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Education, training and lifelong learning as dynamic interventions to promote inclusion and common values in correctional justice for minors and young adults with educative challenges

Structured Public Hearing
9th March 2022
Sassari, Italy

MINUTES

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Place and date: Sassari (Italy), 9 March 2022 from 10:00 a.m. to 1:00 p.m.

Organization: Department of Human and Social Sciences, University of Sassari

Title: EDUPRIS - The possibilities of the future and the possible future: from instruction to learning

Participants:

- Dr. Gianluca Guida, Director of the Penal Institute for Minors of Nisida (Naples)
- Prof. Filippo Sani, Associate Professor and Pedagogue, University of Sassari (Sardinia, Italy)
- Dr Stella Di Tullio D'elisiis, Psychologist, Regina Coeli District House in Rome (Lazio, Italy) and Regional Superintendency of Penitentiary Administration of Lazio, Abruzzo, and Molise (Italy).
- Prof. Filippo Dettori, Associate Professor (UNISS), pedagogue and Honorary Judge at the Juvenile Court of Sassari (Sardinia, Italy)
- Dr. Gabriella Serra, Responsible for the legal-pedagogical area of the Penal Institute for Minors of Quartucciu (Cagliari), Referent for the training area
- Dr. Giuseppina Manca, Researcher and pedagogue, University of Sassari
- Dr Carla Sorace, Psychologist and Honorary Judge of the Juvenile Court of Rome (Lazio, Italy).

The 9th March 2022 the University of Sassari organised a structured public hearing organised.

The event aimed to initiate a discussion, with various experts, on the state of education and learning pathways for minors and young adults in penal institutions.

The event involved several experts working in various capacities with children and/or young adults in the context of criminal justice and juvenile justice.

The discussion with and between the experts provided a rigorous picture of the state of the art in education and learning paths for minors and young adults within the criminal justice system. It was possible, in fact, to highlight, also from a pedagogical point of view, both the virtuous processes and the weaknesses of the system of the current Juvenile Penal Institutes (IPM) located throughout Italy.

With the law on the criminal trial of juvenile offenders, Presidential Decree 448/1988¹ and Legislative Decree 272/1989², Italy has placed itself at the forefront of European countries in terms of juvenile criminal legislation. The *rationale of the law* is based on the residual nature of prison and, therefore, on the need not to interrupt ongoing educational processes. For this reason, it is

¹ D.P.R. 22 settembre 1988 n. 448 “Disposizioni sul processo penale a carico di imputati minorenni” (Presidential Decree 448/1988 - Provisions on the criminal trial of juvenile offenders)

² Decreto Legislativo 28 luglio 1989, n. 272 “Norme di attuazione, di coordinamento e transitorie del decreto del D.P.R. 448/1988 recante disposizioni sul processo penale a carico di imputati minorenni” (Legislative Decree 272/1989 - Implementing, coordinating and transitional provisions of Presidential Decree 448/1988 Provisions on the criminal trial of juvenile offenders)

possible to promote pedagogical strategies aimed at using the prisoner's mistakes as engines of change and personal emancipation. In this regard, it is necessary to facilitate and assist the formation of *empowering* dynamics through a variety of strategies.

Thanks to these laws, over the years, there has been a virtuous proliferation of initiatives and projects in Juvenile Penal Institutions by the third sector that have undoubtedly influenced the quality of life in prison. These experiences have been able to take place also thanks to the culture of the latest generations of directors of the institutions, who have advanced concepts of criminal law, especially in terms of restorative justice. While appreciating the goodness of these initiatives, it is also necessary to recognize some of their shortcomings: they are mostly theatre projects or food preparation workshops. On the contrary, it would be essential to give greater encouragement to playful competition, using games that help work on self-esteem and personal identity, and sometimes on the collective identity and sense of continuity of those taking part.

To defeat or at least mitigate the logic of total institution it is necessary to "reason more *ad personam*", in the direction already taken by some IPM in Italy. It is precisely the perspective of Presidential Decree 448/1988 and Legislative Decree 272/1989 that allows this orientation, which is mainly favoured by the relatively low numbers of IPMs. Of course, some problems remain and are not easy to solve, such as those related to young people responsible for particularly serious crimes against the person or multiple offences or, again, characterized by oppositional attitudes such as to jeopardize the complexity of social relations within the IPM. We should also add the presence of aggression or simple quarrels that can always occur, as well as what is still, even today, a difficult topic to deal with, that of sexuality, knowing that many of these young people are already parents. The answer to these problems is not simple but can be found in the good practices that current legislation allows. For example, the separation of minors and young adults who are allowed to remain in IPM until the age of 25 if they have committed crimes as minors. Other positive elements are the absence of uniforms on the staff of the IPM, a small sign of proximity that together with others can contribute, slowly and in the long run, to mitigate the rigors of the institution.

Despite these strengths, in many cases IPM still responds to the mechanisms of the total institution and thus to the hetero directed organization of temporality which is an obstacle to the autonomous capacity to determine the future. The mechanism of infantilization that intrinsically pervades any total institution closely follows. Unfortunately, not only in Italy, but these inflexible mechanisms are also often combined with the tendency to hit a wide range of marginality, made up of low levels of literacy, processes of social and cultural victimization, lack of support networks. This stigmatization of marginality and diversity affects, as is well known, ethnic groups which, in fact, are present in large numbers in the IPM. This is a real "structural discrimination", which has systemic features, i.e., it is the expression of a social and regulatory system which, starting from the school, is blind and impervious to the needs of minorities.

In the prison context, the possibility to undertake training can be an important tool. The challenge is to ensure that offenders have access to training and professional paths that do not bind them further to paths of "low prestige and social recognition". Starting from these assumptions, the



objective of any intervention in this field should be to promote education and training pathways oriented to support minors and/or young adults in achieving their educational goals, in planning their future and in building aspirations where aspirations are not cultivated, often precisely because of rigidity and prejudices of the system.

Most of the time, those passing through penal institutions, especially juveniles, have not had the opportunity to equip themselves with the tools such as education and training to change their world. The possibility that the "restriction" in the Institution provides them with that opportunity is the task of adults, also to give meaning again to the time of detention: no longer as time taken away from life but as an opportunity to build a new life. From the discussion, it emerged that it is important to plan learning and training pathways that focus not only on content, but on the meaning of what is learned, the meaning that the person gives to it and how the person relates it to his or her life. This is the basic problem with all learning pathways: too often it is taken for granted that those who study know exactly why they do it and what it is for.

Particularly within justice systems, it is not enough to propose learning pathways aimed at filling the previous gaps, characterized by programs of compulsory education aimed at filling the gaps of return illiteracy (and sometimes also outgoing illiteracy, i.e., that knowledge that is lacking despite the acquisition of a qualification). All this learning is aimed at "knowledge" in general, to allow a minimum of personal autonomy. In this way, we try to limit the risks of early school dropout, which leads to a voluntary exit from the educational circuit, and which constitutes the "hunting ground" of organized crime. Vocational training, aimed at future job placement. They often lead to low-profile, fragile, and temporary jobs that do not actually guarantee a real social role. It is not enough to acquire "know-how", but it is also necessary to perceive oneself in the role of a worker, i.e., a member of an organisation with a role, skills, and responsibilities. Transformative learning (Mezirow, 2003), i.e., learning that can affect one's point of view and able to affect behaviour, capable of confirming one's point of view and creating patterns of action and behaviour that are different from the past. These are the most desirable but complex behaviours: they involve higher order cognitive functions and require an interpretation of behaviour to go beyond impulsive action. Therefore, they often produce disorientation because they lead to a reflection on oneself, on one's choices and finally to a rethinking of the self, to a revision of the past (not to a denial of it, which would be impossible) to open to new, unprecedented, and totally unknown perspectives.

Learning becomes transformative not in relation to specific contents but in relation to their meaning, starting from the analysis of previous behaviour that has followed tacit, unconscious, sedimented patterns, until it is confronted with new perspectives of action. In this way, the meaning attributed to learning changes radically: it is no longer utilitarian and expendable only in the immediate future, but capable of modifying one's "knowing how to be" in the long term. Therefore, transformative learning aims at changing the perspective of meaning of one's actions also to free oneself from previous convictions and certainties, often matured in contexts of illegality and criminality.



For learning to be truly meaningful it is necessary to start with the specific person to whom it relates, as true learning is never a solitary experience but is co-constructed in relationship. Learning could be transformative if:

- produces evolution and change
- changes self-perception
- activates problem solving strategies
- significantly changes the perspective of the meaning of action
- implements empathy and acceptance of others' needs.

These are all very important objectives in education, but obviously special attention must be paid to changing relationships in an increasingly violent and individualistic society. It is essential, then, that educators help minors/young people to answer questions such as: "who am I?", "what do I expect from others?" "At the same time, educators will have to review some educational guidelines, i.e., think about what messages the children have received, also in the educational sphere, e.g.: "do you have to be the best or do you seek the best to fulfil your life? ", "are you competing or are you growing? ", "must you become like the winners, or must you become yourself to the best of your ability? ", "Should you not make mistakes, or can you learn from your mistakes? ".

Transformative learning always questions the need and pushes to look for new answers, not immediate, not utilitarian. It tries to change the approach with the need itself, it pushes to put oneself in play, to give new meanings to one's actions, to meet/listen to the interlocutor, to cover the weight of one's actions on others. Knowledge comes from sharing with the other person and his own world and then returning to reflect on oneself. If learning has these characteristics, it will help children to become protagonists of reality against all forms of dependence or subjection, in increasing autonomy as they progressively move away from adult supervision. This will also implement the ability to cope with negative events through self-produced solutions and not thanks to the intervention of others. This means enhancing the agentiveness of the individual in training and freeing him from dependence.

The encounter between school and prison shows, however, sometimes many criticalities and the need for alternative solutions emerges. The comparison with some operators working with minors in penal institutions points out, among the criticalities, the continuous tour over of people in prison and this often makes it difficult to set up stable and homogeneous class groups, as well as to build stable and trusting relationships.

The psychological, physical, and emotional state of the young people is another of the difficulties noted, in particular: the stress of the context of imprisonment, the uncertainty of the legal position, the lack of motivation to study and attend training offers, learning difficulties that are not always diagnosed.

The preparation of the teachers, their ability to manage small groups and to find different and flexible teaching methods, was one of the elements highlighted by the operators that would require special attention when meeting these two contexts, school, and prison.

On the other hand, the construction of educational projects that focus on the positive aspects and resources of young people, as well as on their involvement as protagonists of their own education and therefore of their future, was found to be among the necessities for promoting change. However, this is only possible if we adults also change the way we look at prison: no longer a “school of crime” but a “school of legality and opportunities for change”.

Starting from the awareness that the choice of educational tools depends strongly on the criminal justice and penitentiary policies and practices in each country, it would be desirable to explore a potential unified approach at European level to ensure quality to all the educational experiences that a juvenile and/or young adult offender lives within the justice systems. So which way should we go to try to achieve these goals?

- Always start from the knowledge of the person (educating), his/her needs, potential and interests so that his/her story is not just a burden of mistakes but a suitcase to be opened to bring out only the best.
- Teaching them to read and/or re-read the context from a variety of perspectives.
- Placing them in different contexts than those they have already experienced could really help them acquire a new identity.
- Helping them to reflect on the concept of well-being and then helping them to seek it (a priority objective of restorative justice) by starting from a reconstruction of their relationships with others but also with themselves, making it clear that it is not just a question of economic well-being but of relational well-being, which is only possible through positive interdependence with others.
- Offering tools and knowledge that can be used in several contexts
- Offer them meaningful meetings with authoritative adults and reflect on the models used by young people: fashion bloggers? footballers? VIPs? Or even worse: violence and crime, where the winning model is only the strongest?
- The search for different teaching methods is closely linked to the preparation but also to the ability and creativity of the teacher, as well as to the flexibility of the projects for the pupils, which must never disregard the personal history of the learner.
- The dialogue with the judicial authority: complex and narrow in a framework that is legal, though more possibilistic for minors. Sometimes what one thinks is not feasible precisely because of the framework in which the school and prison meet. It would be desirable and useful for the educational component to be involved in the dialogue, especially when important decisions are taken.

