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SVERIGES 
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THE SWEDISH PARLIAMENT
Research Service

ECPRD REQUEST 1335

Juvenile Courts

FINAL SUMMARY

PREPARED BY
The Research Service of the Swedish Parliament

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PM

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JUVENILE COURTS

This memorandum gives a summary of the reports received by the research service at the Swedish parliament in reply to ECPRD request no 1335, concerning juvenile courts.

The following questions were submitted:

- 1) *Does your country employ a separate system of courts for the handling of criminal cases involving young offenders (less than 18 years old)? If so, please provide a short description of the organization, staffing and relevant rules. (In federal countries, a few examples of state judiciatures would be valuable). If not, are regular courts composed differently when trying young offenders rather than adult offenders?*
- 2) *Has the existence of such juvenile courts significantly reduced the case backlog for cases regarding young offenders in you judicial system? I.e., is it speedier than if such cases would have been handled in the regular court system?*

Model reply for Sweden

- 1) Sweden does not have a separate court system for juvenile offenders. Such cases are tried by ordinary criminal courts. However, there are provisions for speedier handling of cases with accused juveniles, although the effectiveness of these are in question. Oral proceedings are also supposed to be more informal when young offenders are involved, so as to facilitate understanding.
- 2) Not applicable. There are proposals being made for the introduction of separate juvenile courts in Sweden, primarily for the purpose of speeding up such cases, which is why this request is being made.

The questions were forwarded to the United Kingdom, the United States of America, Germany, Netherlands, Norway, Denmark, Finland, France, Spain, and Switzerland. Replies were submitted by the United Kingdom, Germany, Norway, Denmark, Finland, France and Switzerland.

ECPRD replies

United Kingdom

In England and Wales, youth courts were introduced in 1908 through the Children Act. A youth court is a division of a Magistrate's Court, where lay judges decide cases with the assistance of legally trained clerks. More

complex cases are handled by professional District Judges. Very serious offences may be dealt with in Crown Court after submission from Magistrate's Courts. Crown Courts also handle appeals from youth courts.

Procedure in youth courts is less formal than in the ordinary courts and usually only the parties concerned may attend the proceedings.

According to the House of Commons Library, case backlogs were reduced between 2007 and 2008. Case handling is also somewhat speedier in youth courts than in regular courts.

France

There are three types of youth courts in France. The "juge des enfants" is a specialised judge at the regular criminal court ("Tribunal de grande instance"). The "tribunal des enfants" handles more serious cases of crimes committed by children under the age of 16. The "cour d'assises des mineurs" is responsible for judging cases of offenders between 16 and 18 years of age.

There are plans of reforming this whole area of law in France but it is not yet clear what the outcome of this will be.

The French research service did not provide details concerning case backlogs or procedural speed.

Finland

Finland does not employ a system of separate youth courts. In courts consisting of several divisions, youth cases are supposed to be handled by the same division. In cases involving young offenders, the main trial hearing is to be held no later 30 days after the defendant has been charged.

According to the Finnish research service, youth cases are handled in a speedier manner than regular criminal cases.

Switzerland

Switzerland is a federal polity and issues of criminal procedure are devolved to the cantons. In the German-speaking cantons, a system of "Jugendanwalt" prevails. The "Jugendanwalt" can investigate crimes and deliver simple sentences, whereas more serious cases are referred to a court, where the Jugendanwalt acts as prosecutor. The French-speaking cantons instead use "Jugendrichter", a specialized judge who both investigates and delivers verdict and sentence. In more difficult cases, several Jugendrichter may form a collegial court.

According to the Swiss research service, case backlogs are not a problem. On average, three months pass from committed crime to sentencing.