**Street Boys as a Challenge for Restorative Justice in Brasil**

**Fernanda Fonseca[1]**

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The effectiveness of restorative justice in the fight against crime and its ideal suitability to the specific case of juvenile delinquency seems to be a spread belief in developed countries. Nevertheless, before insisting with the idea of restorative justice for Brazilian juvenile delinquents, we must take into consideration that a significant proportion of these juveniles are street boys. And street boys are not like any other kind of juvenile; they are personages of an everyday life stamped by extreme poverty, abnormal levels and shapes of violence and victimization, and by a drastic inversion of social values.
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## 1. Street boys: a typical urban Brazilian delinquent

Before bringing up the reasons why the street boys appear as a challenge for restorative justice in Brazil, it is important to know who are the street boys, where do they come from, why do they go to the streets, and what they find in the streets. That is, to better analyse the (un)feasibility of restorative justice for street boys, it is first necessary to bring up a picture of these juveniles.

### 1.1 Who are they?

There is not yet an agreement on the definition of street boys, but we will borrow that one of the Inter-NGO program on street children and street youth (WILLIAMS, 1993: 832), according to which:

> "A street child is any boy or girl who has not reached adulthood for whom the street (in the widest sense of the word, including unoccupied dwellings, wasteland, etc.) has become her or his habitual abode and/or sources of livelihood and who is inadequately (if at all) protected, supervised or directed by responsible adults."

### 1.2. Where do they come from?

According to the IBGE (Brazilian Institute of Geography and Statistics) , the street boys are originated from poor families that live in the suburbs of the cities – in what the Brazilian call *favelas* – lacking the necessary conditions of adequate hygiene and alimentation. As a matter of fact, they come from extremely poor settings in which having three meals a day is luxury and in which basic rights such as the right to health, security, education and dignity are not achieved. In addition to such bad social conditions, the state of poverty more often than not creates tensions among the family members and in many cases the outcome is violence at home.

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[1]   M.Sc. in Criminology at the Catholic University of Leuven (Belgium). Researcher of the Center for Study on Coercitive Institutions and Criminality (NICC) of the Federal University of Pernambuco (Brazil). Member of the Brazilian Society of Victimology. Lecturer in Criminal Law, Criminal Procedure and Criminology at the Catholic University of Pernambuco (Brazil) and Faculdade Integrada do Recife (Brazil). Coordinator of the Postgraduate course on Public Safety at the Faculdade Integrada do Recife (in cooperation with the Brazilian Ministry of Justice).

*Favela* is how shanty towns are called in Brazil, somewhat comparable with the slums in the USA. These shanty towns are composed by overcrowded unsanitary houses, all squeezed into unwanted public areas – such as steep hillsides, along the banks of steams, under bridges and viaducts, etc. – and there the inhabitants scrape a living from odd jobs, badly-paid employment and petty crimes. Besides this *cliché* description of a poor neighbourhood, the favelas are also arena for intensive criminal activities, especially for drug-related crimes. There the residents' daily lives are inevitably affected by battles between the rival gangs for the control of the drug trade and the drug-dealers govern the local community. As a matter of fact, the level of power which these drug-dealers reached throughout the last decades can be evidenced when, for example, they decree the closing of the commerce because a prestigious criminal is killed by the police. Maybe somewhat similar to those sceneries once dominated by the Italian mafia, in the *favelas* the public authority does not prevail.

So besides learning with the streets, we must keep in mind that the street boys carry as reference this life in the *favela*, place where they came from or, in most of the cases, which they still belong to. In any case, that is their idea of "home" and "community".

## 1.3. What takes them to the street?

By surveying the literature about street boys, it becomes clear that all over the developing world their origins usually coincide to the factors that drive them into the streets: extreme poverty, willingness to own money in order to help the family's survival, family disintegration, violence at home, and so on. Indeed, at home they are sometimes exposed to such chronic hunger, neglect, physical and sexual abuse, that for many of these juveniles life under bridges, in parks, in bus stations, and in plazas seem better or even – as stated by a street boy himself – "more peaceful and happy" (SCHEPER-HUGUES and HOFFMAN, 1998: 368) than life at home.

## 1.4. What do they find in the street?

After running away from the financial struggles in their homes and/or from family dysfunctions, the street boys are exposed to the dangers of a real human jungle: the streets. There they become soldiers of a war aiming no more than survival. Indeed, if it is true that most of the street boys ended up in the streets due to the miserable conditions at home, it is just as true that in the streets they still face a degrading life, marked by poverty, hunger, lack of shelter, criminal victimization, sexual harassment, trouble with the police and solicitation into crime.

In the streets they do not have a proper place to sleep, they starve, they feel cold and they repeatedly become victims of physical aggressions committed by other "street people" or by the own police. Dimenstein (1991: 2) gives us the picture:

> "On the streets, home is a shop doorway, a bench in a square, a hot-air duct outside a restaurant, a bonfire on the beach, the steps of a railway station. Bed is a piece of cardboard, an old blanket, newspapers. Some sleep alone, others huddle together for warmth or protection. They never know when they might be woken up by the policeman's boot, a jet of cold water from a street-cleaning truck, or even a bullet from a vigilante group or gun-happy officer of the law."

As a matter of fact, violence is part of the street boys' everyday lives, particularly that one committed by the police. Indeed, the violence of the Brazilian police against street boys is well known worldwide, inclusively in form of slaughtering, as the famous Candelaria Massacre of 1993, when five men opened fire on a group of 50 sleeping children in front of the Church of the Candelária in Rio de Janeiro. In the incident eight street boys died and three military policemen were arrested for the shootings.

Life in the street, with its abnormal levels and shapes of violence, has also an impact on these juveniles' expectations for the future. They are generally very skeptical about their future and live conscious about the briefness of their life. To give an idea of such astonishing reality, a 13-year-old street boy that contributed for the conception of "Brazil: War on Children" was looking forward to see his picture published in that book, but when he was told that it would only be published in three months, he turned out to be unhappy because he did not know if he would be still alive by then (DIMENSTEIN, 1991: 42).

### 1.5. What do they do in the street?

On their day-by-day, the street boys' main concern is survival – particularly, finding food – and in order to survive they carry out activities that vary between legal and illegal ones. Among the legal activities we can cite begging, as well as all the street-based jobs, such as selling candy or ice cream on a stick, guarding and washing cars, carrying groceries and packages, or shining shoes. Among the illegal activities we can point out stealing, exchanging sex for money and involvement in drug-related crimes. Particular attention shall be given to the increasing involvement of these juveniles in the drug trade and, consequently, in drug related crimes. In a *favela* in Salvador , for example, the community wanted to stop its juveniles from slipping into street crime and thus practical workshops were set up to teach them how to make bread, ice-cream, soap and so on.  The end products were sold and the profits shared between the workshops and the children. This experiment faces a huge obstacle: the competition with the drug trade, where the street boys can earn five times more (DIMENSTEIN, 1991: 28).

Many researches find that those who start in legal activities often end up getting involved in illegal activities as well, as a way of guaranteeing one's own survival or simply as a consequence of the gradual and perhaps inevitable evolution from begging to stealing, which is facilitated by their long stay in the street.

### 1.6. Profiling the street boys.

The street children have little or no contact with school. As a matter of fact, once they are on the street it becomes "almost impossible" for them to fit into the conventional school system, and the schools have serious difficulties to work with this clientele deprived of primary habits of socialization.

On the other hand, the street boys' behavior and personality are very much affected by their personal experience (not just in the streets, but also in the *favelas*). The *routinization* of violence to which they are exposed force the street boys to find ways of skipping the "street dangers" by themselves and builds in these street juveniles an aggressive and hostile personality, stamped by feelings of distrust, resistance, rejection, hopelessness, impulsivity, and the like. In addition to that, in the streets they live a

freedom without ethical or moral limits, where there is almost no "rule" besides "to survive". Their moral background is learned in an environment perceptible by criminality, violence, cruelty, hunger and hate, and as a consequence the street boys adapt themselves to values which do not go with those values of the rest of the society. As a matter of fact, through this harsh learning process they end up becoming human beings without any notion of moral values, such as respect, fairness, fidelity or compassion.

## 2. Restorative justice also for street boys?

So, can we carry on with the illusion that restorative justice is the way out for juvenile delinquency, even in the case of being these juveniles street boys? As it has been shown, the street boys are personages of an everyday life stamped by abnormal levels and shapes of violence and victimization, and by a drastic inversion of social values. Front to such reality, it is not obvious that the feasibility of restorative justice for juvenile delinquents, already experienced in other countries of the globe, encompasses the case of "street boy delinquents". Indeed, street boys are a challenge for restorative justice in Brazil and some of the reasons are stated bellow.

(1) In a restorative encounter it is expected that the offender will be touched by compassion, and feel a wide range of feelings such as empathy, remorse, shame and guilt. That shall lead the offender to understand the harm caused by his/her offence and the importance of repairing this harm.

Coming to our debate: can we expect that the street boys will have compassion with their victims, if they are so often victims themselves and rarely feel someone's compassion for them? Can we expect that they will realize that "in this case" (differently from their day-to-day experience) they are the offender and not the victim, and that in turn they must take responsibility? Can we expect that they will understand the harm they have caused and the consequent importance of repairing it, if they are used to be harmed and have learned how to cope with it without anyone's help or reparation? How to motivate a street boy towards reparation? In a restorative encounter that involves a street boy, how to deal with all the above mentioned issues on time to avoid further victimization to the victim?

(2) In a restorative encounter it is expected that the offender will feel shame, especially because his/her wrongfulness is exposed in the eyes of those who care for them and for whom they care. The offender's "community of care" has a very important role to play as the people who are most likely to persuade the offender to take responsibility.

This brings an interesting question to our debate: who cares for the street boys and for whom they care?  As a matter of fact, while living in the streets, the street boys often end up losing or having very weak ties with their real family. As a result, they often search for a fake brother, a fake father, a fake mother, that is, they often try to build in the streets a sort of "fake family". That might not be seem so challenging for restorative justice, because what restorative practices call "family" or "community of care" can perfectly be whoever the street boy perceives as such. Nevertheless, the "solution" of the "problem" is not so simple. Indeed, not rare, the street boys' "person of confidence" is a drug-dealer, who they call "my dad", "my god-father", "my mum" (VARGAS, 2002: 120). According to Vargas, these nicknames (dad, god-father, etc.) are, in truth,

"devoted names to human beings who do not provide them any example of 'equilibrated' social conduct, but who have the doors open to accept, host and listen to their complaints and distresses" (VARGAS, 2002: 120). In other words, they are their "community of care".  So, in the case that drug-dealers are who cares for the street boys and for whom they care, should they be invited to a family group conference, for example? Would their presence incite "shame" or rather "pride" in the young offender?

(3) Researches carried out mainly in Europe, North America and New Zealand, show high rates of victims' willingness to take part in a restorative encounter (AERTSEN et al., 2004).

Restorative justice will have a strong concurrence in Brazil: the informal punitive system, which tortures and kills these youngsters at the margins of the formal system, "getting rid of the problem" easily, cheaply and quickly. As a matter of fact, the street boys are victims of a very harsh process of stigmatization that equals them to delinquents, independently of the occurrence of a crime. With the belief that the street boys are criminals that will never "mend their ways", not only the police, but also usual victims of crime committed by street boys (as shop owners) opt for an easy and cheap way of getting rid of "the problem": killing the street boys. By this interview with an ex-member of the Rio death squad, Dimenstein (1991: 44) shows how it works:

> "What happens is that you are employed by a group of shopkeepers. You earn more than a policeman. A boy comes along and robs the shop, so you give him a thump. Another one comes along and steals something else. If you don't do anything and let them go on stealing, you lose your job. It's no use playing about with some of these kids, you've got to kill them."

## 3. Final considerations

The juvenile justice system in Brazil is in search for a "way out" from its dilemma of "incarceration or impunity". Some advocate the lowering of the penal age, as a way of responding to this "impunity". Others strongly combat this idea, but do not really present a "counter-offer" – they rather suggest that our legislation is good and that we just need to implement it. In parallel to this, there is a growing informal punitive system in Brazil, which tortures and kills the youngsters at the margins of the formal system. All in all, the Justice of Children and Adolescents is claiming for "something better".
In the meantime, restorative justice has emerged (or re-emerged) in Europe and North America. Since then, its practices have been inserted into many systems of responding to crime, especially youth crime, and empirical research has often shown that this new way of dealing with crime provides greater experiences of satisfaction and fairness among victims, offenders and the community, than the traditional justice system does. All in all, is restorative justice the "something better" that the Brazilian juvenile justice system is claiming for?

All the questions we have listed above can come together in one: how far can we go with the illusion that restorative practices can also be addressed to the Brazilian street boys? We are afraid we can still not answer this question. Nevertheless, we must say that we are also not yet convinced that restorative justice is not feasible for these juveniles. And the reasons for that are listed below, in our final considerations.

(1) First of all, restorative justice does not expect that the offender understands the harm he has caused and the importance to repair it already before the restorative process. "It is the process during the meeting itself which makes offenders to understand what they caused and to become increasingly more emotionally involved and less rationally calculating" (WALGRAVE, 2004: 16). So street boys do not have to understand the harm they have caused and the importance to repair it before the restorative process takes place; restorative justice hopes that he or she will understand that throughout the process or as an outcome of it.

(2) The situation in Brazil and of the Brazilian street children might not be so unique as one might expect. We shall work to identify opportunities for cooperation between the Latin American countries in the field of juvenile restorative justice, as well as build bridges between these countries and the USA, New Zealand and European countries, where restorative practices are working for decades.

(3) In Brazil there are many individuals and organisations (including NGO's) that have been working for years with street boys: running shelters, training educators to be on the streets with them, setting up schools, homes, training courses, offering friendship and comprehension. To overcome the eventual lack of a "reliable" community of care, a possible solution can be the involvement of such professionals in the restorative encounter. They can provide the street boys with support during the conference and the conference can even give an opportunity for them to start-up programs involving these juveniles. Maybe it will not be easy to follow-up a street boy after the conference, because those professionals might have to go to the streets and "compete" with the street boys' "fake family", maybe even with a drug dealer. But there is no easy solution and the experience that these professionals have with street boys might help.

(4) A restorative encounter with a respectful, non-threatening and non-stigmatizing climate might have a huge impact on street boys, because that might be the first – or one of the very few – circumstances in which they were respected, listened, given attention, and so on.

(5) Any eventual adaptations of restorative practices to the reality of the street boys in Brazil must not permit a shift back to an offender-oriented approach to crime. On the contrary, restorative practices should not deviate from its concerns with the victims' harms and needs otherwise they cannot be called "restorative". Whereas it is true that street boys are victims themselves – victims of a heavy social disorder – when they offend, we have other victims – victims of the street boys' offences – who need to be heard and treated.

(6) The debate about the feasibility of restorative justice for street boys gives an insight into other problems: the quality of the police, community cohesion, poor education, and so on. In turn, we are reminded that any intention to ameliorate the actual Brazilian juvenile justice system will only become concrete if a parallel hard work aiming "social reorganization" is carried out. Moreover, further research on street boys must be carried out to enable better suited restorative interventions.
All in all, we "conclude" this paper with more questions than answers, and that is exactly why we have named this chapter "final considerations" instead of "conclusions". Nevertheless, as a means of inspiration for further work, we would like to close this chapter with an interview (RIBEIRO and TRENCH CIAMPONE, 2001:

47) that leads us to the belief that restorative justice might not just be possible for street boys, but necessary:

> Interviewer: What would you like to be when grown up?
> Child 1: I want to be an honest man (pause)
> Interviewer: Aren't you an honest boy? How are you now?
> Child 2: To me, I'm just a street urchin
> Interviewer: What is it like to be a street urchin?
> Child: Ah! It's nothing.

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