Comparative Youth Justice: Models And Approaches

Introduction

In this assignment, I will be focusing on the Youth Justice System (YJS) in both the UK and Sweden. I will be analysing how both countries take into consideration the rights and welfare of a child. Legally the term ‘child’ may refer to an individual who is below the age some other age limit. The United Nations Convention on the Rights of the Child highlights a child ‘is an individual who is below the age of 18 years.

The Youth Justice System is responsible for dealing with young juvenile offenders. At present some children are now being treated differently to adults; a variety of countries have their own unique way of how they deal with the young juveniles. The UK Youth Justice System compromises the process that is used to prosecute, convict and punish young people under 18 years of age who may have committed any criminal offences.

The main principle of the youth justice system is to prevent offending by children and young persons. Bath (1992) highlights that there are two main reasons as to why young individuals pursue criminal activities: lack of parenting skills and lack of education. All societies are different and the way they tend to cope with particular crime is different. For instance, in the 18th Century terms such as ‘rehabilitation’ were hardly spoken about however if you compare this to the modem day, the society that we live as incorporated and changed as it is affecting the way in which youth are getting punished (Bath, 1992). Nevertheless, in the older time individuals was not in a position in order to commit any criminal offences however now are committing them. looking at the Youth Justice System there are ways in which the welfare of the child has been bought up in order to deal with young offenders which is completely different to the way adults are being treated. This is clear that the youth justice system in England and Sweden has dramatically changed in order to keep abreast with the changes. (White, 2001)

Youth Justice System in UK

In England and Wales, the process of when an individual has committed a crime, may have reports within the media where the youth’s identity may not be fully disclosed to the public eye. (Hill, Lockyer, & Stone, 2007). Hill, Lockyer (2007) emphasis in England and Wales the term of social disclosure, whereas the information which is being kept is not being disclosed to the public freely. The information that is being reported to the public is restricted as only certain individuals are allowed continuing with proceeding. Individuals as the parents of the youth offender and he members of the press would be allowed to disclose the young individual’s offence. Whereas, in Sweden, they have an approch in where young offender’s information is open to the public as they are in the same court as adults.

In England, the age of criminal responsibility is 10 years (Hooper, 2008). This highlights that individuals under the age of 10 will not be held accountable for their behaviour when they commit a crime. On the other hand, individuals who are 10 years and above can be punished for their behaviour (Gov, 2014). The process which the UK youth criminal justice system follows is that when an individual commits a crime, depending on the type of crime, they are either

given a warning, caution or referred to a program for help. It will be taken to court where the judge listens to the case and decides on the best route. If they are guilty of the offence, the young person will be given a sentence that reflects their level of maturity and the seriousness of a crime.

Making decisions is very important for all youths. (Littlechild, 1997). By the way young individuals do don't tend to make decisions when it comes down to crime as they are may not be in the right position to make decisions. The age of criminality within England is between the age of 10 to 18 years. On the other hand, in Sweden if a young individual commits a crime it is usually under the age of 15. If you're above the age of 15 and you commit a crime you will not be known as a child but will be in the same courts as adults. In opposition between both England and Sweden's youth justice system, being an adult matter similarly to the age of a child. In England, Individuals who are 18 years will be in directed to youth courts which then will branded as individuals who are influenced by making their own decision.

One of the Similarities within both England and Sweden youth justice system is Sweden is done through a method called the restorative judgment. White (2001) highlights, within the youth justice system this identifies individuals who may be at risk when engaging on a crime. The aim of the youth justice system within England it to try preventing individuals form committing crimes and activities that may lead to crime. For example, if individuals are occupied, they won't rarely commit and get involved with crime. This intervention which was created would allow the youth to do things which will keep them occupied this can then result in them not indulging in committing crime. On the other hand, when we look at Sweden their youth justice system is there to prevent youths committing crimes (Sundeen 2002) This is impacted through social welfare committees as they tend to take full responsibility of the youth. When it comes down to reformation in Sweden this is very vital. Technically it is better to put interventions in place in order to prevent the youth from getting involved in any criminal activities than youth being punished. (Sundeen,2002)

Sweden

According to crime statistics, young people are the most criminally active age group in Sweden. In 2008, approximately 119,200 people were recorded as being reasonably suspected of having committed an offence, 30,300 of whom were between 15 and 20 years of age. Young people thus made up roughly 25% of all crime suspects in 2008, at the same time they made up just under 10% of the population. When it comes down to the approach used in Sweden, their Youth Justice System their system tends to go further to the direction of these young individuals (Sundeen, 2002). With regards to Sweden their main focus point is on the needs of the child and to enable solutions rather than punishment. For instance, if a young individual commits a crime they will not pass it over to the police to deal with the matter, rather the Sweden youth justice system will pass this matter on to social services, who will then deal with the matter and meet the individual needs of the offender (15-17years. Legislations have been put into place such as the Social Services Act 1998 and the Compulsory Care Act 2003 which protects and supports children, as well as youth offenders and the social problems.

In Sweden, it is highlighted that young individuals are under a lot of stress when it results in making vital decisions, this does not lead to any reasons when young individuals between the age of 15 to 18 years of age, are in court. In England, an individual aged 18 years being held in

a youth court, it is considered that they may have a better view on the way the youth justice system is in comparison to Sweden, as individuals at the age of 18 years as they are in criminal courts. Muncie, Hughes, & McLaughing, (2002) In England, the youth are at a better place at being able to understand what the law says when it comes down to criminal offenses in comparison to Sweden individuals at the age of 15 to 18 years will be tired in courts. In contrast, in both England and Sweden they both highlight that the youth should know the consequences of their behaviour.

Legal referencing has a vital role within the youth justice system. Looking at Sweden, the youth justice system tends to lean more for the welfare of the individual. Within the Swedish youth justice system, they tend to focus more on the individuals needs rather than punishing the individual, they will be in the eyes of the local authority who are in control of the youth justice system. regardless of these young offenders between the age of 15 to 17 years are being held in criminal courts, they have a responsibility for the young individuals within social services in Sweden. In comparison to England, tend to lean more towards being able to punish the young offenders for the crime they have committed. Therefore, they don't tend to take in consideration the young offenders' circumstances. It has been debated, when a young individual commits a crime, they tend to learn from the crime that they have committed due to the punished they may get. (Sundeen, 2002)

The rights of children are as important as the rights of an adult. Children have the right to service such as social workers, which focuses on the basic needs that an individual need in order to survive and develop. The rights of a child are very important, linking into Every Child Matters 2004 policy. This policy was introduced in both England and Wales and helped to make youth offending services more welfare based, as these policies ensured the views of young individuals were heard and taken into consideration.

The modern-day Youth Justice Board was introduced by The Crime & Disorder Act 1998. This had several purposes, but the focus point was involved with the youth justice system and the role it played. They were being able to prevent children and young individuals from having to re-offend. In the Act under Section 39, the Youth Offending Team was introduced to some people as the (YOT'S). This meant offenders would need to have a social worker, probation officers etc. These multi agencies would work together effectively to help provide the best support needed for the individual case. In order to make sure that these professional bodies would work effectively together, it was important to share important information about the offenders between agencies. Section 115 empowers, that the power which is given to gather this information between criminality and disorder partners would need to be continent and essential, to stop and reduce criminality and make the community safer (Copeland, 2006). Linking this back to the young offenders in Sweden, who would be tried in the same court as adults, this could have problematic results. Criminal information would be open to anyone who would like access such as the general public and this affects the privacy of the young offender.

UK and Sweden have roles that would ensure young individuals would have an understanding of their actions and behaviour. A clear understanding of this would be the James Bulger Case, where two 10-year-old boys abducted, tortured and killed a 2-year-old boy. They were sentenced to 10 years; their identities were changed and they also reoffended. The potential reason they reoffended may have been because they were put in a young offender's institution and did not understand how to be a part of society. This reinforces that punishment for committing a crime may not equal a productive change. (BBC 2015)

On the other hand, the Swedish system gives these young individuals opportunities to become better by accessing their needs and giving them hep such as counselling sessions. In comparison to a similar case which happened in Sweden, the Kevin case where 2 young brothers at the age of five and seven was responsible for the death of their younger brother age four. The way in which the Swedish youth justice system dealt with this case. Is the police enforcement confessed the young individual did commit the murder however, the two individuals was not prosecuted due to the fact they are younger than 15 years old. Both individuals were taken into foster care however, no one wanted to foster them so they both retuned home and both still live in Sweden. (Shamaan Freeman-Powell. 2019)

One way in which the youth justice system in the UK is similar to Sweden is through restorative judgment. White (2001) highlights that the youth justice system aims to make sure youths who may be at risk will be taking part in these offenses. The main aim of the youth justice system in the UK is to help prevent young individuals from committing these crimes again, or take part in any activities which may lead to committing offences. These interventions were put into place to reduce reoffending. Likewise, the Swedish youth justice system, work on preventing crimes from occurring within the youth community. The social welfare committees deal with this aspect and take responsibility for reforming young offenders. In Sweden, reformation is compulsory and stops youths from getting involved with any criminal activities, rather than committing further crimes and getting punished for their actions (Sundeen, 2002).

Conclusion

To conclude, there are many concerns which relate to the crimes which are committed by the young offenders, as this is a very sensitive issue. Different countries deal with young offenders in different ways as is evident with the comparison between UK and Sweden. As you can clearly see that the criminality which is amongst these young individuals that it does occur and also taking on consideration that gender is not an exception at all. As White (2001), says that both boys and girls are capable of offending. Both the UK and Sweden have the power and responsibility of making sure that individuals are safe within their respective countries . This is why tackling young offenders and their rehabilitation process is imperative. It is only if the youth are nurtured today that they will be the bright future that tomorrow brings. Families have a key role in teaching their children morals as well as the judicial and social systems. Both the UK Youth Justice System and the Swedish Youth Justice System have deemed their ways in dealing with these young delinquents as effective after taking into consideration the best outcome for their own social structure.

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