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Rights of minors in court proceedings

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Sweden

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1. Minimum age at which a plaintiff can bring a case to court in their own right

In Sweden the minimum age of criminal responsibility is 15. A case can be brought to court by persons who are at least 18 for family, employment, migration and asylum matters as well as administrative sanctions. For education matters the age is 16 and for health matters (only if this concerns compulsory psychiatric detention/treatment) and placement into care, 15 (although children will usually be defendants and not plaintiffs).

2. Specialised institutions and competent authorities

Sweden does not have 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. Sweden has general courts and administrative courts. They work in parallel. The administrative court system deals with challenges to administrative decisions.

Civil law cases and cases regarding custody, residence and contact are handled by general courts. There are no specialist institutions dealing with children in civil judicial proceedings in Sweden. Most family law disputes fall under the jurisdiction of the general courts.

3. Legal and policy measures in place to avoid undue delay in the handling of cases involving children

When a child is suspected of a crime, the parents or another person responsible for the care of the child should as soon as possible be notified about the crime and the interview with the child. The parents should be present during the interview. If the crime is serious, the social services should also be notified as soon as possible about the crime and be present during the interview. The investigation and court proceedings are adapted to young suspects. Legal proceedings should be completed within reasonable time. There is also a general rule stating that relevant decisions and the commencement of proceedings shall take place without undue delay when children are involved in cases concerning custody, residence and contact.

4. Child-specific support mechanisms and procedures and ways of ensuring the voice of the child is heard

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 account. 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.

5. Multidisciplinary approach

Different actors, such as the police, the prosecution, health services, and social services are required to cooperate. When a child is a victim of violence, the principal responsibility for cooperation falls on social services. Most municipalities have so-called consultation groups with representatives from social services, the prosecution, the police, child healthcare services, and child and youth psychiatry services, deciding 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. If a child is victim of a crime or is suspected of having committed a crime, police and prosecutors always need to cooperate. Cooperation is also initiated with social services and other relevant actors.

6. Measures in place to ensure that the child's best interests are a primary or paramount consideration

Swedish law stipulates that the best interests of the child shall be of primary consideration of general courts, which means that the court is required to consider the best interests of each child. In cases concerning custody, residence and contact, the court decides on the best interest of the child. However, there is no general principle under Swedish administrative law that authorities or administrative courts must have regard to the best interests of the child, or that particular weight must be given to the child's best interests. Administrative law therefore differs in this respect from civil law. However, sector-specific legislation has introduced the principle that regard must be had, to varying degrees, to the child's best interests, into some specific administrative areas.

7. Monitoring and enforcement of decisions in proceedings involving children

Children under 15 years of age cannot be held criminally liable for crimes they committed. The fundamental principle is that young offenders should first be subjected to measures under the Social Services rather than be transferred to the Prison and Probation Service. There are special sanctions which only apply to young offenders aged between 15 and 21. Child offenders aged between 18 and 21 are often be sentenced to the same sanctions as adults. If the offender committed the crime before the age of 21, his or her youth should be given special consideration when determining the punishment. The provisions on the enforcement of civil courts judgments are the same for children and adults. If a counter party does not fulfill his or her obligations according to a judgement or decision, the party may request for the enforcement of the judgement or decision, by the Swedish Enforcement Agency. The Children and Parents Code contains provisions on the enforcement of judgement or decisions on custody, residence and contact, as well as other decisions under the Code. The best interests of the child should be of primary consideration when enforcing such judgments or decisions.

8. Access to remedies

There is a general right, i.e. not exclusive for child victims, to request a review of a decision not to prosecute. However, only concerned parties can make such a request. Child victims, as well as adult victims, can seek compensation from the offender (damages). When it comes to civil law, as children in general do not have procedural capacity, they can only access complaint, legal appeal or judicial review mechanisms through their legal representative.

9. General rules on adoption (of a child or an adult)

Decisions on adoption are made by the court. Application is made by the person/persons who wish to adopt. The court shall examine whether the adoption may suitably take place. Permission for adoption of a child must not be given unless the adoption is found to be to the benefit of the child.

[Child-friendly justice in Sweden](#)  (255 Kb) 

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