives from the need to clearly define the situation of the IPM of Casal del Marmo and to have a direct point of view from the operators. This allowed me to collect a set of data which, once interpreted, made it possible to understand the culture in question. Therefore, the construction of the empirical basis can be divided into two different phases:

1. a secondary analysis supported by the collection of secondary sources of different nature.
2. qualitative interviews on the topic of education and on the future, social and work integration, to be administered to the operators involved in education and training and to volunteers.

The secondary analysis phase conducted through an exploration of sources, including legislative and regulatory and critical literature relating to the topic, was fundamental in identifying the essential issues around which to articulate this research. Moreover, I tried to formally contact the most available operators of the institution who were asked to talk about their experience, following a moderately strict set of questions so that they could express their opinions and describe their experience following the path designed for the aim of this research. The main objective was to obtain general information concerning the average number of prisoners present in the structure in relation to the level of optimal capacity, the indicative percentage of foreign prisoners, the prevalent type of crimes, the treatment activities present,

⁵ “Qualitative data refers to non-numeric information such as interview transcripts, notes, video and audio recordings, images and text documents”. Qualitative data analysis. Retrieved from (s.d.). *Research-Methodology*. <https://research-methodology.net/research-methods/data-analysis/qualitative-data-analysis/>.

relations with the territory and the external community, overall characteristics of the organization and educational planning. All this has allowed to acquire a more in-depth knowledge of the functioning of the reality.

As a detection tool, it was considered effective to use the semi-structured interview ⁶, which allowed to gather rich and articulated information, decreasing the impact of the researcher's directivity. An interview thus conceived, seeks to shed light on the world of the interviewee without altering the sense attributed to them, allowing to record the set of elements that make up the complexity of the topic ⁷. The qualitative interview is therefore useful for in-depth rather than extension investigations: the priority of research is not to obtain comparable and statistically relevant data, but to gather useful elements for the analysis of rehabilitation practices and social reintegration of prisoners in the IPM of Casal del Marmo and to analyze the responses of the interviewees to try to grasp latent needs.

Particular attention was paid to the first minutes of the interviews, in which an attempt was made to establish an emotional connection with the interviewees, without which the exchange of information would have been difficult. It was considered appropriate never to interrupt their flow of information in order to grasp as many opinions as possible. The interviews have thus not staged as a rigid sequence of questions and answers, rather as conversations, in which attempts were made to demonstrate full availability to listen, to empathize without trespassing on the emotional sharing of experiences and / or problems, not to take evaluative attitudes nor to condition the interviewee.

⁶ Without a strict list of questions.

⁷ *An introduction to qualitative research*. (Hancock, Ockleford, Windridge, 2009).
http://www.rds-yh.nihr.ac.uk/wp-content/uploads/2013/05/5_Introduction-to-qualitative-research-2009.pdf.

Due specifically to the lack of time and to some difficulties to talk to the operators, in total I was able to conduct four interviews specifically to those people who are in charge of the social and spiritual rehabilitation and reintegration of the inmates: the chaplain, the psychologist of the IPM, one volunteer and one police officer. Due to privacy reasons the identity of the interviewees will remain anonymous. Hence, I will refer to them with the professions they are in charge with - Psychologist, Chaplain, Volunteer, Police officer.

3.2 IPM of Casal del Marmo general background and population

The IPM Casal del Marmo was built during the 1960s and started to be functioning from 1971. Although the zone is to be considered within the urban area, this is located on the north-western border of the city of Rome which is known to have a considerable extension. The institution's capacity is 24 girls, 24 minors and 29 young adults. As of October 2019, 33 boys and girl detainees were present in the institution. Of these, 3 minors aged between 14 and 15, 12 minors between 16 and 17; 14 young adults between 18 and 20 years old and 4 young adults between 21 and 25 years old (Associazione Antigone, 2019). Within the institute, for what concerns social and spiritual rehabilitation, there are three psychologists, from 5 to 10 educators, one chaplain and many volunteers that help the inmates during their period in the IPM (Interview to the chaplain, 2019).

Within the institute there are three prison buildings, one intended for females only and two for males. Young males are assigned to groups based on age; therefore, one building is designed to host minors and the other one young adults (18-25). Females are located in a single building, forming a single group due to the smaller numbers and the least need for differentiation by age and structural characteristics. The Italian component of minors and young adults is numerically a minority. Inside the prison there is the presence of many subjects from urban

suburbs as well as prisoners belonging to social environments even from outside the districts, strongly affected by illegality. In general, Italian inmates are characterized by the constant relief of socio-family problems of particular seriousness.

At the moment of the interviews, December 2019, the IPM hosted 62 inmates, 50 males and 12 females, 40 of which do not have an Italian nationality. the vast majority of foreign prisoners come from socio-economically disadvantaged areas, they very often fail to regularize their position in Italy, and thus not benefiting from social, health, school and social security services, they cannot enter a legal working circuit, nor take advantage of alternative measures: based on this, it is almost obvious that these subjects will develop criminal behaviors (Anastasia & Gonnella, 2002).

From the interviews I had the chance to learn that the main objective of the IPM Casal del Marmo has always been to put adolescents and young adults at the center of a series of opportunities for change and growth, offering them the opportunity to relate to significant figures and to deal with scholastic, cultural, sporting and animation activities to contribute to a correct psycho-physical development. To achieve this goal, it is necessary to favor the integration between the various institutional components and also to activate the network of services that must take charge of the minor, find the necessary resources, prepare individualized interventions and respond to the requests of the magistrate.

3.3 Education and professional training during detention

The aim of this piece of work is to understand the importance of education, professional training and psychological assistance in the social reintegration process. This section intends to investigate the educational and professional experience during the period of detention, detecting if and what type of educational /working path activated by the IPM is appropriate for the minor

prisoners and, in addition, if the young prisoners were involved in some type of work activity. The IPM, as a prison structure, can be considered as an organization in which a system of predefined and formally coded norms on the one hand (the hard dimension) and on the other the concrete practices which the social actors are in charge of (soft dimension) (Di Natale, 2005).

The low percentages of prisoners holding a primary, middle or high school diploma and the high percentage of prisoners with a difficult school path, dotted with early school leaving, total disaffection, semi-literacy or without a qualification are the first confirmation of the importance of the school institution in prison (Associazione Antigone, 2015b). The relationship between school failure and juvenile crime is widely documented for what concerns the education of prisoners (Bandini et al., 1991): one boy out of three has attained elementary school education at most, few have continued their studies after middle school, attending occasionally or only for a short period of time, and most of them are neither students nor workers at the time of arrest. Given the amount of empirical research carried out in this field the common result is that there is a relationship between official crime and unemployment (Bandini et al., 1991).

The main finding is that most of the detainees have no qualifications and work experience and their experience in prison is often the first opportunity they have to acquire some professional skills. From the interviews, it emerged that within the wall of the IPM of Casal Del Marmo, school and work integration represent a challenging aspect for all the inmates. The majority of the courses that are offered are literacy courses due to the high number of foreigners. According to the volunteer there is a high level of illiteracy even within the Italian inmates. The compulsory courses offered in the IPM are only up to the third year of middle school. For what concerns high school, it is mostly the inmates' choice whether or not they want to study for the high school diploma. However, even in this case, there are many challenges to overcome. Last

year a 17 years-old appellant⁸ Italian girl who was convicted and sentenced to a very long prison term, requested to be tutored to finish high school. She cannot go out if not escorted. Teachers from the outside do not want to come and “she is not welcomed anywhere” (Volunteer).

For what concerns the classes that are offered for secondary school, as they are not mandatory, inmates hardly ever go. The educators are teachers of the ministry of education and according to the chaplain “they clearly do not teach as they should or normally would”. The main issue is that they have studied to be teachers and teaching in an environment in which people do not show up to class or if they do, they are completely distracted is not satisfactory. According to the chaplain those inmates who go to class usually sit there and play cards. As a consequence of this, educators do not put effort in preparing lectures, and the majority of them often ask to be transferred to Regina Coeli⁹, as adults are usually more prone to go to class and to acquire a proper education. In light of this, both the chaplain and the volunteer found themselves agreeing on the same matter: School is not working as it should. Inmates are lazy, and the IPM does not provide them with the correct tools to acquire a proper education.

Access to work in prison must be functional to entering a normal working life after one is released. The majority of the IPM population is composed by young-adults between 18 and 22 years-old and most of them are foreigners. It was therefore necessary to activate resources that facilitated the insertion of foreign prisoners in the peer group, through the organization of workshops, such as cooking and pastry making, which are more capable of generating forms of mutual exchange and shared knowledge of different cultures. In this way, over time there has been a progressive, even if weak, integration of the various ethnic groups (Associazione

⁸ Someone who is appealing against the court after they have been judged guilty of a crime. *Appellant definizione significato | dizionario inglese collins*. Retrieved from <https://www.collinsdictionary.com/it/dizionario/inglese/appellant>.

⁹ Regina Coeli is located in the heart of Rome and it hosts individuals who are waiting for a sentence.

Antigone 2015b). According to the volunteer there are not enough activities which actually help the inmates building solid basis for working outside of the prison context. In fact, the majority of activities, such as ceramics and art, do not guarantee at all a place in the labor market. Even here, no activity is mandatory and most of them - says the prison guard - are only arranged to give the impression that inmates are not left without doing anything.

Moreover, during the summer and during the holiday breaks all the institutional activities stop, and the volunteers take over. In general, for what concerns all the activities, both institutional and volunteering, it always depends on the funds available. According to the chaplain and to the volunteer, there are several problematic aspects related to the training and work of prisoners, deriving from regulatory and organizational insufficiencies that are unable to prepare an overall plan for the enhancement of work activities during criminal execution: the teachers and trainers themselves - during several conversations with the chaplain - admit to operate in an unfavorable context from multiple points of view, from structures designed with a view to safety rather than re-education in view of reintegration into society, to the often excessive number of courses, which end up creating disorientation in prisoners.

3.4 Psychological assistance

When it comes to young adults and specially to minors the purpose of psychological assistance is extremely important. As previously stated, the reality within the IPM is not easy, it is therefore fundamental the presence and the active engagement of psychologists with the inmates. It is necessary to reiterate the fact that no activity or school lecture is mandatory. It has been pointed out by the psychologist that if nothing is mandatory, the inmates will remain all the time within the four walls of their cells, and after a while “they will desperately need someone to talk to and to interact with” (Psychologist). It should be indeed one of the first preoccupations of

the institution to provide the inmates with the right tools to live their permanence in prison in the least painful way, otherwise they will easily “go nuts” (Psychologist).

During the interview with the psychologist it was brought to my attention the Stanford experiment¹⁰. The result of this experiment clearly showed how it is easy to give rise to violence in a profound stressful situation as the one in prison. On the basis of this I was asked to think about the vulnerability of a minor/young adult compared to the one of adults. The psychologist guided me to the conclusion that a vulnerable subject such as a minor or a young adult, without the correct psychological assistance will develop violent instincts that will drive them to even commit crimes within the prison walls.

Furthermore, this is important because it is not only a matter of talking to someone; psychologists were trained and know certain approach techniques that no one without a proper education knows (Crighton & Towl, 2008). As a consequence, the role of the psychologist is one of the most important within the context of an IPM. Unfortunately - the psychologist explained - they are not always present to help the inmates. This was confirmed by the volunteer who defined the whole group of volunteers as “casual psychologists” as they are the ones who very often psychologically help the inmates when the real clinicians are not available.

3.5 Conclusion

The aim of the IPM is making young prisoners serve their sentences while helping them to prepare for their return into the society. This means providing them with cultural guidelines, employment skills and concrete opportunities to learn a job. Therefore, on the one hand they want to encourage the experience of an external educational service , and on the other hand

¹⁰ Conducted in 1971 by Stanford University to investigate the psychological effects of living in prison.

create the conditions to encourage the involvement and support, outside the penal structure, of local resources in order to favor the socio-professional reintegration of young prisoners and reduce the risk of recidivism (Ministry of justice, 2015d). Unfortunately, as the interviews showed, these are often only announced projects.

Many IPM professional trainings do not guarantee safe employment in the labor market. For example, consider the processing of ceramics, artistic activities and small artisan businesses. It is useless to deny how, despite the fact that for some decades they have regained their vitality, these sectors have been hit by the economic crisis that has placed them behind many other activities (Associazione Antigone 2013). It is important not to forget that Casal del Marmo is located in Rome, a city full of resources, and it could therefore take advantage of this advantageous location. Yet, the set of activities, effective for the detainee's psychological well-being, the development of self-esteem or a sense of usefulness, not always can provide a strong response to the demands of the external labor market.

For what concerns the educational training, even though there are the best intentions of guaranteeing a correct and useful education, there are still some obstacles to overcome. From what emerged from the interviews, the projects and classes proposed within the IPM result to be discontinuous and non-permanent. Therefore, the inmates cannot fully benefit from the educational training offered within the institution. Afterall, the prison's workers constantly look for new connections (local bodies, associations, etc.), look after the weak existing social network to guarantee prisoners a range of opportunities for training and professional, social, emotional and intellectual growth.

4. Chapter four: Conclusion

The goal of this thesis has been to understand under what conditions the State is able to provide young detainees with rehabilitation and recovery through a system that promotes and support education beyond punishment. In order to verify and answer this question, I have chosen to first analyze the historical and legislative development of the Italian juvenile justice system, and second, to study the lifestyle within the IPM of Casal del Marmo in Rome through primary and secondary sources.

This thesis focuses on the establishment and on the development of the juvenile justice system, which is first analyzed under a global perspective, and then under the Italian standpoint. Furthermore, it is concerned with the examination of the treatments that are arranged within the IPM's context, with the aim of understanding whether the professional and educational training can be considered appropriate and effective for the rehabilitation and the future reintegration of young subjects into the community and eventually in the labor force.

The literature presented in the first chapter has showed how the juvenile justice system and the attitude towards children and adolescents has undergone many modifications. There are two remarkable shifts that made it possible to get to the present conception: the idea that children and adults need to have two different detention facilities, and the concept of education rather than punishment. If during the sixteenth and the seventeenth centuries children were treated as adults, it was during the eighteenth century that children started to be seen differently and in need of greater protection. Therefore, it emerged the need of having separate detention facilities for these two different subjects (Milani, 1995). This provision was born to satisfy the need of children to have the least possible traumatic impact with justice. Thanks to a historical excursus,

it was possible to understand that throughout history detention facilities changed in order to have a system that focuses on many educational, professional and sports activities, and most importantly on the growth of the child offender (Ministry of Justice, 2015b).

To answer the question that this thesis poses, it was considered appropriate to use an individual case study focused on one of the Italian IPMs. For this purpose, I chose the IPM of Casal del Marmo, located in Rome. Casal del Marmo is not the biggest IPM in Italy, but it is one of the most relevant one since it is located in the capital of the country. Moreover, this resulted to be the best choice due to both a limited timeframe and the availability of the operators to be interviewed. The interviews were conducted to the chaplain, one of the psychologists, one volunteer and a prison guard.

First of all, it is important to underline that in the specific case of this IPM, accurate quantitative data are not available. From what could be discovered from the operators, at the moment of the interviews there was a majority of male detainees compared to females, and most of them do not have an Italian nationality. Moreover, the interviews confirmed the fact that the aim of the IPM is to promote rehabilitation rather than punishment and that professional and educational training are extremely important.

Even though this is the primary aim of the IPM, my research has shown that it is not always possible to implement these measures. More precisely, the interviews exposed that educational and professional training are two challenging aspects of the IPM. As a matter of fact, classes from the first year of high school are not mandatory and leaving the detainees the possibility to decide whether or not to attend, leaves a huge responsibility in their hands which is not always met.

For what concerns professional training, has been shown thanks to the interviews that there are not enough working activities. What young detainees really need is a solid basis for working outside of prison, and the activities offered do not guarantee a place in the labor market. Furthermore, it was considered useful to analyze one last point: psychological assistance offered within the IPM. The psychologist interviewed made it clear that many times, due to the fact that no activity is mandatory, detainees need someone to interact with. The most important point drawn out from this interview is the fact that psychological assistance in such a difficult context is fundamental, as it is easy for young subjects to develop violent and deviant instincts. Moreover, not everybody might be able to provide assistance as psychologists are trained and know specific methods to help these subjects during the most difficult times (Crighton & Towl, 2008). Unfortunately, they are not always present, and it frequently becomes the group of volunteers' duties to be present and to talk to detainees who often release their anger and preoccupations to them.

From the above we can draw the following conclusion about the effectiveness of this IPM in rehabilitating and reintegrating young detainees into the community. As shown, the purpose of detention is the re-education and social reintegration of the detainees thanks to the help of special professional figures, the educators, capable of pursuing this goal. This is what the law provides, but its effective realization in the Italian prison reality is particularly difficult: due to an inadequate penitentiary system in relation to the specificity of juveniles, IPMs are often characterized as static structures that lack the tools to help the child build significant paths of job reintegration and resocialization (Margara, 2005).

What has been possible to understand from the interviews is that in the IPM of Casal del Marmo, it is difficult to implement reintegration programs. This difficulty entails a flattening of

the system and favors the proliferation of a culture of punishment as minimal compensation where the activities proposed are only intended to entertain detainees within the structure. The interventions of the operators often sum up to that complex of care practices with the aim of reducing the damage attributable to the dynamics of prison and the experiences of marginality lived by minors in a state of freedom. It follows from this that “in juvenile prisons the boundary between assistance and treatment tends to fade more and more ¹¹” (Sbraccia, & Vianello, 2010, p.144).

From this research it was possible to conclude that the IPM of Casal del Marmo does not always provide detainees with a proper rehabilitation and resocialization. Moreover, the impact of the child with the prison occurs in an entirely occasional way without any connection with a reasoned evaluation of the fact and the real danger of its author: it appears a disproportionate and counterproductive measure that is experienced by the prisoner as a further phase of uncertainty and injustice. It is evident that in a similar context, organizing and involving children in treatment activities that make sense for their future, and which can also give meaning to the present of prison experience, has so far been very difficult and unsuccessful.

This topic definitely needs a deeper and more detailed research. However, because of the nature of this thesis, I lacked the tools to bring my analysis to a more developed level. Moreover, a crucial indicator for reintegration is lacking: No data are publicly available on the school and job market inclusion of former minor detainees, and there are not specific recidivism rates that could provide more evidence for what this research has shown.

It would be interesting to do an ethnographic type of research, to be completely immersed in the reality of the IPM. Ethnography would fit into this kind of research because by observing

¹¹ Translated by me: “Nelle carceri minorili il confine tra assistenza e trattamento tende sempre più a sfumare”

in first person, it would be possible to have a greater understanding of how activities are conducted and how subjects respond and behave. Furthermore, through an ethnographic research it would be possible to gather more in-depth data, and to spend an extended period of time observing to better understand the subject in question. It would also be interesting to analyze more than one IPM, to be able to make a comparison on a national level to have a broader picture of the Italian juvenile justice system. There are plenty of themes both theoretical and empirical that can be deepened. It is my hope that the reader might have appreciated the type of research conducted and acquired knowledge on the Italian juvenile justice system and its treatments. If that is the case, the goal of this thesis is met.

Interview questions

1. Se dovessi raccontare Casal del Marmo, come lo identifichereesti? Com'è la vita a Casal del Marmo?
 - If you had to talk about Casal del Marmo, how would you identify it? How is the life within Casal del Marmo?
2. Riguardo ai bisogni educativi, quali scuole ci sono e quanto è faticoso mandare i ragazzi a scuola, vista anche la breve permanenza in istituto? Quanto vi aiuta il Ministero dell'Istruzione?
 - Regarding educational needs, which schools are there and how difficult is it to send the kids to school, given the short stay in the institution? How much does the Ministry of Education help you?
3. Che tipo di regime c'è in carcere? E che tipo di regime disciplinare?
 - What type of regime is there in prison? And what kind of disciplinary regime?
4. Ci sono differenze tra ragazzi, ragazze e stranieri? (Vengono utilizzati approcci diversi)
 - Are there differences between boys, girls and foreigners? (Different approaches are used)
5. Quanta attenzione viene data alle attività extracurricolari?
 - How much attention is given to extracurricular activities?
6. Quali programmi e attività risocializzanti e ricreative vengono sviluppate e messe in pratica?
 - What re-socializing and recreational programs and activities are developed and put into practice?
7. Gli operatori e le altre figure professionali del I.p.m. sono adeguatamente formati e aggiornati?

- The operators and other professional figures of the I.p.m., are they properly trained and updated?
8. Cosa viene concretamente fatto negli I.p.m. per favorire il reinserimento dei ragazzi?
- What is actually done in the I.p.m. to encourage the reintegration of children?
9. Quali sono le sfide più grandi nel favorire il reinserimento sociale dei ragazzi?
- What are the biggest challenges in promoting the social reintegration of children?
10. Ci sono progetti in cui sono incluse le famiglie?
- Are there projects in which families are included?

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