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Thirdly, there is the democratic argument that one should only be held criminally responsible when one is deemed sufficiently competent to vote for one's legislators. In most countries the age of majority is 18 years; the age at which a young person enters formally into adulthood. In most European countries, though, there is no alignment between voting age and the age of criminal responsibility.

In countries where there is a relatively high level of criminal responsibility, children in conflict with the law are generally dealt with by social welfare and health agencies. It is important to make the point, however, that clear principles of due process and robust advocacy need to be applied in these domains if the development of a "shadow youth justice system" is to be avoided (Pitts and Kuula, 2005; Poso et al, 2010). Being detained in a secure health-care or welfare facility may be considered in "the best interests of the child" in some cases, but we should never forget that the turn of a key represents the deprivation of liberty for a young person.

The arguments advanced in this article are implicit in many of the principles that underpin the international framework of children's human rights in respect of children in conflict with the law: the United Nations Convention on the Rights of the Child, 1989; the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985; the Directing Principles for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990; The Rules for the Protection of Juveniles Deprived of Liberty (Havana Rules), 1990; The Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), 1990; and The Economic and Social Council Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines), 1997. The Council of Europe's (2010) Committee of Ministers Guidelines on child-friendly justice are also extremely important. Taken together this framework of guidance seeks to treat young people below the age of majority as "children first, offenders second": in terms of the age of criminal responsibility, prevention, diversion from the formal criminal justice system, an emphasis on rehabilitation and reintegration back into the community, and the use of custody as a measure of last resort.

Although it is true that most young people desist from offending behaviour with the onset of maturation and the establishment of pro-social bonds, those that persist will tend to be more socially marginalised and will often have more complex needs. The "Edinburgh youth transitions study" (McAra and McVie, 2010 and 2012), for example, has found that persistent serious offending is closely associated with victimisation (such as abuse and neglect), acute vulnerability and social adversity. The study also found, incidentally, that contact with both welfare and criminal justice agencies tended to draw young people deeper into the respective systems and increase the probability of further offending. The relationship between the domains of welfare and criminal justice is often very close. In my current research project on high-risk young offenders in a Welsh local authority area, for example, 15 out of 16 children being studied have a background in the public care system. Such characteristics are not unusual (Evans, 2010, 2013).

It is often said that if one wishes to find out which groups in a society are experiencing social exclusion and discrimination, then just visit a prison. The profile of the clientele of any criminal justice system will certainly provide a reasonably clear snapshot of many, if not all, of the discriminatory processes at work in a society: the marginalised are shown in the sharp relief of social class, ethnicity and religion. The prejudice against some social groups will be open and explicit, but in most cases there will be more subtle exclusionary forces at work.

Social class for young people is best understood in terms of material conditions, social relationships and lived experience. It is about whether there is money available in the home to purchase food, warmth, comfort, access to the Internet, holidays and a sense of security. It is about being connected to – or disengaged from – cultural capital and influential networks. It is about the quality of one's education in school. It is about whether one grows up feeling empowered to make meaningful life choices or whether one resigns oneself to the destiny seemingly pre-ordained by inter-generational deprivation. Increasingly, the boundaries of social class and neighbourhood correspond. At one end of the city there is the gated community pulling up its electronic drawbridge; on the other side there are the hollowed-out, low-income, high-crime neighbourhoods so corrosive to the spirit that they can overwhelm the best efforts of parents, families and young people (Wikstrom and Loeber, 1997; Wiskstrom, 1998; MacDonald and Marsh, 2005; Macdonald and Shildrick, 2007; White and Cunneen, 2010). When the middle classes leave a neighbourhood, the residual working class community tends to receive poorer services: poor schools, poor health service, poor amenities. Social inequality is a form of "structural violence" that usually inflicts damage on its victims in slow motion. Simon and Burns' (2009) account of a west Baltimore neighbourhood depicts the retreat of jobs, good services and hope from a community. In this vacuum the gravitational pull of "the corner" eventually lays claim to most of the neighbourhood's children. In so many cases the gold reserves of youthful energy, goodwill and talent remain un-minted in our poorer areas. Instead, diminished lives are lived through the unstable currency of local shadow economies and the alluring, but dangerously risk-filled promise of the alternative opportunity structures offered by crime.

If the boundaries of social class and neighbourhood are increasingly found to be contiguous, so too are race and ethnicity. Following the pattern of development in the USA, poverty is racialised in many European cities: from satellite social housing estates to the *banlieue* to the inner cities. Poor young people also tend to be more street-present and thus subject to closer surveillance by both welfare and criminal justice agencies. Poor young people from minority communities are arguably, by dint of their colour and appearance, even more visible and vulnerable to attention from the police. It is important, though, that one avoids lapsing into overly simplistic explanations for the over-representation of certain minority communities in our criminal justice systems. Racism within the police may offer part of the explanation, but so too might discriminatory practices by liberal professionals in teaching and social work.

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It almost goes without saying that crime remains a largely male enterprise: it is not an equal opportunities employer. Girls do commit offences, of course, but for the most part they commit fewer and less serious crimes, and desist much earlier than their male contemporaries; perhaps as a result of their generally faster rate of maturation. Another explanation is that they are subject to more intensive informal social control by families, social institutions and local neighbourhoods. Whatever the explanation, given that the criminal justice system is designed for males, what happens to girls when they offend?

When boys commit offences it is unremarkable: "boys will be boys". When a girl commits an offence, though, there is the risk of perceiving it as an act of "double deviance": the criminal code has been broken, but so too has the gender code. There is often an assumption that the crime is a symptom of some underlying psychological or welfare problem. As a result there is a risk that girls will be drawn into well-intentioned, but overly intrusive welfare interventions. If the girls fail to respond to this "help" and they reoffend, then they tend to escalate up through the criminal justice tariff system to custody much faster than their male counterparts (Gelsthorpe and Sharpe, 2010). Girls are thus placed at acute risk by the criminal justice system.

In conclusion, it is worth posing the gender and crime question in relation to males. Beatrix Campbell (1993) famously suggested that if we are to solve the problem of crime we must first solve the problem of men. When women are without work it is a financial crisis. When men are without work it is an identity crisis. Why? The subject, perhaps, of another article...
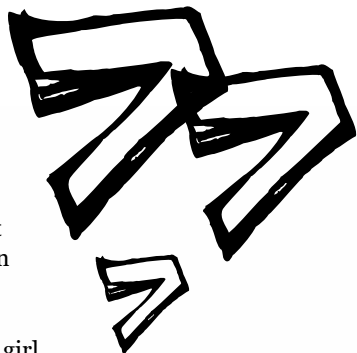
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