



JUSTIS- OG POLITIDEPARTEMENTET

# Minors and Punishment

How does society encounter juveniles in conflict with the law?

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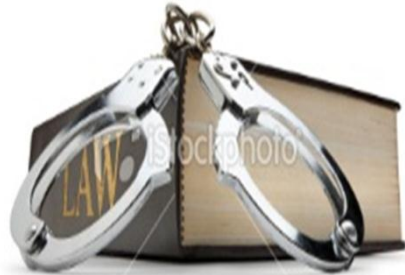
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# 1. Statistics: arrest and detention



- Every year around
  - 1 600 minors are placed in police custody – 1 000 of these based on arrests
  - 3 500 minors were charged with serious offences and 3 500 were charged with minor offences
  - 6 000 criminal sanctions imposed on minors - 80 minors were put in prison – 75 per cent of these remanded in custody
  - At any time there are around 10 minors in prison, most of these have been remanded in custody

## 2. Historical review: criminal sanctions against minors



### 3. Status – work with children and young people



# 4. International conventions

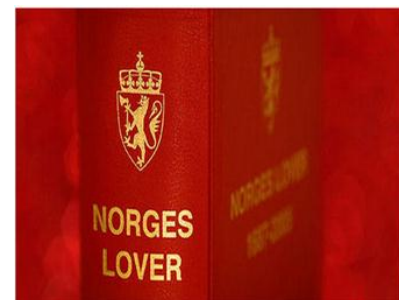


# 5. Reforms and legislative perspective



# Legislative proposals - the following is proposed before sentencing:

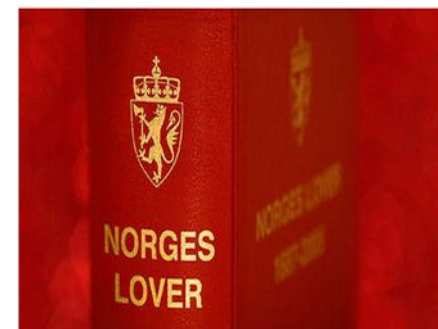
- Shorter deadlines for transfer from police custody for minors
- Shorter deadlines for remand hearings for minors – the juvenile should appear in court as soon as possible and no later than the date after arrest
- A duty for the police to notify the municipal child welfare service if a person under 18 years of age is to be remanded in custody
- A duty for the child welfare service to attend the remand hearings and inform the court about the need for and work on measures for the juvenile
- Extended right to a public defender





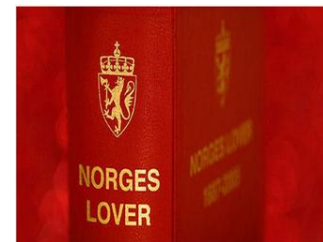
# Legislative proposals cont.– The following is proposed **before sentencing**:

- A restriction on the possibility to pre-trial detention of minors to cases where this is “absolutely necessary”
- A review of the conditions for remand in custody of the minor at least every second week
- A ban on complete isolation during remand in custody
- A restriction of the right to impose a ban on correspondence and visits from the minor’s immediate family
- An extended duty to make a social inquiry report on young offenders



# Legislative proposals – The following is proposed for sentencing:

- A new criminal sanction – juvenile sentence – as a new alternative to an immediate custodial sentence and more severe community sentence for offenders between 15 and 18 years of age
- Individual stipulation of the probation period in connection with waiver of prosecution at 6, 12, 18 or 24 months
- A ban on sentences in lieu of unpaid fines for juveniles
- That doctors, nurses and bio-engineers must, on request, take blood tests or similar drug tests when this is a condition of waiver of prosecution, suspended sentence or in the juvenile sentence



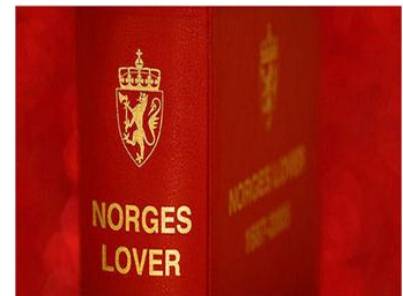
# Legislative proposals cont. – The following is proposed for **Sentencing**:

- The use of community sentence for juveniles under 18 years of age, even if they would otherwise have been sentenced to more than one year's imprisonment
- Make it clear that young age must be an extenuating circumstance in sentencing
- Juveniles should only be given an immediate custodial sentence when this is "absolutely necessary"
- A statutory maximum penalty of 15 years in the current Penal Code, corresponding to the provision adopted in the 2005 Penal Code
- That preventive detention can only be imposed on offenders who were juveniles at the time of the act, when there are "wholly extraordinary circumstances"



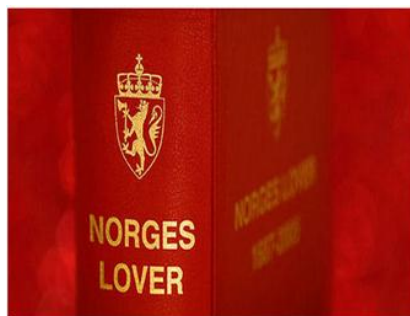
# Legislative proposals – The following is propose during sentencing:

- Prioritisation of young people in the “queue” to serve prison sentences
- Special rules for young prisoners
- A duty to consider sentencing to prisons with a low security level or admission to a half-way house for offenders between 15 and 18 years of age, irrespective of the length of the sentence
- A duty to consider whether the conditions for transferring convicted persons to serve their sentence outside prison have been met after half the sentence has been served



# Legislative proposals cont. – The following is proposed **during sentencing**:

- A duty for the Norwegian Correctional Services to consider whether the conditions for transferring convicted persons to serve the rest of their sentences outside prison with electronic monitoring have been met
- A ban on exclusion as a disciplinary sanction against minors. Exclusion to prevent a minor from causing harm to him-/herself or others should still be possible, but the basis should be considerably restricted. It has also been proposed that the duty to report should be much stricter



## 6. Juvenile **punishment**/ Sentence – a new criminal sanction



- Alternative to prison
- Social control will replace the physical control of the prison
- To be served where the minor lives
- Mobilise the young persons' resources and will to confront their own crimes
- Comprehensive efforts and collaboration between the justice system, local public bodies and private networks.

# 7. Special juvenile units

Juvenile unit in Bergen





## 8. Our greatest challenges

- Political disagreement
- Professional disagreement
- The role of the Child Welfare Services in the Norwegian Correctional Services
- UN Convention on the Rights of the Child

