

SWEDEN

ANSWERS TO THE QUESTIONNAIRE ON PRINCIPLES OF PUBLIC PROSECUTION AS REGARDS JUVENILE JUSTICE

1. In Sweden there is a special law (1964:167) concerning juvenile perpetrators. This law deals with persons who have not reached the age of twenty one. It is quite an extensive law that cannot be referred to in its entirety. The idea of the law, however, is to on one hand protect the juveniles from interfering with criminals and to undertake the hard conditions in a prison and on the other hand promote them to a descent future life free from criminality.

The minimum age for criminal responsibility in Sweden is 15 years of age.

There are three limits for imprisonment of a young person. A person should not be imprisoned before 21 years of age. Concerning very serious crimes it is possible to imprison a person who is between 18 and 21. Between 15 and 18 it should be extremely rare with imprisonment and it can only happen in very, very, special cases. The Swedish Penal Code Chapter 30, section 5 says: If a crime has been committed by a person who has not attained the age of eighteen, the court may impose imprisonment only if there are extraordinary reasons for so doing. It follows from the provisions of Chapter 31, Section 1a, that "the court shall, in the first place, sentence to closed juvenile care if a person who has attained the age of eighteen but not twenty-one has committed a crime, the court may impose imprisonment only if, in view of the penal value of the crime or other special reasons, this course of action is justified".

Chapter 32 section 1 deals with committal to special care for persons who are under the age of twenty one and can be sentenced to treatment or other measure under the Social Services Act or the Care of Young Persons Special Provisions Act.

Chapter 32 section 2 says that a person who is under twenty one may be sentenced to youth service if the juvenile consents and the sentence is appropriate to his or her person and the circumstances in the specific case. A person who is older than eighteen may be sentenced to youth service only if there are reasonable grounds for it.

2. Our criminal justice system and the above mentioned law with specific rules concerning juveniles (1964:167) provides for specialized prosecutors for juveniles. Juveniles between 15 and 18 are normally not prosecuted as there, according to the above mentioned law, is a very wide possibility for the prosecutors to waive the case, articles 16 and 17 in the law. If the prosecutor has waived the case, the prosecutor will have a meeting with the juvenile perpetrator and his or her parents. The social authorities should always be informed if the juvenile has not reached the age of eighteen. A representative from the social authorities should be present at the hearings during the preliminary investigation of this juvenile if possible and if it does not damage the investigation.
3. The prosecutors have no specific education but are regularly passing training courses in the field and should be interested in and appropriate for the task. The investigations

should always be executed as fast as possible and the law prescribes specific time limits.

4. There are some specific ways of prosecuting juveniles set up by the quite detailed law. These ways are among others to choose alternatives to prosecution. The court may sentence the juvenile to a special sentence, treatment of juveniles. There is also a possibility for prosecutors to issue an order for summary penalty in cases that should normally be tried at court.
5. The juveniles are very seldom detained as there is a specific rule saying that the juveniles should not be deprived of their freedom. The normal way to prevent them from destroying the investigation or commit other crimes is to hand over them to the social agencies.
6. The public prosecutors dealing with juveniles are in contact with the social agencies working in the field of juvenile delinquency. This is necessary as the juvenile, as said above, very seldom is in detention but is taken care of by the social authorities. The contacts with child protection services and other organizations are mainly arranged by the Police.
7. The prosecutors are conducting the investigations concerning juveniles and there is a provision that this should be done fast. There should be a decision within six weeks from the day when the suspicion was communicated to the juvenile (section 4). The prosecutor may, concerning juveniles between 15 and 18 of age, ask for a remark from the social authorities before he or she prosecutes the juvenile. There are special provisions about the quite extensive information that should be covered in the remark (Sections 10 and 11). Consequently, during the investigation, the prosecutors are involved in the contacts with the social authorities and take notes from their remarks.

II. Civil justice system and administrative proceedings

8. In Sweden the prosecutors are dealing only with criminal cases. So there is no interference from prosecutors dealing with juvenile issues such as education, living issues etc unless these issues include criminal acts.
9. The prosecutor may initiate *a criminal* investigation ex officio. For example if he or she reads in a newspaper that a crime has been committed but there has been no report to the Police.
10. As mentioned above, the prosecutors are dealing only with criminal matters. So they don't have a role in applying protective and educative measures towards juveniles. Nor are they in relations with other instances or bodies such as community homes, schools etc. These tasks are executed by the social authorities and can also be executed by the Police.
12. Only in cases where the child abduction is regarded as a *crime*, it is a matter for the Police and the prosecutor and it will be an investigation, trial etc.

13. The prosecutor has no role in cases such as placement of juveniles in the name of their self protection or placement of children pending expulsion or any other case. These issues are also for the social authorities to deal with.