

Keeping the Balance Between Humanism and Penal Punitivism: Recent Trends in Juvenile Delinquency and Juvenile Justice in Sweden

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INTRODUCTION

Geographically Sweden is one of the margin members of the European Union. Sweden is also rather sparsely populated with a total population of 9 millions. During the last decades every cohort of children/juveniles consist of approximately 100,000. Since the age of legal responsibility in Sweden is 15 years and special legislation still applies for juveniles until they reach 21 years, the juvenile population could be said to consist of around 600,000. It is a well-established fact that the number of young people who have been reported for committing a crime has increased dramatically since World War II. This is not unique to Sweden and is often the same elsewhere in Europe (Estrada, 1999a). It is not unusual to see this change as continuous, that young people are becoming “worse and worse”. An attitude like this obviously affects the measures that are involved in the development of juvenile crime. This report will present the measures against juvenile crime from a criminal (justice) policy perspective and highlight how this policy has changed over the past three decades. The report begins with a general background describing the history of the Swedish juvenile justice system. Thereafter the trends in juvenile delinquency¹ are analysed and the responses to crimes that are taken by the Swedish juvenile system are described in more detail. Finally we discuss how the current trends can be understood.

¹The English concept “juvenile delinquency” has no direct equivalent in the Swedish language or in the Swedish legal system. Instead, in Sweden we usually speak of juvenile criminality, a concept which differs from juvenile delinquency in that it does not include so-called status offences, i.e., acts committed by juveniles which constitute a crime but are legal if they are committed by adults. The authorities’ reactions in such cases have the character of social measures and are regulated by social legislation, not penal legislation. In this chapter the term juvenile delinquency is used synonymously with the Swedish concept of juvenile criminality and thus covers all acts which are subject to penal sanctions according to Swedish law.

1. BACKGROUND – THE SWEDISH JUVENILE JUSTICE SYSTEM FROM A CRIMINAL POLICY PERSPECTIVE

Swedish criminal (justice) policy is characterised by its emphasis on a comprehensive perspective. In the national programme for crime prevention, it is thus stressed that criminal (justice) policy covers more than the measures against crime that the legal system carries out. Our report concentrates on the social and punitive side of criminal (justice) policy. Society's overall goal for criminal (justice) policy against juvenile crime in the post-war period can be said to be one of *diversion*. Criminal youths should be kept away from correctional treatment in general and prison in particular. In the post-war period, however, social reactions have changed. There is an emerging shift from treatment to punishment in programmes involving juvenile delinquents (For an overview of the situation in the rest of Scandinavia see Storgaard 2004).

Over the entire 20th century, it was clear in Sweden that measures against juvenile delinquents should be separated from measures against adult offenders.² As early as 1902, several laws were passed which followed this line of thinking. Instead of prison, "forced care" was introduced for criminal youths between the age of 15 and 17. In 1935, the Child Care Act was expanded to include young people between the age of 18 and 21. At the same time, youth prisons were established for young people who could not be treated within the social youth welfare system. Treatment in youth prisons was for an unspecified period of time, so that the time in prison was not set beforehand and was based on the needs of the young person and not on the act he or she committed.

After World War II, forced care was abolished and replaced by protective foster care in community homes. Prison sentences were limited even further for young people under 18. They were instead to be taken care of in the child care system, not in the prison system. This change was connected to a growing realisation of the negative repercussions on young people living in institutions. Youth welfare was increasingly aimed at preventive and supportive measures. Placing young people in institutions was reserved as a final measure. In the 1950s, a rather optimistic view prevailed of the chances of treating juvenile delinquents. There was a shift to thinking in terms of treatment rather than punishment.

In 1965, a new penal code was introduced which gave great support to the way of thinking that favoured treatment. Intervention against young people would be based on their personal circumstances. This meant that a more highly differentiated system of responses was developed. Youth prisons remained for young people who committed a crime for which the penalty prescribed was prison. Perpetrators also had to be between the ages of 18 and 20; only in exceptional cases were they under 18 or between 21 and 23. The time spent in youth prison continued to be unspecified. For young people between the age of

²This section is taken from Estrada (1999b) where additional Swedish sources also are listed.