

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

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Introduction

The phenomenon of children delinquency represents a major legal and societal challenge, which entails a difficult balance between children's rights and the protection of public safety.¹ While the Nordic countries have long been considered as leaders in this field, this Nordic exceptionalism is being threatened by the recent increase in violent crimes committed by children and the strong political response this phenomenon has triggered (see for example Politiet 2025; Ministry of Health and Social Affairs & Ministry of Justice, 2024). These developments also question the efficacy of the child protection, criminal justice and healthcare systems in protecting children's rights and public safety.

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1 In this commentary the term 'youth delinquency' is given a broad definition, covering both children engaging in criminal behaviour and children presenting severe challenging behaviour (e.g., substance abusers, runaways, children committing crime while under the minimum age of criminal responsibility).

The Norwegian Research Council has recently funded a 5-year research project, hosted by the University of Bergen (UiB). The PROTECT project represents a cross-country interdisciplinary effort aiming at enhancing the integration of children's rights within crime prevention in four Nordic countries (Norway, Denmark, Sweden and Finland).² The project focuses in particular on the child protection system and the child justice system and explores the rationales, boundaries and connections of these institutions in their understanding of and approach to children's rights in the context of crime prevention. As a starting point, a panel of 10 academic and professional experts from the different countries and systems involved in the project was gathered during an online workshop.³ They were asked to share their insights on the main challenges, and potential solutions, facing the fields of child protection and child justice in their respective country, in the context of an increased demand for public safety and crime prevention. The following commentary draws on the joint contributions of the workshop participants to identify the current challenges and improvements needed to better integrate children rights in crime prevention in the Nordic region.⁴

Context and Common Challenges: Towards the End of Nordic Exceptionalism?

The Nordic countries have long been known for their well-developed welfare services and child-centred policies (Enell et al., 2022). Traditionally, the issue of children with challenging or criminal behaviour was primarily addressed by the child protection system, focusing on support and preventive measures. However, in recent years, a clear trend towards a more repressive and risks-based approach to children delinquency has started to emerge (Henrisken et al., 2024; Leniver, 2024). While children crime has remained relatively low and stable, the increase in gang related crimes and children radicalisation, coupled to isolated but serious violent crimes perpetrated by children, has triggered a high political and mediatic attention to the topic of children delinquency, with an overall 'tough on crime' orientation. For example, Denmark has introduced a new system allowing the imposition of restrictive measures on children under the age of criminal responsibility (Henriksen et al., 2024), and Sweden is considering significantly lowering this age limit (Klimat- och näringslivsdepartementet, Statsrådsberedningen, Utbildningsdepartementet, 2025). The Finnish Government (2025) has submitted a proposal to amend the Welfare Act, which includes the re-opening of closed child protection institutions. In Norway, children presenting serious behavioural problems can be forcefully placed in

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3 The workshop was held on the 23rd of June 2025 and co-organised by the Department of Government and the Faculty of Law at UiB.

4 The full list of participants can be found in the Acknowledgements section.

child protection institutions (The Child Welfare Act, §6-2) and children who have committed crimes can be sentenced to prison and/or time indeterminate detention from 15 years of age (The Penal Code, §20, §40).

Overall, children with challenging or criminal behaviour are increasingly seen as individual problem-bearers (Leniver, 2024) who must be met with repressive measures, despite a lack of evidence supporting the efficacy of such interventions. As discussed during the workshop, the boundaries between child protection, healthcare, and criminal law are becoming increasingly blurred, with the repressive rationale of the latest spilling over the whole child welfare system, leading to what can be called a 'criminalisation of care'. In addition, while it should be the last resort, criminal law is increasingly used as a common tool for managing risks and challenging behaviour and for accessing services that have otherwise become hardly accessible to the general population (e.g., in-care mental health services).

In this context, serious questions can be raised as to whether the current policies regarding children with challenging or criminal behaviour uphold the human rights standards the Nordic countries have subscribed to. As pointed out during the workshop, to guarantee the safeguard of children's rights in crime prevention, it appears urgent to adopt a more holistic response and a rights-based approach to the topic of children delinquency.

A Holistic Response: Interdisciplinary Research and Early Inter-agency Coordination

The issue of children crime and challenging behaviour inherently calls for a multi- and interdisciplinary approach. However, at the academic level, research still operates on parallel grounds with few integrated interdisciplinary projects and environments. While their experience and opinions are crucial to understand the issues at stake and although they have a right to participate, children are also rarely integrated in research on children delinquency. The few resources available however clearly indicate that children who live in residential care can have very different experience of what constitute a good-practice and/or efficient evidence-based measures (The Change Factory, 2020). To provide policymakers and professionals with the research and evidence they should base their policies on requires the joint knowledge and contributions of all relevant disciplines (e.g., social sciences, law, psychology, educational sciences) and actors (e.g., researchers, professionals, children) involved. More interdisciplinary projects able to connect theoretical, empirical and participative insights to provide professionals and decision-makers with solid research-based knowledge appears therefore urgently needed (Barne- og familiedepartementet, 2023, chapter 29).

This interdisciplinarity must also be reflected in an inter-agency and inter-service response on the ground. However, to be effective, this effort must be properly coordinated (Justis- og beredskapsdepartementet, 2025). As of today, interdisciplinary needs rather translate into a fragmented response, highly dependent on local services availability. As highlighted by Senior Adviser Sarwar and Professor Bengtsson, families and children are in contact with multiple agencies and professionals, with no overall coordination, and report a clear need for clarification of rights, duties and responsibilities.

In addition, such inter-service responses must also be deployed in due time. Unmitigated adverse childhood experiences are a known risk factor for experiencing both violent behaviour and victimization later in life (Ellonen et al., 2025; Laajasalo et al., 2025). In this regard, the current over-representation of children with a child protection background and/or with complex mental health issues in children committing crimes questions the capacity of the child protection and healthcare services to provide timely remedies for children in needs. On this note, the recent mobilisation of child protection and healthcare resources by the criminal justice also raises questions as to the remaining availability of these services for children not (yet) involved in the criminal justice system.

Finally, in order to provide the most holistic response possible, the structural factors of children delinquency (e.g., socio-economic exclusion, urban segregation, transgenerational aspects) must also be addressed and integrated (Laajasalo et al., 2025). As of yet, the persisting prevalence of children from disadvantaged socio-economic backgrounds in children delinquency illustrates the ineffectiveness of welfare services in mitigating transgenerational inequalities.

It appears important to underline here that a better collaboration and coordination between services should however not result in a dilution of each systems rationale. In particular, it seems paramount that the child protection and healthcare systems maintain their respective functions – to protect and support children and to promote and better their (mental) health – leaving the repressive characteristic to the criminal justice system. In addition, the criminal justice system should remain the last resort and be strictly circumscribed by the law. It should also adapt its responses to render them more child specific. Not only is this required by international human rights standards (e.g., CRC, 1989, Article 40 (3)(4)), but it might also increase the likelihood of success of such responses. For example, Special Advisor Sørensen explained that radicalisation often operates very differently for children than for adults, targeting children's frustrations and unmet needs and building on an economic and emotional debt, rather than on political ideologies, to guarantee the adherence and loyalty to extremist groups. For this reason, common criminal/police responses or de-radicalisation programmes designed for adults are often unsuccessful, and broader community-based and cross-services measures are needed to properly attend to radicalised children.

A Rights-based Approach: Re-placing Children's Rights at the Centre of Child Welfare and Juvenile Justice

The CRC Committee once stated that 'children do not lose their human rights by virtue of passing through the school gates' (2001, §8). It appears important to underline that such a statement must similarly apply when a child passes through the gates of any welfare agency or court of justice. However, the current policies and practices targeted at children with challenging or criminal behaviour raises serious questions regarding the respect of international human rights, in particular those contained in the Convention on the Rights of the Child (CRC) (UN, 1989). Overall, within the context of crime prevention, children are increasingly perceived as problems-bearers instead of rights-bearers, including outside of the criminal justice system. To give some examples, as pointed out by Professor Pösö, the current Government proposal on a new Finish Child Welfare Act only refers to the right to special protection of children to justify the re-introduction of closed residential care institutions. In Norway, children with challenging behaviour are placed in child protection institutions with little or no consideration of their best-interests or of the infringements such decisions impose on their human rights (Ducarre et al., in prep).

To counter this situation, it appears paramount to recognise children as right-holders regardless of the situation or context involved. Such a rights-based approach would re-assert that any restrictive measure, whether formally resulting from criminal justice proceedings or not, must abide by the requirements of articles 37 and 40 of the CRC. It would also require, at the minimum, that children's right to participation and their right to have their best interests given primary consideration be properly operationalised and systematically included in the design, decision-making and implementation of child welfare services and criminal justice. On this note, it can be important to underline that the right to participation entails not only a right to be heard, but also to have one's voice given due weight (CRC Committee, 2009). In addition, to give primary consideration to the child's best interests requires an assessment of all the rights involved and a formal best-interests determination following strict procedural safeguards (CRC Committee, 2014). However, currently, it appears unclear what weight, if any, is given to children voices in child protection and child justice, and their best interests are in general poorly assessed and determined (Ducarre et al., in prep.)

Finally, in addition to these core principles, all relevant children's rights must be re-placed at the centre of child welfare and criminal justice policies and services. This includes for example mainstreaming the right to (mental) health (CRC Article 24), the right to education (CRC, Article 28 and 29), the right to development (CRC, Article 6), or the right to recovery and re-integration for child victims (CRC, Article 39) within services and measures aimed at children with challenging or criminal behaviour. Not only is this required to enforce a rights-based approach, but it will also

be indispensable to help address the intrapersonal and structural factors of children delinquency. As discussed previously, this will necessitate a coordinated response from different welfare/justice services.

Next Steps

To address the common challenges and needs for improvement highlighted during the workshop, the PROTECT project will focus its investigations around 4 axes: a) clarifying the preventive functions of and functional relation between the criminal justice and the child protection systems; b) analysing the different systems understanding and enforcement of children's rights; c) examining children with criminal or challenging behaviour experience, feedback and opinion on their involvement with the different systems; d) examining the general public understanding of children rights in the context of crime prevention and public safety.

It is hoped that both the process and outcomes of the project will contribute to develop more interdisciplinary, participative and rights-based research on the topic of children's rights in child protection and criminal justice and will provide outlasting research-based knowledge and cross-systems collaborations.

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