

Juvenile Justice

The Children's Ombudsman in Sweden feels that more specialisation is needed on the part of judges who try cases where children are involved. In our opinion, such a specialisation is necessary since this type of case requires knowledge of children and how to converse with children. In cases that involve children, it is an advantage if the judge has knowledge principally about psychological development in children but also about research, for example with regard to ways of interviewing children and how the conduct of the interview affects the child's testimony.

Another advantage of such a specialisation of judges in cases that involve children is that a judge can acquire knowledge of the child's special role in the legal system. The legal system that we have today is not designed to suit a child's prerequisites. This can create great problems for the child that a judge may not be able to take into consideration for lack of time and resources. The trial is designed for adults, adults' language, and adults' needs.

Judges in cases concerning criminal acts committed against children must acquire more knowledge in the field of medicine. It is not uncommon that children who are very small are subjected to violence or other abuse and they do not have the ability to say what has been done to them. It is thus very important that the judge is able to make safe assessments, with the help of doctor's records and affidavits, and with the assistance of experts, of what the child has been subjected to on the basis of the injuries that the child has.

The Children's Ombudsman has in several contexts emphasised the importance of having specialist judges try cases where children are involved. The UN's Convention on the Rights of the Child contains a requirement that children must be heard on issues that concern them. What is best for the child must always come first. In order to live up to the CRC's requirements, judges must adopt a child's perspective in all cases where children are involved.

The Children's Ombudsman feels that cases that concern custody, residence, access, and enforcement must be heard by judges with specialist knowledge. In such cases, it is the parents who are in disagreement and the child is seldom present during the court proceedings. The child has no personal representative to protect his or her rights. It is therefore important for the court to have the necessary competence to be able to satisfy the child's needs, since the parents in many cases use the child as a weapon in their internal dispute and there is a risk that they will neglect the needs of the child.

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