Juvenile Justice in Scandinavian Countries

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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 have the formal competences to interfere with the behavior 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)

<table>
<thead>
<tr>
<th></th>
<th>FIN</th>
<th>NO</th>
<th>DK</th>
<th>SW</th>
<th>ENG</th>
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</thead>
<tbody>
<tr>
<td>N</td>
<td>65</td>
<td>138</td>
<td>402</td>
<td>85</td>
<td>5398</td>
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<tr>
<td>%</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>1</td>
<td>9</td>
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Imposed prison sentences for offenders of the age of 15-17 years (offense-age) / 100,000 pop

<table>
<thead>
<tr>
<th>Country</th>
<th>Sentences per 100,000 pop</th>
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<tbody>
<tr>
<td>SWE</td>
<td>20</td>
</tr>
<tr>
<td>FIN</td>
<td>32</td>
</tr>
<tr>
<td>NOR</td>
<td>72</td>
</tr>
<tr>
<td>DEN</td>
<td>207</td>
</tr>
<tr>
<td>E&amp;W</td>
<td>274</td>
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The use of community sanctions in the age-group 15-17 (traffic viol. excluded)

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<thead>
<tr>
<th></th>
<th>FIN</th>
<th>NOR</th>
<th>DEN</th>
<th>SWE</th>
<th>E&amp;W</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>567</td>
<td>1059</td>
<td>1889</td>
<td>3018</td>
<td>43694</td>
</tr>
<tr>
<td>%</td>
<td>7 %</td>
<td>24 %</td>
<td>24 %</td>
<td>26 %</td>
<td>71 %</td>
</tr>
<tr>
<td>/ 100 000 pop</td>
<td>288</td>
<td>570</td>
<td>974</td>
<td>786</td>
<td>2218</td>
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Fines for offenders of the age of 15-17 years. % of all dispositions

<table>
<thead>
<tr>
<th>Country</th>
<th>% Fines</th>
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<tbody>
<tr>
<td>FIN</td>
<td>78</td>
</tr>
<tr>
<td>NOR</td>
<td>64</td>
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<tr>
<td>DEN</td>
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</tr>
<tr>
<td>SWE</td>
<td>35</td>
</tr>
<tr>
<td>E&amp;W</td>
<td>7</td>
</tr>
</tbody>
</table>

Fines %, excluding traffic violations
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