



Study on children's involvement in judicial proceedings – contextual overview for the criminal justice phase – Sweden

June 2013

This National Report has been prepared by Agnes Said for Milieu Ltd in partnership with ICF GHK under Contract No JUST/2011/CHIL/PR/0147/A4 with the European Commission, DG Justice.

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Executive summary

Overview of the general elements of child-friendly justice in criminal proceedings

Sweden has several specialised laws that apply to children and young offenders and there are guidelines for authorities and professionals who deal with children, such as social services, the police and judiciary. Training is also available for those professionals who deal with children in judicial proceedings, although it is not compulsory. There is also a requirement for authorities to cooperate when children are involved.

Sweden does not have a juvenile court system; however, special provisions for young offenders under 21 apply instead of the general provisions for adults. Children under 15 years cannot be held criminally liable and fall under the care of social services, while child offenders over 15 years old are subject to less stringent penalties than adults. Young offenders are subject to imprisonment only on very rare occasions. If the crime they committed is serious, they can instead be subject to institutional care where they do not interact with convicted adults.

Overview of children's involvement before, during and after judicial proceedings

Child victims and witnesses receive protection before and during proceedings. Several safeguards are in place to ensure a child-friendly environment and protection from harm. Such safeguards include children's houses, where the child is interviewed and examined and the interviews are filmed, and the child does not have to face the suspect in court. The right to information is ensured by law and the information is given both to children and their parents. The information is adapted to the child's age and maturity and is also provided orally.

Promotion and monitoring of a child-friendly approach to criminal justice, with an overview of strengths and potential gaps

As mentioned above, specialised legislation applies to children involved in judicial proceedings and there are comprehensive guidelines for all relevant authorities in this area. However, some gaps exist in the legislation. There are no special provisions regarding witnesses who do not have a legal standing in the proceedings. In general, witnesses are not treated as parties to the proceedings and, thus, have no rights. To prevent information from an investigation or trial becoming publicly available once the proceedings are concluded, general rules on the protection of information exist with respect to certain cases such as sexual abuse. These are general rules which apply both to adults and to children. In conclusion, even though the rights of children involved in criminal proceedings are comprehensively protected in Sweden, some gaps have still been identified.

Abbreviations

BRIS	Children's Rights in Society (<i>Barnens rätt i samhället</i>)
CA	Competent Authority
CoE	Council of Europe
EC	European Commission
EU	European Union
PA	Police Act (<i>Polislag (1984:387)</i>)
PCI	Ordinance on Preliminary Crime Investigations (<i>Förundersökningskungörelse (1947:948)</i>)
SRC	Act on Special Representatives for Children (<i>Lag (1999:997) om särskild företrädare för barn</i>)
SSA	Social Services Act (<i>Socialtjänstlag (2001:453)</i>)
YOA	Young Offenders Act (<i>Lag (1964:167) med särskilda bestämmelser om unga lagöverträdare</i>)

1 Overview of Member State's approach to children in criminal proceedings and specialised services dealing with such children

In Sweden, the institutional framework regarding children in criminal proceedings can be found in several legal acts. With regard to children as offenders, the provisions distinguish between children under the age of 15, who are not criminally liable and thus cannot be prosecuted for a crime, children between 15 and 18 years of age, and youth under the age of 21. Sweden does not have a youth justice system; instead, children under 15 who commit a crime fall under the care of social services, while children between the ages of 15 and 18 are heard in general courts.

Different actors, such as the police, the prosecution, health services, and social services are required to cooperate¹. When a child is a victim of violence, the principal responsibility for cooperation falls on social services. However, each agency acts within its own responsibilities and competence, and each agency carries out its own investigation and is responsible for its own decisions. Before an investigation starts, the different authorities and actors involved should consult on the planning of the investigation.

Most municipalities have so-called consultation groups (*samrådsgrupper*) with representatives from social services, the prosecution, the police, child healthcare services, and child and youth psychiatry services. The consultation groups decide on the coordination of efforts and planning and decide in which order the different actors should act once a report on a crime against a child has been made.

Below, only a brief description of the institutional framework in Sweden relevant to children is provided. For a more comprehensive overview of the Swedish criminal justice system, please consult the European Commission's e-justice portal and the European Judicial Atlas (for compensation matters)².

Criminal Trials

As mentioned above, Sweden does not have any special courts for young offenders. Children under the age of 15 cannot be prosecuted and instead fall under the care of social services, while those who are between 15 and 18 years of age are tried in general courts. However, young offenders between the ages of 15 and 21 enjoy special protection under the [Young Offenders Act](#) (YOA). An investigation against a young suspect should, if possible, be conducted by a police officer or a prosecutor who, with respect to his or her interest or aptitude for working with young offenders, is particularly suited to the task. If the child has been investigated in the past, the same police officer or prosecutor should, if possible, conduct the new investigation.

Prosecutors in Sweden have the right to waive prosecution. In the case of young suspects, the possibilities to waive prosecution are more extensive and are regulated in the Young Offenders Act. Young suspects under the age of 18 should only be detained if there are exceptional reasons. Trials in district courts and courts of appeal should be heard by authorised judges and lay judges who have been appointed by the court to hear cases against young suspects. Investigation and cases against young suspects should be treated promptly³. Investigations where the victim is a child should also be treated promptly⁴.

Social services are responsible for the wellbeing of children⁵ and are involved in a wide range of activities concerning children who are suspected of committing a crime. Social

¹ S.6 [Administrative Procedure Act](#); ch.5 s.1a SSA; s.3 PA.

² [European Commission' e-justice portal and the European Judicial Atlas](#).

³ S.4 and 29 YOA.

⁴ S.2a Ordinance on Preliminary Crime Investigations (PCI).

⁵ Ch.5 s.1 Social Services Act (SSA).

services should attend interviews and submit a report with their opinion to the prosecutor before a decision on prosecution is made. The report is also used by the court before a court sentence involving care for young persons or imprisonment for more than three months is made. In the report, social services investigate the young offender's social situation and assess whether he or she is in need of care, taking into account the young offender's situation, state of physical and mental health and risk of relapse into crime. The report should also state whether the young offender is suitable to perform youth service. If the child is under the age of 15, it is social services who decide whether such an investigation should be made.

In general, social services, police and prosecution and any other relevant authorities should cooperate when children are involved⁶.

Young victims and child protection systems

Just like young suspects and offenders, child victims and witnesses go through the formal criminal justice system. Social services are responsible for investigating whether a child might need protection once a report has been submitted on child abuse. Social services also offer guidance and support to children who have witnessed a crime or who are victims of a crime⁷. Municipalities are required to ensure that mediation is available between young offenders under the age of 21 and their victims if they require mediation as a complement to criminal procedure⁸.

Child victims and child witnesses are regarded as more vulnerable and are therefore afforded more protection than adults. The primary focus of any interview is to obtain high quality evidence without harming the child. Interviews of children who are offenders, victims or witnesses should take place as few times as possible considering the type of the investigation and the child's best interests⁹. Questioning should be conducted by a person with special competence for the task.

There are no specialist institutions in place that deal with child victims and witnesses throughout the judicial process. However, specialised professionals, such as police officers, prosecutors and judges should be involved when dealing with such cases. Information to victims and witnesses is available online on the police authority website, the prosecution authority website, the national court administration website, the Swedish Crime Victim Compensation Support Authority website and the websites of the municipalities. A witness support service is established in almost all District Courts and Courts of Appeal in Sweden. The witness support service is a voluntary service, usually carried out by Victim Support Centres (BOJ). The task of a witness support person is to help witnesses and victims, and offer support before and after the hearing. Most courts have a separate witness support service room where witnesses and crime victims can wait undisturbed before the hearing.

Child Protection Systems for abuse and neglect

There is a special protection system in place that deals with child abuse and neglect. The system is set in place by both [legislation](#) and public policy, e.g. the [Government Bill on the Strategy to Strengthen Children's Rights](#). Within this strategy, several authorities have been commissioned to examine issues relating to children's rights, such as violence against children.

The child protection system in Sweden ensures that agencies, such as the police, social services and other authorities and organisations, are working together for the protection of the child. Any decisions should be made with the [child's best interests](#) in mind.

In several municipalities there are so called "[children's houses](#)" (*barnahus*) where different authorities are gathered under the same roof in a child friendly environment. The authorities

⁶ S.3 Police Act (PA); ch.5 s.1a SSA; s.6 Administrative Procedure Act.

⁷ Ch.5 s.11 SSA.

⁸ Information obtained by stakeholder.

⁹ S.17 PCI.

involved consist of social services, the police, prosecution, forensic medicine, paediatrics, and the Authority for the Child and Youth Psychiatry. Children's houses are specially adapted to children who are victims of violence or sexual abuse. The first children's house was opened in 2006. The children's houses are mostly used during the initial phases of the proceedings, i.e. the investigation phase.

Authorities whose activities concern children and youth, as well as authorities providing health and psychiatric services, social services and correctional institutions are obliged by law to report to the Social Welfare Board any information they might come across about a child being abused¹⁰. This obligation also applies to the employees of such authorities.

Confidentiality is ensured by law¹¹. The same provisions apply to children as to adults. Employees of social services or other services which fall under social services should not disclose without authorisation what they learn about the child's personal circumstances. Those who provide family counselling should not, without authorisation, disclose what they learn in confidence during the counselling. The Public Access to Information and Secrecy Act generally applies to written information, while consultation between different actors in cases of investigation of child abuse is mostly done orally during meetings. According to guidelines from the Police Authority, when considering a disclosure issue, the receiving authority's need for information should be weighed against the interests protected by confidentiality¹².

Training of officials working with children in judicial proceedings varies across the occupational fields. The police have [specially trained police officers](#) who are specialised in crimes against children. Moreover, concerning education of police officers dealing with child offenders, how to deal with children in criminal proceedings is part of the training to become a police officer. There is also training for police officers who are investigating crimes committed by child offenders (12-17 years old). The course is provided by the Swedish National Police Academy. There is a similar course focusing on investigations where children are victims or witnesses. These training courses handle, for example, the question of how to interview children¹³.

[Prosecutors](#) who specialise in crimes involving child abuse participate in training on child abuse. Training on children in judicial proceedings is provided as part of the education for new judges. The training includes information on children's rights, child development, best interests of the child, how to evaluate children's testimonies, etc. Judges who have already been appointed have the opportunity to receive training on children in judicial proceedings. However, they are not required to participate in such training¹⁴. It should be noted that although training is available for professionals working with children, it is not mandatory and not all police officers, prosecutors or judges who work with children in judicial proceedings have received relevant training¹⁵.

[General Approach towards children: definition of the child, participation, evolving capacities, age and discrimination](#)

The general approach towards children in legislation reflects the obligations set forth in the UN Convention on the Rights of the Child. Those who are under 18 years of age are considered as children¹⁶ and subject to special measures, assistance or treatment. These special measures are in some cases extended to those who are [under 21 years of age](#) and who are suspected of committing a crime. Specific details of special measures and treatment are provided below under specific sections on the different phases of criminal proceedings.

¹⁰ Ch.14 s.1 SSA.

¹¹ Ch.5 s.1a SSA; ch.15 SSA; Public Access to Information and Secrecy Act.

¹² Crime in close relationships ([Brott i nära relationer](#)), Guidance 2009.

¹³ Information obtained by a stakeholder.

¹⁴ Information obtained through stakeholder interview on 23.11.2012 (Ministry of Justice).

¹⁵ Information obtained through stakeholder interview on 29.11.2012 (prosecutor).

¹⁶ Ch.1 s.2 SSA.

The general approach is to protect children as far as possible and to always consider the best interests of the child.

Participation of children in judicial proceedings is ensured by their right to be heard and to tell their story in their own words. This applies only to victims and suspects, as witnesses are not ensured any right to participate in the proceedings.

The evolving capacities of the child are not specifically mentioned in the legislation. There are special provisions on the investigation and on young suspects where the judicial process has been adapted for children. However, these provisions are adapted for children as a group, and not for the individual and his or her evolving capacities.

Non-discrimination

Children are protected from discrimination by the [Discrimination Act](#) in areas such as education, health services and social services. The Discrimination Act prohibits discrimination on the basis of age, sex, transgender identity or expression, ethnicity, religion or other belief, disability, or sexual orientation. The Discrimination Act does not apply to judicial proceedings. This, however, does not seem to be an issue as special provisions apply with regard to children in judicial proceedings as well as the types and duration of sanctions imposed on young offenders.

2 Child-friendly justice before and during criminal judicial proceedings

2.1 The child as a victim

Children are protected from corporal punishment under Swedish law. They also have the right to be treated with care and respect, and to a safe upbringing¹⁷. The best interests of the child are ensured by measures undertaken by social services, and should be the guiding principle when taking decisions which affect the child¹⁸.

2.1.1 Reporting a crime

Swedish law does not contain any specific provisions with regard to a child's ability to report a crime. However, information for children who have been victims of a crime can be found on the [website](#) of the police authority. The website has a special section with detailed information for children and youth who have been victims of a crime and contains the links and phone numbers of different help organisations. There is also a short animated movie on the website explaining what happens after a crime has been reported and explaining the roles of the police and the prosecutor.

Children, or anyone who becomes aware of a crime against a child, can report the crime to the police by calling the police emergency number, by going to a police station, or by talking to a police officer. The crime can be reported anonymously. It is also possible for the child to call different help organisations, such as [Children's Rights in Society](#) (BRIS), [Save the Children](#) (*Rädda barnen*), the Centre for Children and Youth in Crisis (*centrum för barn och ungdomar i kris*), or [Young Victim Support](#) (*Unga brottsofferjouren*), who assist the child in reporting the crime to the police. Sexual harassment at school or in the workplace can be reported directly to the Discrimination Ombudsman.

In addition, anyone who becomes aware of a crime against a child can report it to social services. If the person who becomes aware of the crime is working for an authority that deals with children or youth, he or she is required by law to report such a crime to social services¹⁹.

2.1.2 Provision of information

The right to information is ensured by law²⁰. The same provisions apply to children as to adults. The victim of a crime should be informed by the prosecutor on his or her right to obtain remedy and how such cases are handled. The victim should also be promptly provided with information on the appointment of a counsel for the injured party or a special representative for children as well as information on restraining orders if such have been issued. Victims should also be provided with information on the right to a support person (*stödperson*), who accompanies the victim during trial and who provides support in connection with the investigation or court procedure²¹. Such a support person can be the parent or someone else. The child can always be accompanied by a parent during the trial, but can also choose some other person to support him or her as well. The victim is also provided with information on the right to obtain legal aid in accordance with the Legal Aid Act, and with information on which authorities or organisations provide support to victims.

Information on the withdrawal of an investigation or prosecution, time of court proceedings and the judgment is provided if the victim requests it. The victim should also be informed, if

¹⁷ Ch.6 s.1 Children and Parents Code.

¹⁸ Ch.1 s.2 SSA.

¹⁹ Ch.14 s.1 SSA.

²⁰ S.13a TNA.

²¹ Ch.20 s.15 and ch.23 s.10 Code of Judicial Procedure.

necessary, if the accused person absconds. There is a requirement to inform the victim as soon as a decision on prosecution has been made²².

According to the Police Authority's guidelines on violence and crime in close relationships²³, children have a right to information regarding the investigation. The information should be the same as for an adult but should be adapted to the child's age and level of maturity. When summoning a child to an interview, the time and place are decided together with the child's guardian or special representative (please see below 2.1.3 on the [special representative of the child](#)). Once it has been decided, the information should also be sent in writing to the guardian or special representative. The child should also be informed in writing about the time and place of the interview and that it will be filmed. In those cases where the child is considered to have reached sufficient age and maturity, the information should only be sent to the child. According to the Prosecutor's Office guidelines on the handling of cases regarding child abuse, this should be the case with children who have reached the age of 15 years of age²⁴. If the parent or guardian is the perpetrator, the information is provided to the special representative of the child²⁵.

Information on other phases of the proceedings, e.g. the trial, is communicated in writing to the child's guardian or special representative as well as to the child.

2.1.3 Protection from harm and protection of private and family life

Protection from harm

There are several measures in Swedish legislation to ensure that child victims are protected from harm. Once the social services or the police have learned of a suspected case of child abuse, they should inform the guardian of the child. However, if they suspect that the guardian is responsible for the abuse or might protect the abuser, it is possible to bring the child for interview without notifying the guardian immediately. In such cases, the prosecutor may apply to the court to appoint a special representative for the child. The court may issue an interim decision appointing such a representative²⁶. After a special representative has been appointed, the court has four days to inform the guardian about the decision. This makes it possible to bring the child in for interview without notifying the guardian and, thus, giving the guardian no possibility to interfere with the questioning.

A lawyer or anyone else can be appointed as a special representative for a child based on his or her suitability for the task, which is considered with regard to the person's knowledge, experience and personal qualities. The special representative takes over the guardian's role to ensure that the rights of the child are respected during the investigation and trial phases. The special representative has the right to take the same decisions on behalf of the child within the proceedings as a guardian would have.

Children should be interviewed in such a way that they are not harmed. Interviews and examinations should be planned in advance and special precautions should be taken when the hearing concerns sexual activities²⁷.

Restraining orders and other protective measures

There are no special provisions on restraining orders with regard to children. The same provisions apply to children as to adults. A restraining order (*kontaktförbud*) can be issued against a perpetrator to protect a child. There are no restrictions as to who can apply for a restraining order. Thus, the child him/herself, the child's guardians, social services, the

²² S.13b, 13c and 13d TNA.

²³ Crime in close relationships (*Brott i nära relationer*), Guidance 2009.

²⁴ Prosecutor's Office Guidelines on the handling of cases regarding child abuse (*Handläggning av ärenden rörande övergrepp mot barn*) 2007.

²⁵ Information obtained through interview with stakeholder on 29.11.2012 (prosecutor).

²⁶ S.1 and 4 [Act on Special Representatives for Children](#) (SRC).

²⁷ S.17 PCI.

prosecutor or anyone else can apply for a restraining order under [the Act on the Prohibition of Visiting](#).

Other protective measures include witness protection, protected identity, and protection of data. It is also possible to conduct a security check of all persons entering the court proceedings if needed²⁸. There are no special provisions on protective measures for children. The same provisions apply to children as to adults.

Protection of private and family life

When a child is taken to be interviewed, special protective measures should be taken so that the public are not made aware of the situation²⁹. Confidentiality is ensured for adults and children during the investigation and during the proceedings if the offence involves, for example, sexual abuse³⁰. However, there are no special provisions on confidentiality with regard to children involved in court proceedings. The general rule is that as soon as an investigation has been concluded it becomes available to the public with some exceptions, such as cases on sexual abuse, trafficking or victims of child pornography³¹. During the court proceedings, it is possible to have a court hearing *in camera* (*inom stända dörrar*). After the trial the court can decide whether the statements obtained *in camera* should be confidential or made public.

2.1.4 Protection from secondary victimisation and ensuring a child-friendly environment

There are several mechanisms in place to protect children from secondary victimisation, many of which concern the speed and timeliness of judicial proceedings. Proceedings involving children should be dealt with as quickly as possible. If the child is a victim and the offence was directed against the child's life, health, or freedom, the law prescribes that the investigation should be treated with special urgency. A decision on prosecution should be made no later than three months after an offender has been identified³². Questioning of children should be conducted by someone who is particularly suited to the task and the number of interviews should be as limited as possible³³.

The Police Authority has a set of guidelines on violence and crimes in close relationships³⁴. The guidelines include sections on how to treat and interview children who have witnessed violence or who have fallen victim of violence. The guardians of the child are always informed, with the exception of when they are suspected of abuse, and accompany the child during the interview and throughout the judicial proceedings.

Preliminary judgments do not exist in Sweden. However, it is possible to appoint a special representative before the commencement of court proceedings. Furthermore, in case a child needs protection from the offender, the offender can be arrested or the child can be taken into protective custody³⁵.

2.1.5 Protecting the child during interviews and when giving testimony

The overarching rule for interviewing children is that the interview should be conducted in such a way that the child is not harmed. The child's best interests should be considered throughout the interview and the child should be given the opportunity to tell his or her story in a child-friendly environment. The number of interviews should be as limited as possible³⁶.

²⁸ The [Act on Security Checks at Court Hearings](#).

²⁹ S.17 PCI.

³⁰ Ch.18 s.1 and ch.21 s.1 Public Access to Information and Secrecy Act.

³¹ Ch.35 s.12 Public Access to Information and Secrecy Act.

³² S.2a PCI.

³³ S.17 and 18 PCI.

³⁴ Crime in close relationships (*Brott i nära relationer*), Guidance 2009.

³⁵ Information obtained through interview with stakeholder on 29.11.2012 (prosecutor).

³⁶ S.17 PCI.

The interview should be conducted as soon as possible and no later than two weeks after the prosecutor has decided to start an investigation.

'Children's houses' allow for a child victim to be heard and examined in one place by all actors involved, e.g. social services, police, prosecution, doctors, etc. This also protects the child from having to be interviewed in different places by different experts. Instead, the child is brought to one place where he or she is interviewed by one person with special knowledge and training on child abuse. If the child is under 15 years of age or has a mental disability, the interview is filmed³⁷, regardless of whether it is in a children's house, at a police station or another location, and the other actors involved, such as the prosecutor, the guardian, the counsel for injured parties or the special representative and the offender's defence counsel can watch the interview on a screen in a different room. If called for, interviews with children over 15 can also be filmed, e.g. in cases involving serious abuse.

Children who are under 15 should be interviewed with their guardian present, with the exception of cases where the presence of the guardian would be harmful to the investigation³⁸. However, the guardian should not be present during the interview itself; he or she should be there for the child before and after the interview. Only the child and the interviewer should be present during the interview. The different guidelines³⁹ on how to question children recommend that the interviewer should meet with the child a day or a few days before the interview, e.g. at school or at home, so that the child is already familiar with the person interviewing him or her.

In cases where the child needs a translator, the translator is informed that the interview is with a child and the type of offence. The translator is also informed not to help the child with expressing his or herself or to explain what the child is saying using different words.

Special precautions are also taken if the child victim has a disability. In such cases, the interviewer should find out how the disability could affect the child during questioning. Therefore, a preliminary meeting can be held between the child and the interviewer⁴⁰.

Before interviewing a very small child or a child with disabilities, it is important that the interviewer and the prosecutor understand the intellectual capacity of the child, his/her maturity, vocabulary, and ability to remember. In such cases, it is possible to hire an expert, e.g. a child psychiatrist or child psychologist who can provide such information after meeting with the child⁴¹. The perpetrator or his or her defender has the right to comment on the choice of said expert.

During the interview, the interviewer should use language that is appropriate to the age and maturity of the child and should let the child take the time he/she needs to answer the questions. There are several books and guidelines in this area which are recommended for interviewers, e.g. the Children Ombudsman's "[Talking to children and youth. The Child Ombudsman informs](#)", "[Interviewing children: a guidance during investigation](#)" by Ann-Christin Cederborg or "[Advanced interrogation and interview methods](#)" by Sven-Åke Christianson. The literature emphasises that interviews should be held in an environment where the child feels safe, to use age appropriate vocabulary and to inform the child of the next steps of the process.

Children do not have to face the abuser during the interviews or court proceedings. The interview with the child is filmed and the perpetrator's defence counsel can watch it on a screen in a different room. The child does not have to appear in court, but in those exceptional circumstances when a child appears in court, the perpetrator could be required to leave the court room so that the child does not have to face him or her⁴². There are no

³⁷ Ch.36 s.4 Code of Judicial Procedure.

³⁸ Ch.23 s.10 Code of Judicial Procedure.

³⁹ E.g. Crime in close relationships (*Brott i nära relationer*), Guidance 2009.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ch. 36 s.18 and ch. 37 s. 3 Code of Judicial Procedure.

provisions setting maximum time limits on how long the interview can last or how long it should be before a break is given.

2.1.6 Right to be heard and to participate in criminal proceedings

Children and adults alike may be parties in judicial proceedings. Thus, children who are victims of crime have the same right to be heard and to participate in the proceedings as adults. In cases where the child's account of the events is of particular importance (which is the case when the child is a victim) an expert in child psychology or interrogation psychology should be present during the interview or should comment on the value of the child's account⁴³.

Two types of experts may be relevant to the case: either an expert who is helping out during the investigation and questioning, or an expert who, during the trial, is giving his or her opinion on the child's credibility and the reliability of the account of the child. If the case is complicated, an external expert in child psychology or child psychiatry or another field may also be heard.

With regard to experts who give their specialist opinion during the trial⁴⁴, such experts are called upon by the court. The prosecutor should specify whether the expert should conduct a psychiatric examination of the child, issue a psychological report of the child as a witness, or comment on any other relevant issues which may require special knowledge. According to case law⁴⁵, specialised experts should not be appointed if the child is heard in the court, unless there are special circumstances (e.g. the child has a mental disability).

Special consideration should be given to children who are very young or who have any form of disability, either physical or mental. In cases where the child is under six years of age or has a disability, the prosecution should always consider bringing in an expert. The expert should assist and guide the interviewer and, if necessary, interview the child himself⁴⁶. It should be noted that parents cannot prevent a child from being heard.

2.1.7 Right to legal counsel, legal assistance and representation

Children, as well as adults, who are victims of sexual crime, crimes against their life, health or freedom, or robbery, or if there are any other special reasons relating to their personal circumstances and conditions in general, have the right to a counsel in accordance with [the Act on Counsel for the Injured Party](#). The role of the counsel is to protect the victim's interests in the case and to give the victim help and support. If the prosecutor does not sue for damages, the counsel can do so instead on behalf of the victim. A counsel is appointed at the request of the victim or if there are any other reasons for a counsel to be appointed. The decision regarding the appointment of a counsel for the injured party is made by the court during the investigation phase. The state pays the counsel's fees.

If the offender is the child's guardian or has a relationship to the offender and, thus there is suspicion that he or she may not act in the child's best interest, a special representative can be appointed for the child in the guardian's stead in accordance with the [Act on Special Representatives for Children](#). The role of the special representative is to ensure that the rights of the child are respected during the investigation and trial phases.

The special representative has the same right to take decisions on behalf of the child within the proceedings as a guardian would have. The prosecutor applies to the court for the special representative to be appointed. A lawyer or legal counsel or someone else who is suitable for the task may be appointed as a special representative.

⁴³ S.19 PCI.

⁴⁴ Ch.40 s.1 Code of Judicial Procedure.

⁴⁵ NJA 1992 p.446.

⁴⁶ Prosecutor's Office Guidelines on the handling of cases regarding child abuse ([Handläggning av ärenden rörande övergrepp mot barn](#)) 2007.

The special representative should be someone who, because of his or her knowledge and expertise and personal traits is suitable for the role. The special representative may be changed once if there are special circumstances. If the special representative has already been changed once, he or she may be changed only if there are exceptional reasons⁴⁷. The roles of the counsel for the injured party and the special representative for children are similar, with the special representative having more powers to act on the behalf of the child. Thus, only one of these counsels is chosen to represent the child.

2.1.8 Remedies or compensation exist for violation of rights and failure to act

Victims and witnesses, whether children or adults, have limited rights with respect to the investigation and to criminal judicial proceedings; once a prosecutor learns about an offence he/she has an obligation to investigate and prosecute. Victims have a right to have their views taken into account but there is no obligation for the authorities to follow their views.

Compensation

Child victims, as well as adult victims, can seek compensation from the offender (*damages*). If the offender cannot pay or has not been identified, then the victim can seek compensation from his/her insurance company (*insurance*). In case the victim is not insured, he or she can seek compensation from the [Swedish Crime Victim Compensation and Support Authority](#) (*criminal injuries compensation*).

The victim can seek damages during the criminal trial. The prosecutor acts on behalf of the victim and claims damages in the criminal procedure. It is possible to handle the prosecution with a claim for damages together. However, if the claim for damages is complicated, the court may decide that the claim for damages should be separate from the criminal trial and handled in a civil trial⁴⁸.

Criminal injuries compensation can only be awarded if the victim has failed to receive compensation from the offender or from insurance. Criminal injuries compensation is not awarded in judicial proceedings; it is awarded by the Crime Victim Compensation and Support Authority independently of the judicial proceedings and is, thus, not connected to the decision of the court. Special provisions apply to children under 18 years of age with regard to the payment of compensation. Before the payment is made, a special bank account in the child's name is opened. The child's guardians are blocked from accessing the account. Once the child turns 18 years, the account is unblocked. In exceptional cases the payment can be made into an account which belongs to the child but does not have a block. However, if the perpetrator is the child's parent or guardian or if the amount is higher than the basic amount (2012 SEK 44,000 (EUR 5,100) the payment is always made to a blocked account⁴⁹. The same applies to compensation received after a decision of the court (damages from the offender)⁵⁰.

2.2 The child as a witness

2.2.1 Reporting a crime

As already mentioned under [2.1.1](#), anyone can report a crime. The same principles apply to child witnesses as to child victims with regard to reporting a crime.

⁴⁷ S. 8 SRC.

⁴⁸ Information obtained by stakeholder.

⁴⁹ Information at the [Swedish Crime Victim Compensation and Support Authority](#) website (accessed on 21/11/2012).

⁵⁰ Information obtained through interview with a stakeholder on 29.11.2012 (prosecutor).

2.2.2 Provision of information

The provisions on the right to information⁵¹ relate to victims and suspects of crimes, and not to witnesses. Witnesses do not enjoy a right to information. There are no special provisions on the right of a witness to information on protective measures. However, in practice, child and adult witnesses are often informed of these measures by the police⁵². If a witness is threatened, then he or she is not a witness anymore but a victim and a report is made to the police. In such cases, the victim's right to information applies with regard to the threat⁵³.

2.2.3 Protection from harm and protection of private and family life

See [2.1.3](#) on restraining orders and other protective measures.

2.2.4 Minimising the burden of proceedings and ensuring a child-friendly environment

See [2.1.4](#)

2.2.5 Protecting the child during interviews and when giving testimony

See [2.1.5](#)

2.2.6 Right to be heard and to participate in criminal proceedings

There is no right to be heard with regard to witnesses, regardless of whether the witness is a child or an adult. Witnesses are not parties in the trial and have no part in criminal proceedings other than providing their account of what happened if needed. Parents cannot prevent the hearing of a child as a witness.

2.2.7 Right to legal counsel, legal assistance and representation

Witnesses, regardless of whether they are children or adults, do not have the right to legal representation. However, a witness service is available for witnesses, both adults and children. A witness support person is a person who assists the victims on a not-for-profit basis with support and information in conjunction with a criminal trial. Witness support is available at most courts⁵⁴.

2.2.8 Remedies or compensation for violation of rights and failure to act

Children who have witnessed a crime cannot seek compensation from the perpetrator. However, children who have witnessed a crime by a close relative against another close relative can seek criminal injuries compensation⁵⁵ from the Crime Victim Compensation and Support Authority. Parents and step-parents count as close relatives. In some cases, grandparents or other relatives can also be considered as close relatives depending on their relationship with the child⁵⁶. The child cannot seek such compensation if the perpetrator is an unknown person.

⁵¹ E.g. the Ordinance on Preliminary Crime Investigation and the Young Offenders Act.

⁵² Information obtained through interview with stakeholder on 23.11.2012 (Ministry of Justice).

⁵³ Information obtained through interview with stakeholder on 29.11.2012 (prosecutor).

⁵⁴ Information available at '[Courts of Sweden](#)' website (accessed on 21/11/2012).

⁵⁵ S.4a [Criminal Injuries Compensation Act](#).

⁵⁶ Information available at [the Swedish Crime Victim Compensation and Support Authority](#) website (accessed on 21/11/2012).

2.3 The child as a suspect/ defendant

2.3.1 Age of criminal responsibility

According to Swedish law, any person can commit a crime⁵⁷ which means that children can also commit crimes. However, children under 15 years of age are not criminally liable and are not subject to sanctions⁵⁸. Criminal liability starts on the day the child turns 15, i.e. the child must have been 15 years old on the day that the crime was committed in order to be held criminally liable. Special provisions relating to investigation, criminal proceedings and sanctions apply to young offenders under 21 years of age⁵⁹.

Crimes committed by children under the age of 15 are subject to police investigation if the sanction for the crime in question is imprisonment for more than one year or is a punishable attempt, preparation or conspiracy to commit a crime. An investigation should also be conducted in order to clarify whether someone who is aged 15 or over has taken part in the crime, if it is necessary for finding stolen goods, or if it, for some other reasons, is important with regard to greater interests of the public or an individual. However, if the child suspect is under 12 years of age, an investigation may only take place if there are extraordinary reasons⁶⁰.

2.3.2 Provision of information

There are no special provisions for children with regard to the right to information. The general rule, which applies to adults as well as to young suspects, is that the suspect should be informed when an investigation is discontinued or a prosecution is withdrawn⁶¹. If a child under 18 years of age is the suspect of a crime, his or her parents or guardians should be informed and summoned to the interview if it is assumed that it will not harm the investigation. Social services should also be promptly informed when a child is suspected of committing a crime⁶².

With regard to children under 15 years of age who are suspected of committing a crime, the parents should be informed promptly and should be summoned to the interview, unless informing them about the crime or summoning them to the interview would be harmful to the investigation⁶³. Social services should also be promptly informed⁶⁴.

2.3.3 Immediate actions following first contact with police or other relevant authority

When a child is suspected of a crime, the police can choose to question the child on the spot if the crime is not serious and after notifying the parents and social services and giving them the opportunity to be present during the questioning⁶⁵. If the crime is serious, the parents and/or social services should be present during the interview⁶⁶. If the crime is very serious, the child can be arrested. In such cases, a legal representative is appointed.

2.3.4 Conditions for pre-trial detention/ custody

Children under 15 years of age cannot be arrested but can be subject to detention for up to three hours after a decision on release or after the conclusion of an interview. Children aged

⁵⁷ Ch.1 s.1 Criminal Code.

⁵⁸ Ch.1 s.6 Criminal Code.

⁵⁹ E.g. Young Offenders Act (YOA), Criminal Code.

⁶⁰ S.31 YOA.

⁶¹ S.14 TNA.

⁶² S.5 and 6 YOA.

⁶³ S.33 YOA.

⁶⁴ S.34 YOA.

⁶⁵ Information available at the [Police website](#) (accessed on 27.11.2012).

⁶⁶ S.5-7 YOA.

between 15 and 18 may only be arrested if there are extraordinary reasons⁶⁷. If a person, regardless of whether it is a child or an adult, does not appear for questioning, he or she may be brought in to the interview by the police⁶⁸. Child offenders aged between 15 and 17 fall under the responsibility of social services and can therefore be handed over to them. If the child suspect does not appear before the court during a trial, he or she can be brought in by the police⁶⁹.

There are very few special provisions on detention with regard to children. The [Act on Detention](#) generally applies both to children and adults and contains few special rules on child offenders under 18 years of age. It applies to those young offenders who are detained or those who, after a trial, are detained or in police custody pending transfer to a prison or youth detention centre (*särskilt ungdomshem*).

The national legislation requires that the arrested person should be treated with respect for his or her human dignity and understanding of the particular difficulties associated with detention. The general rule is that the detained person should be placed by him or herself unless there is not enough space or under extraordinary circumstances. A child offender under 18 years of age may not be placed or interact with other detainees who are over 18, unless it is considered in his or her best interests. The detainee may not be placed in the same room as someone of the opposite sex.

2.3.5 Protection of private and family life

There are no special rules on confidentiality with regard to child offenders. The general rule is that as soon as an investigation has been concluded it becomes publicly available, with the exception of the information contained in the investigation conducted by social services. Information in court proceedings is also publicly available, with some exceptions provided in the Public Access and Secrecy Act. These exceptions are general and apply to adults as well as children and include secrecy in cases such as sexual abuse, child pornography or kidnapping. Secrecy is ensured if it can be assumed that releasing the information would be harmful to the person to whom it relates⁷⁰.

2.3.6 Alternatives to judicial proceedings

There are no alternatives to judicial proceedings in Sweden. However, complements to judicial proceedings exist in the form of mediation. Child offenders can be offered mediation between them and the victim. If the child offender is under 12 years, mediation should only take place if there are extraordinary reasons. Mediation is voluntary for both parties. Once both of the parties agree to mediation, the [Act on Mediation](#) applies. There are no special provisions on mediation when children are involved, other than the parents of the offender and the victim may be present during the mediation meeting⁷¹.

The aim of mediation is to reduce the negative consequences of the crime, both for the victim, who is given the opportunity to process his or her experience of the crime, and the offender, who should gain further insight into the consequences of the crime⁷². The child offender has the right to be heard and is given the opportunity to give an account of his or her side of the story.

Mediation is not considered as a sanction but the outcome can be taken under consideration by the prosecutor when deciding on whether to prosecute⁷³ or by the judge during the criminal proceedings when deciding on the level of sanctions.

⁶⁷ S.23 and 35 YOA.

⁶⁸ S.36f YOA; ch.23 s.7 Code of Judicial Procedure.

⁶⁹ Ch.9 s.10 Code of Judicial Procedure.

⁷⁰ Ch.3 s.12 Public Access and Secrecy Act.

⁷¹ S.8 Mediation Act.

⁷² Government Bill 2005/06:165 p.102.

⁷³ S.17 YOA.

2.3.7 Minimising the burden of proceedings and ensuring a child-friendly environment

The investigation and court proceedings are adapted to young suspects. The investigation should be conducted as promptly as possible and the decision on prosecution should be taken no later than six weeks after the child has been served with an indictment. Specially appointed judges and lay judges adjudicate in the court proceedings in cases where the offender is under 21 years of age. The proceedings should be conducted promptly and without drawing attention. The parents of the child are informed about the time and place of the court proceedings and should be present during the proceedings. The judgment should be delivered orally on the last day of the main hearing⁷⁴. A written judgment should be sent to the parties within a week of the last day of the hearing.

2.3.8 Protecting the child during interviews and when giving testimony

The same provisions on questioning apply to child offenders under 18 years of age as to victims and witnesses of a crime. See [2.1.5](#)

Children who are under 15 years of age and who are suspected of committing a crime should only be interviewed after the approval of the lead investigator. However, questions might be asked to clarify whether the child has committed the crime. If it is decided that questioning should take place, social services should be informed about the time and place of the interview⁷⁵.

2.3.9 Right to be heard and to participate in criminal proceedings

The right to be heard is ensured in the Code of Judicial Procedure, which allows the suspect to defend him or herself if he or she is an adult. Children under 18 years of age may be represented by their parent or guardian or a defender. For child offenders aged under 18, the parents choose the defender⁷⁶. The defender puts forward the child's story and opinions. The child may also tell his or her story in his or her own words during the court proceedings.

2.3.10 Right to legal counsel, legal assistance and representation

The right to counsel for the defence is ensured by law and applies to both adults and children. The defence counsel is chosen by the parents of the child. If the child offender has an attorney, the attorney is considered as the counsel for the defence⁷⁷. Child offenders under 18 years of age should be appointed a public defence counsel unless it is obvious that there is no need for one. They are informed about the right to public defence counsel in connection with the notification on the suspicion of committing a crime⁷⁸. The fees for the public defence counsel are paid by the state. However, if the offender is found guilty, he or she is required to pay back the fee, or part of it, to the state. The fee may be adjusted or waived due to his or her personal and financial circumstances⁷⁹. If the offender does not have an income or just a small one, the costs will be borne by the State. This is often the case with young offenders since they usually go to school and do not have an income. Only the income of the child offenders is taken into consideration and not the income of their family⁸⁰.

2.3.11 Remedies or compensation for violation of rights and failure to act

There are no special provisions on complaints, legal appeal or judicial review with regard to children. The same provisions apply to children and adults.

⁷⁴ S.25-30 YOA.

⁷⁵ S.15 and 16 TNA.

⁷⁶ Ch.21 s.1 and 3 Code of Judicial Procedure.

⁷⁷ Ch.21 s.3 Code of Judicial Procedure.

⁷⁸ S.24 YOA.

⁷⁹ Ch.31 s.1 Code of Judicial Procedure.

⁸⁰ Information obtained by stakeholder.

3 Child-friendly justice after judicial proceedings

3.1 The child as a victim or offender

3.1.1 Provision of information

There are no special provisions relating to information with regard to children. The same provisions apply to children as to adults. Information on the withdrawal of an investigation or prosecution, time of court proceedings and the judgment is provided if the child victim requests it. If necessary, the child victim should also be informed if the accused person absconds.

There is a requirement to inform the child victim as soon as a decision on prosecution has been made⁸¹.

Information about the right to appeal and how to appeal is contained in the judgment that the child victim and the child offender receive in writing.

3.1.2 Sentencing

As mentioned above, children under 15 years of age cannot be held criminally liable for crimes they committed. Child offenders under 18 years of age can be sentenced to jail but only under extraordinary circumstances. The general rule is that the principal responsibility for children who commit crimes lies with social services, who are considered to have the best qualifications to meet young offenders' special need of support⁸².

There are special sanctions which only apply to young offenders aged between 15 and 21. These are the following and should as a main rule be used.

- Care of young persons (*ungdomsvård*)
- Youth service (*ungdomstjänst*)
- Institutional care of young persons (*sluten ungdomsvård*)⁸³

Child offenders aged between 15 and 18 can nevertheless also be sentenced to the same sanctions as adults. These sanctions consist of:

- fines
- imprisonment
- conditional sentence
- probation
- community service
- forensic psychiatric care.

There is a special rule stipulating that if the offender committed the crime before he or she reached the age of 21, his or her youth should be given special consideration when determining the punishment. In such cases, the court may impose a less severe sanction than is prescribed by the law. In principle, a person who committed a crime before reaching the age of 21 may not be sentenced to more than ten years of imprisonment. However, in cases where the regular sanction for the offence is more than ten years or life imprisonment, the court may sentence the young offender to up to 14 years of imprisonment⁸⁴.

⁸¹ S.13b, 13c and 13d TNA.

⁸² Skr. 2001/02:166.

⁸³ Ch.32 Criminal Code.

⁸⁴ Ch.29 s.7 Criminal Code.

3.1.3 Deprivation of liberty

As mentioned above, there are several types of deprivation of liberty that can be imposed on a young offender who has committed a crime before reaching the age of 21. These consist of:

- imprisonment
- forensic psychiatric care
- institutional care of young persons.

Child offenders under 18 years of age may be sentenced to institutional care of young persons⁸⁵. The duration of such care is between 14 days and four years. In exceptional circumstances they may be sentenced to imprisonment. They may not serve longer than 10 years or - if the sanction is more than 10 years or life imprisonment - 14 years.

The [Act on Imprisonment](#) applies both to young offenders and adults. According to the provisions of the Act, prisoners should be treated with respect for their human dignity and understanding of the particular difficulties associated with imprisonment. Child offenders under 18 years of age are separated from prisoners aged over 18 unless it is considered in their best interest. Prisoners have the right to be given the opportunity to work, education, crime and addiction related programmes, or other structured activities. Prisoners should be given the opportunity to be outside for at least one hour every day and to engage in exercise or other leisure activity. Other rights include the right to mass media and the right to exercise one's religion.

When a young offender is institutionalised, an implementation plan is developed in consultation with social services in the young offender's municipality. If possible, the offender should also be consulted. A parent or guardian should also be given the opportunity to participate in the work on the development of the plan if deemed appropriate. The implementation plan is based on the young offender's need for support and control. It focuses on actions that promote the offender's adaptation into society and prepare him or her for life outside the treatment facility⁸⁶.

The treatment facilities are special residential homes that are operated by the Swedish National Board of Institutional Care (*Statens institutionsstyrelse*). Once a young offender has been transferred there, he or she is admitted to a secure reception unit where psychologists, treatment providers and other experts determine his or her needs in terms of care and treatment. During this stage, the individual implementation plan is developed⁸⁷.

In addition to the treatment for their criminal behaviour, young offenders admitted to institutional care also receive interventions and education tailored to their needs and capacities, such as treatment for substance abuse or school education.

Initially, the young offender is placed in a highly secure area, but as the treatment progresses he or she can be placed in a more open environment. The facilities have several units with different levels of security. The young offender may be granted leave, for example to visit his or her family or to participate in treatment or training outside the facility. Leave can be granted for a shorter period of time, for example a few hours, or for longer periods of time. The young offender can be granted permission to leave unaccompanied or to be accompanied by someone from the treatment centre⁸⁸.

At the end of the treatment, a transition from the treatment facility is planned in collaboration with social services in the young offender's home municipality. If needed, the young offender may receive aftercare, which is the responsibility of social services.

⁸⁵ Ch.32 s.5 Criminal Code.

⁸⁶ S.5 [Ordinance on the Execution of Institutional Care of Young Persons](#).

⁸⁷ Information available at the [Swedish National Board of Institutional Care website](#) (accessed on 28.11.2012).

⁸⁸ Information available at [Swedish National Board of Institutional Care website](#) (accessed on 28.11.2012).

Young offenders aged between 15 and 21 can be sentenced to **care of young persons** if they have a special need for care or fall under the actions of social services. Care of young persons is care under the Social Services Act and means that the young offender gets some kind of treatment. The type of care varies depending on the offender's needs. Measures range from, for example, leaving urine samples during a specified period of time to receiving care at a treatment centre.

Social services and the child offender sign a so-called youth contract⁸⁹ (*ungdomskontrakt*) which describes the measures to be taken. The contents of the contract are decided by the court. If the child offender does not follow the contract, the prosecutor can either prosecute him or her or give the child offender a warning. However, care of young persons is not an alternative to judicial procedure as it is still a sentence for young offenders and a youth contract is part of the sentence⁹⁰. Care of young persons should only be imposed if the planned measures are considered adequate with regard to the penal value of the crime and the offender's previous criminal behaviour. The aim is to prevent the young offender from heading in a negative direction⁹¹. Before the young offender is sentenced to care, social services conduct an investigation which the prosecutor is provided with before deciding on whether to prosecute⁹². The court conducts an independent examination of whether or not the measures are targeted towards the criminal behaviour. The care should be in proportion to the committed crime and can be combined with other measures, such as fines.

3.1.4 Criminal records

There are special provisions in the [Criminal Records Act](#) regarding children. The following time limits apply for a young offender's criminal record to be cleared:

- 3 years where the prosecution decided not to prosecute;
- 5 years for probation, suspended sentence, care of young persons, youth service, fines;
- 10 years for institutional care for young persons.

Prosecutors may waive prosecution in the following cases and provided that no compelling public or private interest is disregarded:

- if it is presumed that the offence would not result in a sanction other than a fine;
- if it is presumed that the sanction would be a conditional sentence and special reasons justify the waiver of prosecution;
- if the suspect has committed another offence and no further sanction in addition to the sanction for that offence is needed in respect of the present offence;
- if psychiatric care or special care in accordance with the Act on Support and Service for Certain Persons with Functional Impairments is rendered.

Prosecution may be waived in cases other than those mentioned above if it is manifest by reason of special circumstances that no sanction is required to prevent the suspect from engaging in further criminal activity and that, in view of the circumstances, the institution of prosecution is not required for other reasons⁹³.

Criminal records can only be made available to the person who they concern or to certain authorities listed by the law. The following authorities are listed in the Criminal Records Act:

- the Parliamentary Ombudsmen, the Chancellor of Justice or the Data Inspection for their oversight activities;

⁸⁹ Ch.32 s.1 Criminal Code.

⁹⁰ S.30b YOA.

⁹¹ Ch.32 s.1 Criminal Code.

⁹² S.11 YOA.

⁹³ Ch. 20 s. 7 Code of Judicial Procedure.

- the police, the Tax Authority, Customs, the Coast Guard (for the prevention, discovery and investigation of crime), the prosecution office (for decision on investigation or prosecution) or court (for choice of sentence and duration of sentence);
- the administrative court (for permitting or other examination specified by law);
- other authorities to the extent that the Government has prescribed it or given permission⁹⁴.

⁹⁴ S.6 Criminal Records Act.

4 Strengths and potential gaps

Swedish legislation provides a comprehensive system for the protection of children in judicial proceedings. The Swedish Government has been active in this area and there are several laws and regulations, as well as comprehensive Government Bills (preparatory material for legal acts) which deal with child victims and young offenders. In general, children are protected throughout the entire process and are given more leniency and protection than adults.

Another strength of the Swedish system is that young offenders are protected from interacting with offenders that are adults when they are institutionalised. During the time they spend in the treatment facilities, there is a strong emphasis on rehabilitation and on taking the individual's needs into account. Once the time of their institutional care is nearing its end, measures are taken in order to transfer the young offender as smoothly as possible back into society. If needed, further support is provided by the municipality in which the young offender lives, and thus, the rehabilitation does not have to end abruptly.

Children's houses for child victims have also proved to function well. The initiative started in 2006 with one children's house but has now spread to several other municipalities. The strength of this system is that it protects the child from further victimisation and promotes cooperation between different authorities.

However, there are some areas where gaps have been identified.

Since witnesses (both child and adult) do not have a legal standing in the trial, there are no special provisions on their rights, such as the right to information or the right to be heard.

Moreover, with respect to pre-trial detention, children under 15 years of age cannot be arrested but can be subject to detention for up to three hours after a decision on release or after the conclusion of an interview. There are very few special provisions on detention with regard to children. The Act on Detention generally applies both to children and adults and contains few special rules on child offenders under 18 years of age. In respect of the right to privacy, there are no special rules on confidentiality with regard to child offenders. The general rule is that as soon as an investigation has been concluded it becomes publicly available, with the exception of the information contained in the investigation conducted by social services. Information in court proceedings is also publicly available, with some exceptions that equally apply to adults and children.

Conclusions

Swedish legislation provides a comprehensive system for the protection of children in judicial proceedings. There are several specialised laws that apply to children and young offenders (between 15 and 21 years of age) as well as well-developed guidelines for authorities and professionals who deal with children, such as social services, the police and judiciary. Training is also available for those professionals who deal with children in judicial proceedings, although it should be noted that training is not compulsory and not all of the professionals have received it. There is also a requirement for authorities to cooperate when children are involved which is done, for example, in so-called consultative groups in municipalities and in children's houses where child victims are interviewed and examined.

Child victims and witnesses receive protection before and during proceedings. Several safeguards are in place to ensure a child-friendly environment and protection from harm. Such safeguards include children's houses, where the child is interviewed and examined in one place and the interviews are filmed, and the child does not have to face the offender in court. There are also measures to protect the child from the offender through restraining orders and other security packages, such as witness protection or protection of data.

The right to information is ensured by law and the information is given both to children and their parents, unless informing the parents could be harmful. The information is adapted to the child's age and maturity and is also provided orally. For example in connection with sentencing, the judge is, as a general rule, obliged by law to give the sentence orally on the last day of the proceedings.

Although there is no juvenile court system in Sweden, special provisions for young offenders under 21 years of age apply instead of the general provisions for adults. Children under 15 years of age cannot be held criminally liable and fall under the care of social services, while young offenders over 15 are subject to less stringent penalties than adults. Moreover, young offenders are subject to imprisonment only on very rare occasions. If the crime they committed is serious, they can instead be subject to institutional care where they do not interact with adults. Such institutional care facilities are adapted to young persons and their aim is to rehabilitate the young offender back to a normal, crime-free life.

However, some gaps exist in the legislation. There are no special provisions regarding witnesses, who do not have a legal standing in the proceedings. Some measures exist, such as witness protection, but in general, witnesses are not treated as parties to the proceedings and, thus have no rights in the proceedings. General rules to prevent information being made publicly available after the conclusion of the proceedings do not appear to be in place. However, such rules do apply with respect to certain cases such as sexual abuse. These are general rules which apply both to adults and to children. They only apply to specific cases listed by the law.

Annex – Legislation reviewed during the writing of this report

- Act on Imprisonment (2010:610)
- Public Access to Information and Secrecy Act (2009:400)
- Discrimination Act (2008:567)
- Mediation Act (Lag (2002:445)
- Social Services Act (2001:453)
- Act on Special Representatives for Children (1999:997)
- Criminal Records Act (Lag (1998:620)
- Ordinance on the Execution of Institutional Care of Young Persons (1998:641)
- Legal Aid Act (1996:1619)
- Act on Prohibition of Visiting (1988:688)
- Police Act (Polislag (1984:387)
- Act on Security Checks at Court Hearings (1981:1064)
- Criminal Injuries Compensation Act (1978:413)
- Administrative Procedure Act (1971:291)
- Young Offenders Act (1964:167)
- Children and Parents Code (1949:381)
- Ordinance on Preliminary Crime Investigations (1947:948)
- Code of Judicial Procedure (1942:740)