



Juvenile Justice in Scandinavian Countries

Anette Storgaard, Ass. prof.

School of Law, University of Aarhus, Denmark

Juvenile Justice in Scandinavia

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1. Juvenile and justice in Scandinavia to day.
Introductory remarks
2. Scandinavian juvenile justice, a few numbers, a few considerations mainly related to legal rights
3. Denmark is not the “best boy in the class”
4. Some good experiences....from Denmark 😊

Juvenile and justice



- From child to juvenile / the question of age
- (Children and juveniles as citizens)
- (Children and juveniles as victims or witnesses)
- Children and juveniles as clients in the social welfare system
- Children and juveniles as offenders

Welfare vs. Justice in the welfare state

□ **Welfare**  ideology of individual need

Such as individualization, support, offer, minimize pain, administration, prevent further social problems. Finances and decisive competences are decentralized

□ **Justice**  ideology of minimum rights

Such as equality, proof of guilt, proportionality, force, pain accepted, administration. Finances and decisive competences are centralized

Fundamental differences



Finland and Norway:

- child welfare "untouched" by criminal justice;

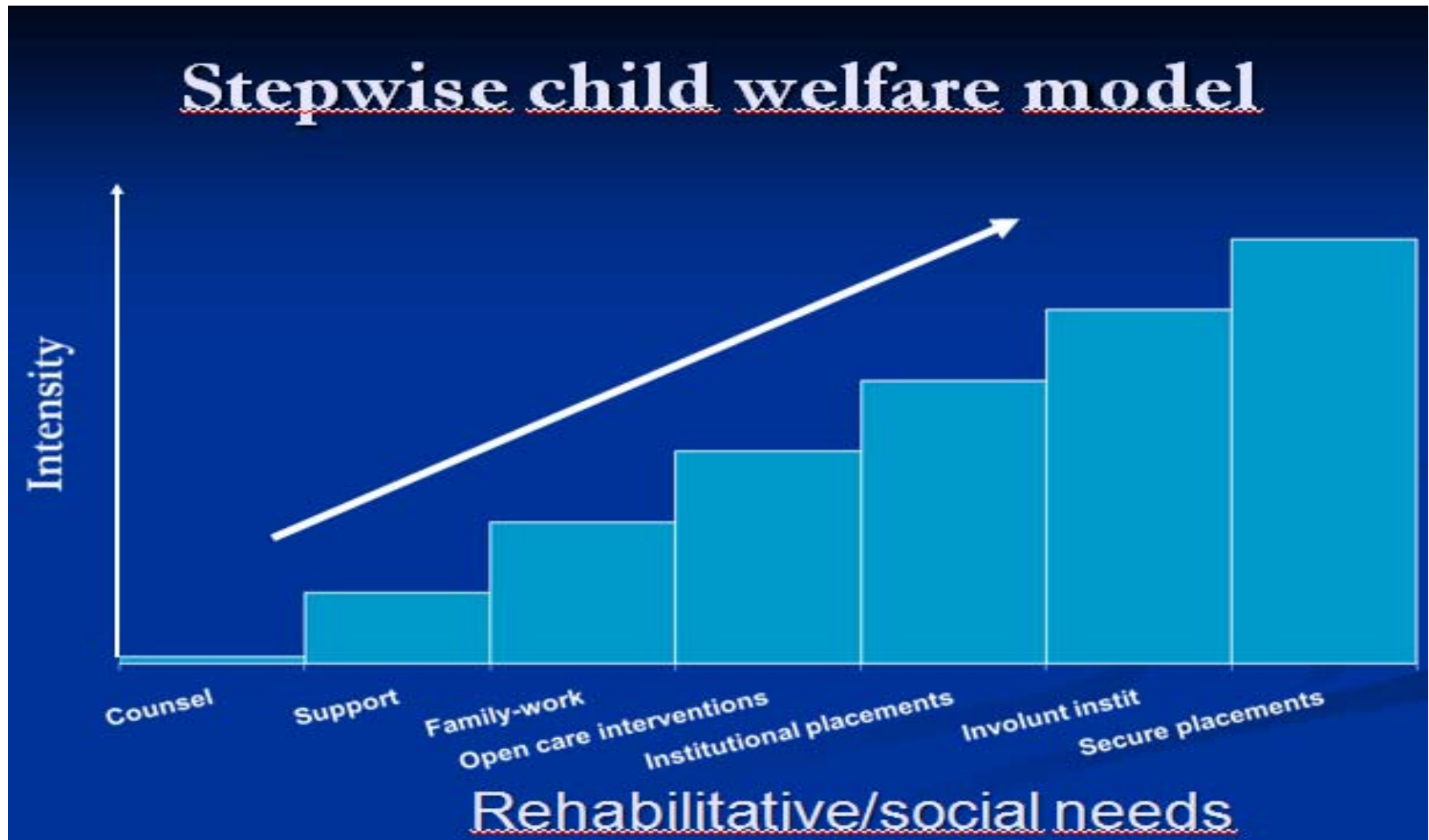
Sweden and Denmark:

- Child welfare authorities participate in enforcing criminal sanctions

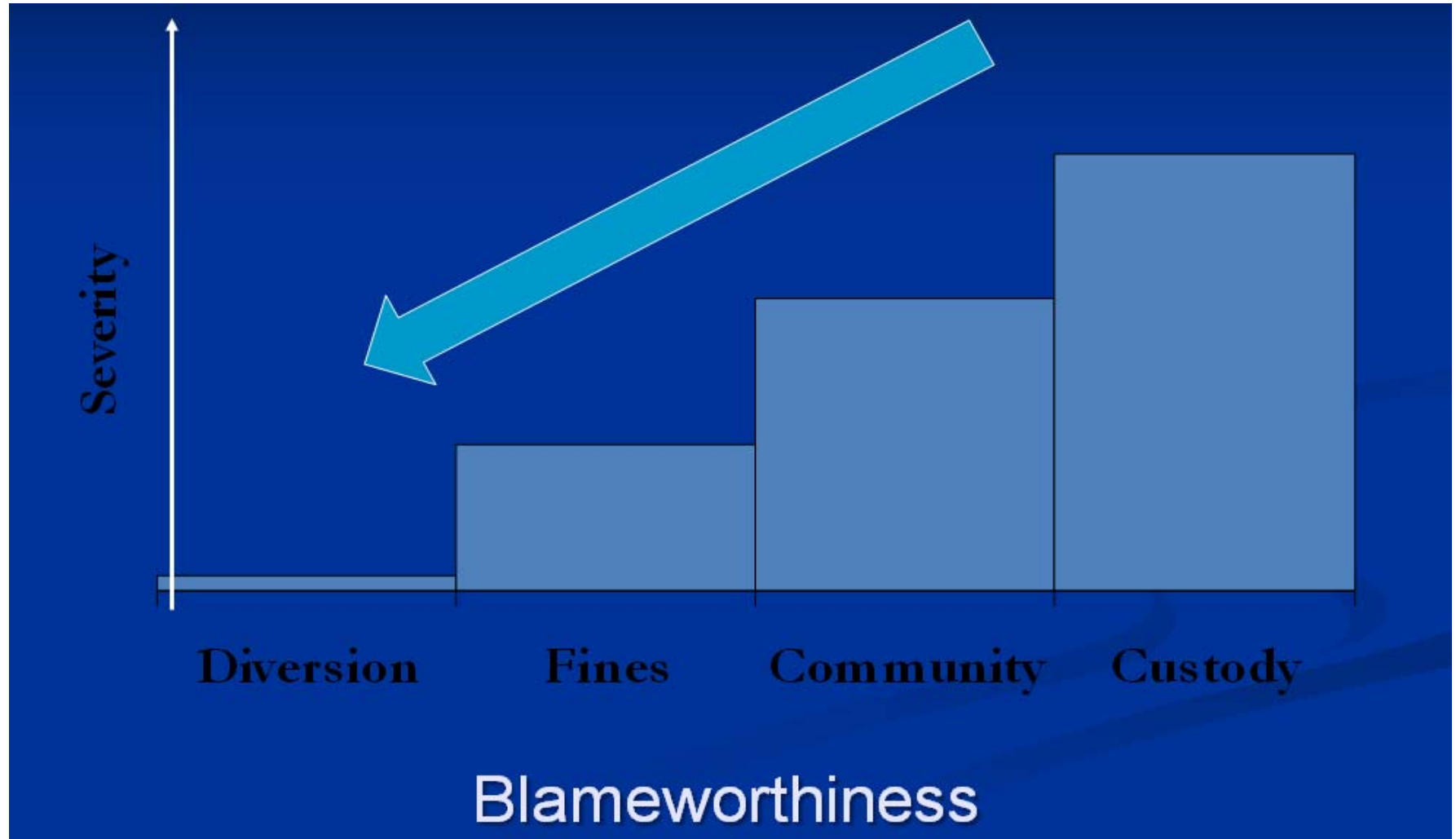
The “Nordic Welfare Model”

- Child protection legislation (early 1900s) / UN convention on the Rights of the Child
- Municipal authorities has the formal competences to interfere behaviour of children
- Main emphasis in dealing with juvenile crime on child welfare and social service basis. Diversion.
- Fairly high age ((14)/15 y) of criminal responsibility
- No juvenile courts or specific juvenile codes (except for DK, only small scale)

Stepwise child welfare model



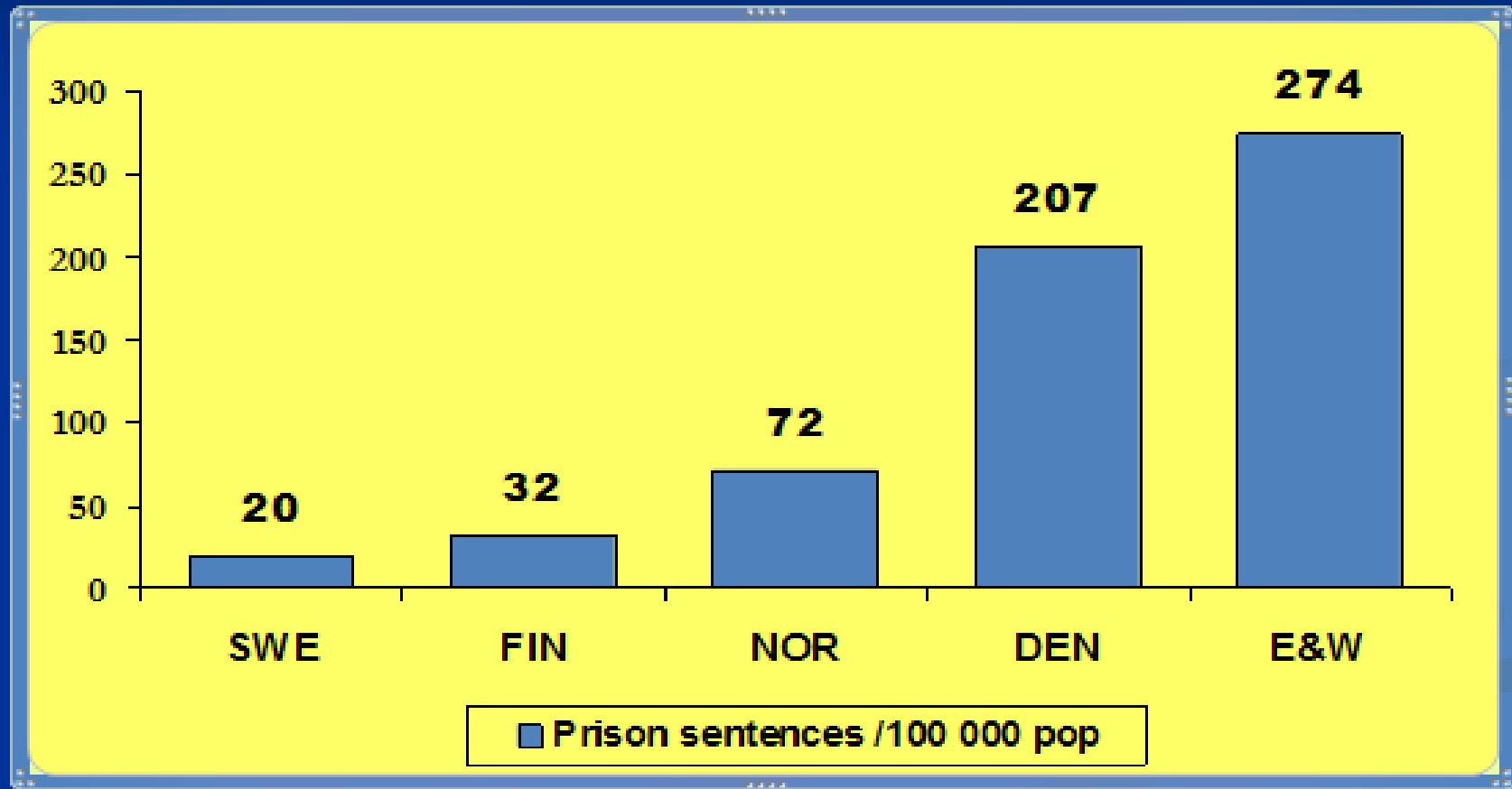
Stepwise sanction model



The use of custodial sanctions in courts in the age-group 15-17 (abs no)

	FIN	NO	DK	SW	ENG
N	65	138	402	85	5398
%	1	3	5	1	9

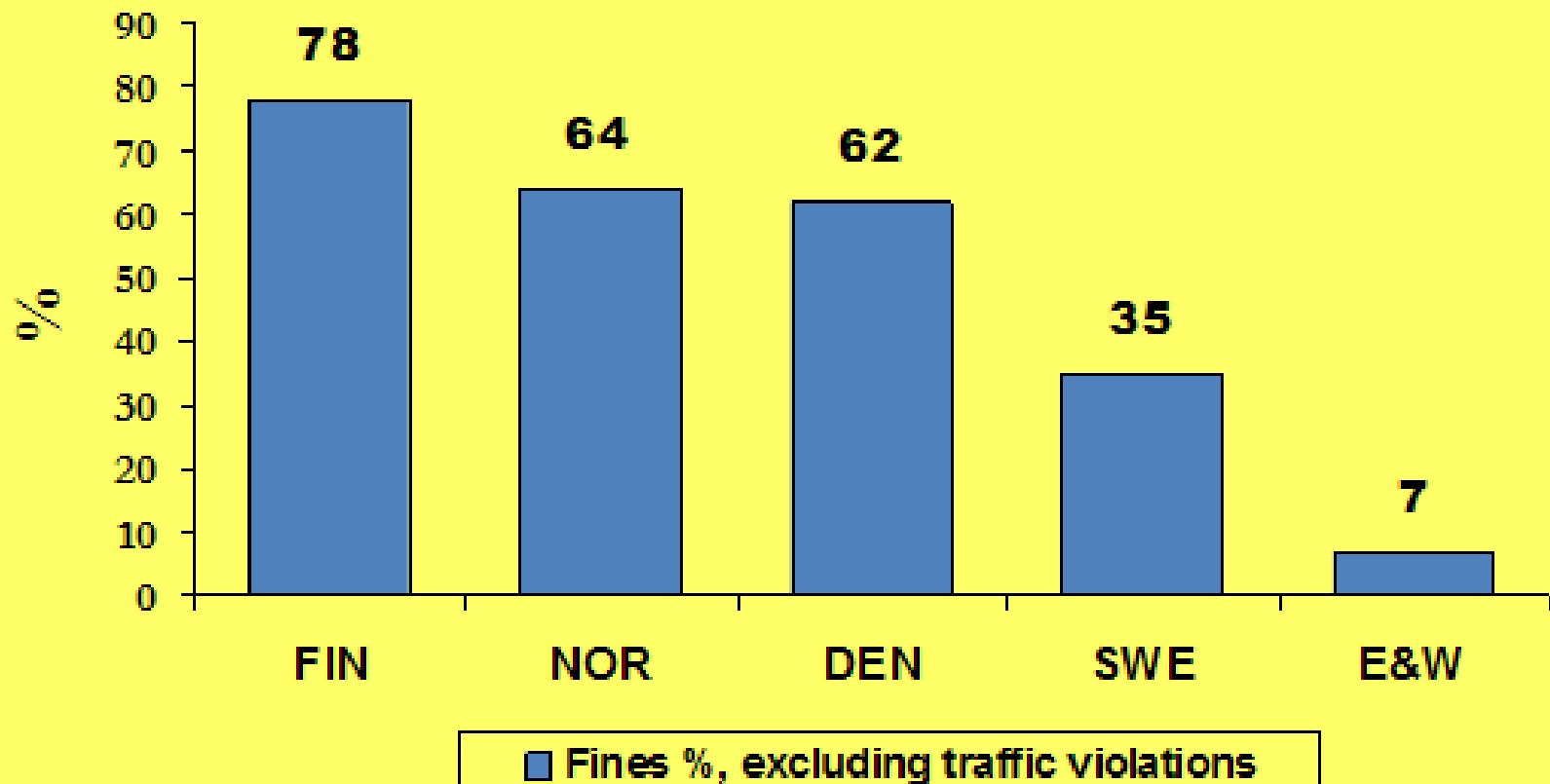
Imposed prison sentences for offenders of the age of 15-17 years (offense-age) / 100 000 pop



The use of community sanctions in the age-group 15-17 (traffic viol. excluded)

	FIN	NOR	DEN	SWE	E&W
N	567	1059	1889	3018	43694
%	7 %	24 %	24 %	26 %	71 %
/ 100 000 pop	288	570	974	786	2218

Fines for offenders of the age of 15-17 years. % of all dispositions





Considerations

- Support and punishment melt together. This has *good* and *bad* sides.
- The **good** sides may be: Less punitive and more rehabilitative *ideas* and *professionals* are involved in the responding system.
- The **bad** sides may be: Netwidening, lack of proof of guilt, lack of proportionality, lack of equality, no demand for scientific “proof” of effect.

Mediation

- Started in the early 1980s (Norway and Finland)
- Made permanent on a nation wide basis in Nor, Fin and Swe and latest DK (1 /1 2010)
- Norway: replaces criminal justice procedure;
Denmark: supplementary to criminal justice procedure
- Informal, voluntary work, lay-mediators, guilt is presumed (not tried)
- Norway and Finland include children below the age of criminal responsibility
- Norway: If the child does not show up he may be taken into secure care based on the presumption of guilt

Community service

- Different concepts in the countries:
- Denmark: there is no mandatory court decision of how long the "deserved" prison sentence would be (the use of CSO for juveniles is expanding)
- Finland: there is a mandatory court decision of how long the "deserved" prison sentence would be (the use of CSO for juveniles is little)

Youth Sanction

- Two years in care starting with secure institution (security at same level as closed prisons), replaces an unconditional prison sentence at 1-6 months !
- Only for 14-17 years old, who are defined to be in need of intensive social training
- The institutions are identical with the institutions for those taken into secure care for social welfare reasons and for juveniles in pre-trial prison

Denmark – the “bad boy in class”

- **Criminal policy as moved from field of experts to a hot political issue**
- Absurd consequences, such as
 - ▣ Breach of equality in responses, Youth Sanction, two years in return for one month
 - ▣ Fixed minimum punishment
 - ▣ Penalization of former depenalized possession of small amounts of cannabis-contrary to most other countries
 - ▣ Lowering the age of criminal responsibility to 14
 - ▣ Removing maximum limit of prison sentence – only lifetime is not an option
 - ▣ Introduction of one juvenile judge in each court

Some good experiences

- Mentors.
 - ▣ Social welfare measure – preventive. And:
 - ▣ As a rehabilitative measure. Condition related to diversion or suspended sentence, or after release.
 - ▣ Mentors can be professional social workers or adult relatives, teacher etc.

Some good experiences

- High five
 - ▣ Juveniles being released from a prison sentence (served in an institution or in prison) are taken into an ordinary workplace, a factory, supermarket or the like
 - ▣ As vocational learners or as "young workers", i.e. a few hours after school.
 - ▣ Ordinary demands, ordinary respect, ordinary payment
 - ▣ Organized by the police

No surprise !

- Politicians always ask for "risk factors" or indicators
- Retrospectively it is often easy to have the feeling that "I could have told you that this boy would end up in prison". Prospectively it is more complicated.
- Some indicators are very firm, though: age and gender, relative poverty !
- Common for juvenile offenders : bad school contact and lack of proper adults in the close social context plus bad contact to labor market
- Training programs in freedom generally have better effect than programs under deprivation of liberty

Bungee jumping should be fun !
there must be room for the vulnerable juveniles
on the bridge between correctional institutions and society

