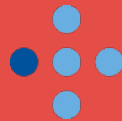


Legal perspectives on children at risk: Child rights vs. social safety concerns

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The content of the lecture

Focus on the role and limitations of criminal law in preventing and responding to serious crimes committed by children as people under the age of 18 years.

- I. Legal context: Current tendencies in Nordic criminal law
- II. Constitutional premises and limitations for criminal law
- III. Criminal justice as child justice
- IV. Crime prevention and challenges for child justice
- V. A holistic societal approach to children and crime
- VI. PROTECT: an attempt to reach beyond systemic barriers



Legal context: Tendencies in the Nordic countries



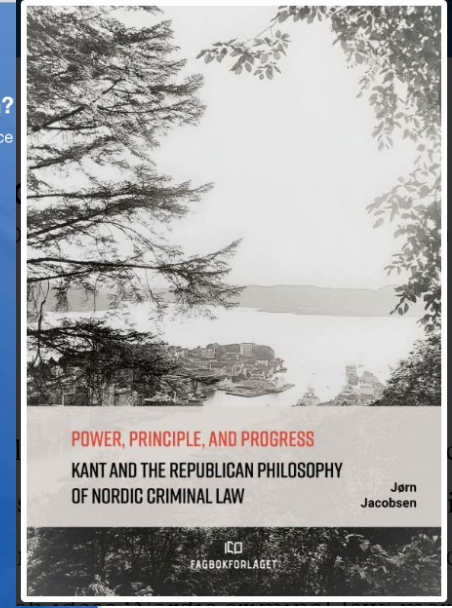
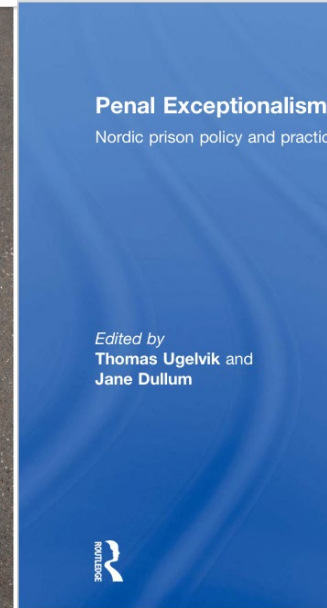
Kriminalvården har fått i uppdrag att förbereda fängelseplatser för 13-åringar. Foto: Pontus Lundahl/TT

Då ska fängelser för 13-åringar stå redo



Starting out from Nordic legal exceptionalism

- Comprehensive welfare systems
- Exceptionally humane criminal law
- Strong child rights orientation



Concerning trends: Children and crime

- Children are engaged in violent crimes
- Concerns about organised and violent gang crimes
- Concerns about children below the MACR
- Children with mental health conditions are especially vulnerable



Concerning trends: Punitive responses to children

- Lowering of the MACR
- Changes in rules about sentencing
- Changes in policies in prisons
- Changes in police priorities
- Changes in narratives about children's engagement in criminality

Politiet: Disse står på «soldatlista» til kriminelle

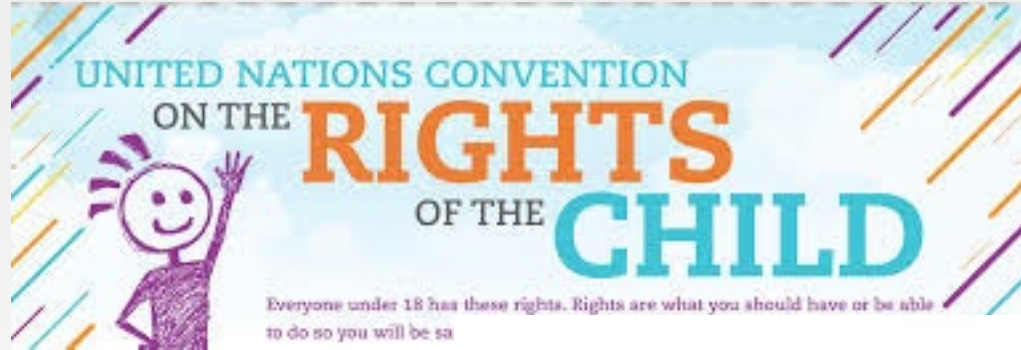
Politiet er bekymret for at norske barn og unge rekrutteres til svenske gjengmiljøer. Særlig en gruppe er attraktive, mener de.



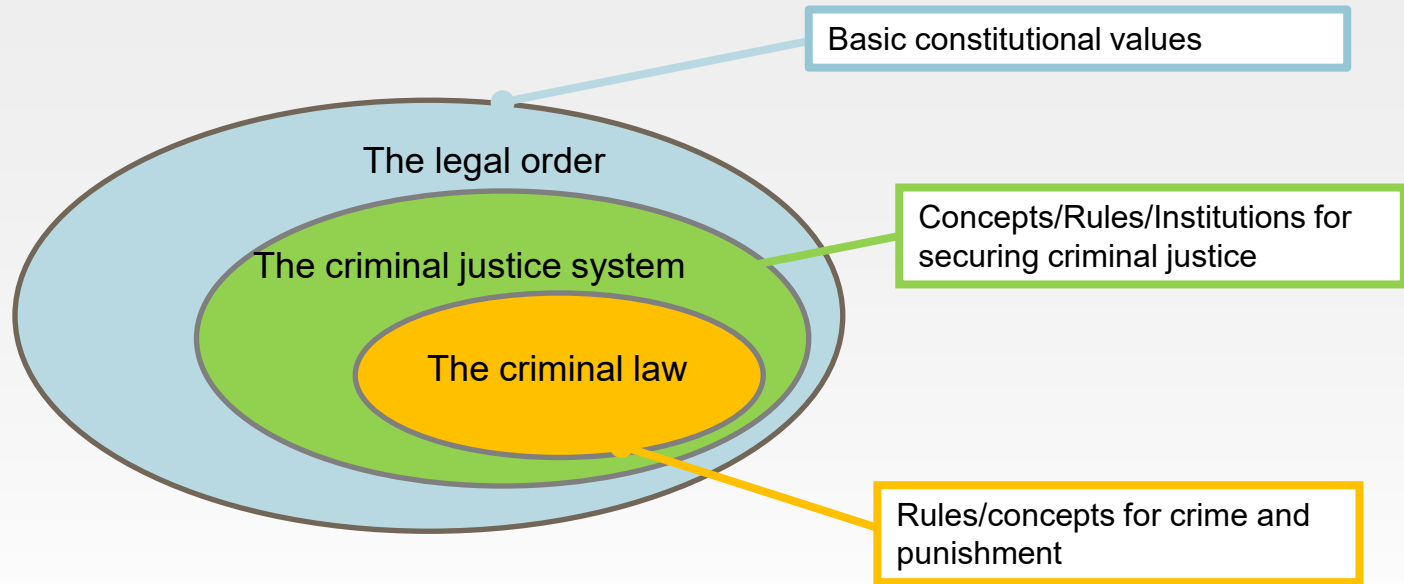
UTNYTTES: Barn og unge i svenske gjenger brukes til å utføre kriminelle handlinger. Bildet er fra et masseslagsmål i Bærum, hvor flere unge tenåringer var involvert. Foto: Jan Helge Rambjør / TV 2



Constitutional premises and limitations for criminal law



A constitutional account of the criminal law



The double function of the criminal justice system

- Protection of actual and potential victims of violent crime
 - Primary function to react on crimes with proportionate punishment
 - **Children's rights must be protected**
- Protection of actual and potential offenders
 - **Children's rights must be respected**



Crime prevention and social safety

- A matter of protecting the citizens and especially children from violations from others and especially crimes violating their rights to life, health, and freedom
- The main role of criminal law is to respond to crimes that have already been committed, and not to prevent future crimes



Criminal justice as child justice

- Criminal law only targets responsible agents
- MACR defines children's criminal responsibility but does not demarcate children from adults
- Imprisonment and detention of children over the MACR should only be used as a last resort (CRC art. 37b)
- Distinction between a prison sentence as a limitation of freedom by the state, and how this sentence should be administered



Crime prevention and challenges for child justice

- Children under the MACR commit serious crimes
- Children's engagement in less serious crimes may be an 'entrance point' for serious criminality
- Children with severe mental health conditions raises special challenges

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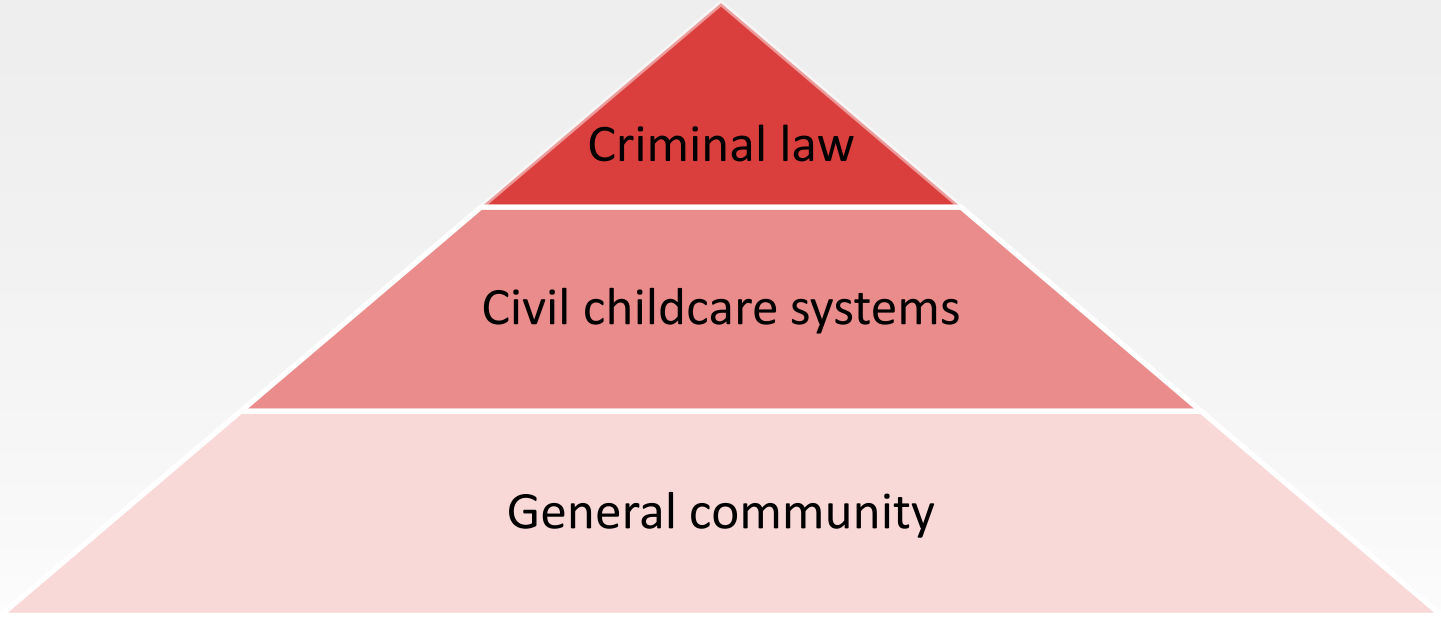
Developmental factors in forensic assessments of children over the minimum age of criminal responsibility: A study of forensic reports in Norway 2013–2024

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A holistic approach to children and crime



Different systems with different rationales



Systemic challenges and barriers for child justice

- Child-care systems, health systems and criminal justice systems fill different important roles, but their intersections are challenging
 - Children ending up in the criminal justice system have mental health challenges that were not discovered in childcare institutions
- The systems seems to operate with different understandings of child rights and social safety
- The practical and research discourses around the systems are to a certain extent carried out in silos



A pressing issue

How can we better make use of the co-existence of different societal systems that intervene to address and prevent children's criminal behavior but that have different functions, rationales and emphasis?



PROTECT – An attempt to reach beyond systemic barriers

Protecting child rights and public safety: Premises for the integration of child's best interest and crime prevention

- Funded by the RCN for 5 years
- Cross-country socio-legal study across child protection systems and criminal justice systems
- One post doc and two PhDs
- Establish new academic platforms beyond current research silos



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PROTECTing Children's Rights Within Crime Prevention, the Nordic Countries at a Crossroad?

LUCIE MARGOT DUCARRE*, MARIT SKIVENES** AND LINDA GRÖNING***

Introduction

The phenomenon of children delinquency represents a major legal and societal challenge, which entails a difficult balance between children's rights and the



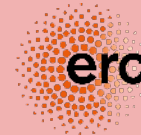
Centre on Criminal Justice and Agency

COMPLEX

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DIMENSIONS CHILDCRIM PROTECT

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Thank you for your attention!

