Youth justice, ‘education in the law’ and the (in)visibility of digital citizenship

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## Sample

Information collected in youth justice proceedings consulted in Family and Children Courts in the Metropolitan Area of Lisbon under the project “YO − Delinquency and Criminality in Juvenile
and Criminal Justice in Portugal”

## Implications For Policy Makers About

* Stepping up awareness and empowerment
* Creating a safe environment for children online
* Other

## Other PolicyMaker Implication

Changing justice system to promote young people rehabilitation

# Abstract

In this era of innovation and technological progress ― the 4th Industrial Revolution (Schwab, 2017) ―, network connectivity, mobile and wireless, allows the liaison between individuals in any space and at any time. This liaison has become an essential part of everyday life and its impacts are felt in all fields of children’s and young people’s social life (Castro et al., 2018). The digitalisation of society (Castells, 2009), accelerated and reinforced as a result of the pandemic that has affected the population on a global scale in recent months, puts youth justice systems under greater pressure in the face of emerging issues and dilemmas. Among these, particular attention should be given to the promotion of digital citizenship in contexts of deprivation of liberty (Carvalho, 2019).
In this sense, it is important to remember that children and young people do not acquire digital literacy naturally or automatically; that is, they are not born digital (Ponte, 2016). What everyone does is influenced by the opportunities that platforms and technologies offer in a process mediated by the family, peers, school, and community. These opportunities are inseparable from values
and norms, social conditions, the national context (technological infrastructures, education system, and public policies) and trends in the transnational cultural industry (Simões et al., 2014; Ponte et al., 2018). As Simões et al. (2014, p. 7) highlight “the social context of Internet access marks the experiences of children and young people on the network. In particular, this context marks the conditions that allow them to take advantage of opportunities and the conditions in which they are exposed to risks”.
Results of the preliminary analysis of information collected in youth justice proceedings consulted in Family and Children Courts in the Metropolitan Area of Lisbon under the project “YO − Delinquency and Criminality in Juvenile and Criminal Justice in Portugal”, funded by the Foundation for Science and Technology (SFRH/BPD/116119/2016), allow us to highlight three challenges
that youth justice confronts in the face of the social construction of technology in the present time.

# Outcome

Youth justice faces three main challenges in the face of the social construction of technology in the present time:
1. Emergence of cyber delinquency: (new) practices and profiles of offenders as a result of the increasing use of digital technologies.
"Models of violence emerge in each generation and become a reference for children and young people, so this is not a new social problem. The substantial change lies in the way these models are currently social and digitally constructed and disseminated anywhere in the world, significantly broadening the spectrum of children and young people to whom they may reach, distant in
most cases from adequate parental or educational supervision or monitoring (Carvalho, 2019). In this sense, the first analysis of a sample of youth justice proceedings shows a change in socio-demographic profiles, by reducing the presence of traditionally dominant profiles − socially disadvantaged youth − in close connection with the significant broadening of the social spectrum and basic school qualifications of young people to whom a judicial measure is applied. More qualified and integrated in school, some with educational paths of excellence, socially integrated in their communities and with apparently higher levels of family support have been more frequently identified in relation to online delinquent practices" (Carvalho, M., 2020: 73).

2. Growing complexity of criminal investigation and profiling of children and young people coming into contact with the youth justice system: "the cases of those who cross the double condition of victim and aggressor are frequent in the court proceedings analysed, in an incessant exchange of roles that is difficult to ascertain" (Carvalho, M., 2020: 73).
"In the court proceedings already analysed in the project YO, doubts are raised regarding the effectiveness of the process of assessing the risk profile of a child or young person based on the current scientific instrument used in the Portuguese youth justice system as it needs to be reformulated and scientifically validated to meet the profound changes in the ways of life in childhood and youth in the last decade. The integration of information on the uses and consumption of the new media, with particular emphasis on the relationship of the child or young person with the Internet, is crucial for the implementation of judicial measures aimed at meeting the specific need of the type of delinquent behaviour. (...) [In sum, there is a] need to assess the effectiveness of current models and assessment tools in relation to new digital risks, more associated with certain profiles of cyber delinquency" (Carvalho, M., 2020: 74).

3. The promotion of digital citizenship in the context of deprivation of liberty is urgent in the implementation of the Portuguese custodial youth justice measure in an Educational Centre: "otherwise the principle of 'education in the law', which sustains it, will end up emptying in the face of increased electronic involvement in the lives of children, youth and families (Carvalho, 2018)" (Carvalho, M., 2020: 75).
"In a time of unprecedented uncertainty and risk in the face of emerging global threats, online digital technologies are gaining space and meaning in social life. Thus empowering children, young people, but also professionals dealing with them in daily life in youth justice contexts, in digital security and media education should be a priority" (Carvalho, M., 2020: 77).