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**The Tensions Between Children's Rights and Punishment: A
Critical Policy Analysis of the 2026 Swedish Legal Reform
Lowering the Age of Criminal Responsibility to 13**

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Abstract

The current crime debate in Sweden surrounds the overarching issue of criminal networks and children's exploitation by them. In Sweden, younger children are getting involved in serious criminality, carrying out offences for criminal gangs such as murder and aggravated weapons crimes, which has sparked the government's interest in possible changes to the youth criminal justice system. One of those highly questionable changes is the 2026 legal reform lowering the age of criminal responsibility from 15 to 13 for serious offences. Using Carol Bacchi's "What's the Problem Represented to Be?" approach together with Michel Foucault's concepts of power/knowledge and discipline and punish, this thesis investigates the recent developments in the law-making process surrounding the reform and reveals how the Swedish state problematizes delinquent children and justifies the need for such a significant change in the governance of minors. Overall, the study reveals power struggles in Sweden followed by zero-tolerance visions for any offences, which places greater interest for protecting society and crime victims, rather than delinquent children drawn into serious criminality by criminal networks. Additionally, the study reveals the constant stricter coercive measures over delinquent children, with the new reform eventually contradicting children's rights protection under the UNCRC. Consequently, this thesis reveals governance shifts over delinquent children from welfare-oriented approaches, emphasizing rehabilitation and child-adapted interventions to punitive measures, emphasizing children's responsibility and exclusion from society.

Keywords: the age of criminal responsibility, delinquent children, criminal justice system, governance, children's rights, subjectification, problematization.

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Chapter 1 – Introduction

1.1 Background and Context

1.1.1 International Overview on Children's Rights and the Age of Criminal Responsibility

In contemporary society, serious crime among children continues to be one of the pressing issues within the crime debate, followed by questions on how the state manages their delinquency by imposing control over their behavior through stricter laws and reforms. The welfare tradition is focused on the fact that children who commit crimes are primarily handled outside of the criminal justice system due to different factors such as the age of criminal responsibility. This tradition draws back from 1989, when the General Assembly adopted the Convention on the Rights of the Child (further - UNCRC), a huge step forward to protect children and represent their interests (United Nations, 1989). Scholars highlight that the UNCRC was created because children were recognized as the most vulnerable group in society, requiring additional protection from the state, especially when it concerns the criminality of minors and how the state should proceed with different approaches to combat it (Cipriani, 2009; Kairienė, 2023). Consequently, every state decides from which age minors should face criminal consequences because of their deviating behavior from societal norms (Cipriani, 2009, pp. 4, 11; Crofts, 2016, pp. 437-438).

But how does the state decide the age of criminal responsibility? While the UNCRC itself does not specify the age of criminal responsibility, the UN constantly encourages states to not lower the minimum age of criminal responsibility under 14 in order to ensure that younger children are only facing civil law measures (Crofts, 2016, pp. 438-440). In some US states, the age is as low as 7 years old, and in England and Wales it is 10 (Brown & Charles, 2021, p. 154). Consequently, in 2007, the UN Committee stated that the age of criminal responsibility below 12 is not internationally acceptable and recommended the age range of 14-16 as it better reflects young people's capacity for responsibility for misconduct (Crofts, 2016, p. 440). Moreover, under the UNCRC Article 6, states are obliged to ensure the concise physical and psychological development of the child (United Nations, 1989, p. 3). Therefore, since 2018, the Committee on the UNCRC proposed that the age should not be lower than 14 years, yet as shown above it has been applied differently across different countries (Brown &

Charles, 2021, p. 153). Moreover, the UNCRC highlights that children facing criminal law and incarceration should be exercised as a last resort and for the shortest possible time (United Nations, 1989, p. 10; Enell et al., 2022, p. 175). Article 40 of the UNCRC urges states to reform their systems for children in a way that ensures, including setting an age below which children cannot be held responsible for a crime (United Nations, 1989, p. 12). Consequently, setting a higher age of criminal responsibility reflects greater recognition of children's rights (Brown & Charles, 2021, p. 153).

An international political debate on children drawn into criminality is surrounded by discussions about how the state ensures children's rights (Cipriani, 2009, p. 4). Conceptions of childhood lead to "the creation of legal norms and standards about children" (Cipriani, 2009, p. 3). In the light of changing reforms that concern children and their rights, states which have ratified the UNCRC are obliged to work accordingly to set out regulations under the UNCRC. The 3rd article of the UNCRC highlights that all policies and changing reforms should act "in the best interests of the child," with Article 12 adding that children's voices shall be heard by the authorities in any proceedings involving them (United Nations, 1989, pp. 2, 4). Consequently, the tension between welfare and justice can appear with Article 12 imposing "obligations on how adults interpret and implement the best interests of the child" (Cipriani, 2009, p. 27). In this way, it becomes very important within criminal justice procedures to ensure that criminal measures taken against children reflect the best interests of the child.

Zooming in from the international debate, Sweden's government is facing issues over how the state should manage above-mentioned features for controlling criminality of children. While the UN Committee advises states to have the age of criminal responsibility not lower than 14 years old, ensuring that children are old enough to understand their actions and adjust to the consequences, Sweden turns its attention to lowering the age of criminal responsibility to 13.

1.1.2 Sweden's Context and Policy Changes

The fundamental goals of criminal policy are to prevent crime and protect society. In Sweden, the current crime debate surrounds the issue of an increase in serious offences in the form of shootings and explosions, with criminal networks now involving younger and younger children to carry out these crimes, followed by a current number of overall 17,500 people

active in these criminal networks (Sturup et al., 2019; Hradilova Selin et al., 2024, pp. 2-7; Schclarek Mulinari, 2025, p. 18; Regeringen, 2026, pp. 61-63). In light of this issue, Sweden also ranks highest among the Nordic countries in lethal violence and shootings (11%) (Kaakinen et al., 2024), leading to a rise in the detention of children in 2024, with 1,722 terminated cases - an 18% (265) increase from 2023 (Kriminalvården, 2024).

In 2023, the Swedish government initiated changes to lower the age of criminal responsibility because children under 15 years old were becoming involved in very serious offences led by criminal networks (Dir. 2023:112, p. 4). This change was presented as a way to respond more effectively to youth crime by enabling earlier intervention, allowing authorities to identify and act on children's behavior sooner, while at the same time reducing the risk of gang recruitment (Dir. 2023:112, p. 7). Later on, in the beginning of 2025, the government released the Government Official Report, which focuses on the issue of lowering the age of criminal responsibility to 14 for serious offences - SOU 2025:11. This already marked deviation of the long-standing justice system, because the age of criminal responsibility in Sweden has been set to 15 since 1902, with the focus on keeping balance between child's ability and responsibility to receive consequences (Regeringen, 2026, pp. 79-80). In September 2025, the Ministry of Justice submitted a new proposal on "lowering the age of criminal responsibility to 13 for serious crimes such as murder, aggravated explosions, and aggravated rape" (Regeringen, 2025a). The reform does not only stand for lowering the age of criminal responsibility but also reintroduces youth prison units (Regeringen, 2025b), marking a shift from treatment to punishment - from abolishing youth prisons in 1980 (Lindström & Leijonram, 2008, p. 561; Lappi-Seppälä, 2018, pp. 106-107), to reintroducing them in 2026. Consequently, the proposal to lower the age of criminal responsibility becomes a matter of criminal policy (SOU 2025:11, p. 234). Even though the state has received significant criticism from different children's rights-oriented organizations, highlighting how Sweden is constantly reintroducing stricter measures that increasingly restrict children's rights under the UNCRC (Bris, 2025a; Bris, 2025b; Rädda Barnen, 2025; UNICEF Sverige, 2025a; UNICEF Sverige, 2025b), on January 26, 2026, the final proposal was referred to the Council on Legislation for consideration, which later led to the governmental bill on "Stricter rules for young offenders" being released on April 16, 2026 (prop. 2025/26:246).

1.2 Research Problem and Aim

In light of criticism, this thesis explores tensions surrounding the Swedish government's new approach to handling serious criminality among young children, proposing a reform focused on lowering the age of criminal responsibility to 13. While the law itself does not yet exist, this thesis focuses on analyzing the proposal through recent developments in the legislative process of the 2026 legal reform, which marks shifts in the youth criminal justice system that blends surveillance, control, and judgement. To be able to analyze the reasoning behind this proposal, Carol Bacchi's "What's the problem represented to be?" approach will be used. As Bacchi & Goodwin (2025, p. 16) highlights, governments do not address problems but rather produce them. Therefore, this thesis aims to explore the problematizations behind the proposal, how the proposal has been disrupted, and the possible lived effects it will produce. Additionally, this study will be enriched by using Bacchi's approach together with Michel Foucault's theoretical concepts of power/knowledge and discipline and punish, which will help to reveal the tensions between ensuring the principles of the UNCRC and the apparent need to criminalize children - in other words, the tension between rights and punishment.

1.3 Research Questions

RQ1: What problematizations are produced through the 2026 legal reform lowering the age of criminal responsibility and how are these problematizations justified in the legislative process?

RQ2: How do different children's rights-oriented organizations disrupt the 2026 Swedish legal reform throughout the law-making process?

1.4 Relevance to the Sociology of Law

Sociology of law discusses how law impacts society and vice versa (Quinney, 1972; Chambliss, 1979). Within this scholarship, much attention has been directed at understanding the law-making process. Critical socio-legal research highlights how laws reflect powerful interests while disadvantaging the vulnerable (Quinney, 1972, pp. 3-4), resulting in adaptation of new reforms out of the political necessity to manage ongoing conflicts and protect the existing order (Chambliss, 1979, pp. 152-153, 156). Moreover, critical socio-legal research also pays attention to how not only populations are shaped around the law, but also the law is

shaped by people making choices in what the state perceives as lawful and unlawful situations (Chambliss, 1979, p. 164). In this way, socio-legal research argues how law begins as a tool of domination and ends as a control of certain populations (Quinney, 1972, pp. 4, 13, 19). Consequently, this thesis directs attention to similar dynamics by exploring how the 2026 legal reform reorganizes authoritative power to increase control over the vulnerable populations, reflecting who needs to be protected from whom – a society from a delinquent child, or a child from a context where he becomes involved in serious criminality through criminal networks.

Chapter 2 - Literature Review on Criminal Justice in Sweden

The approach for conducting literature review was thematic, followed by the state-of-the-art review to collect the most valuable and recent material on the subject (Tight, 2019, p. 98). The recent material surrounds the literature of the past 26 years, and the review itself is divided into two parts. The first part outlines the overall governance of the Swedish criminal justice system, explaining how it previously functioned and what has changed over time. The second part is focused on the youth criminal justice system before the 2026 Swedish legal reform, followed by the issues of profiling, and community relations.

The literature review research started with an exploratory Google Scholar search to map key works on the criminal justice system in Sweden for both adults and children, welfare state patterns on justice, and socio-legal factors influencing increased children crime in Sweden. This was followed using Lund University library database (Finn), ePublications platform EBSCOhost and Sage Journals, applying a purposive combination of keywords such as: “Sweden,” “welfare state,” “criminal justice,” “Nordic states,” “crime governance,” “penal legislation,” “drugs policy,” “prison system,” “crime and media,” “disadvantaged areas,” “organized crime,” “juvenile delinquency,” “children in gangs,” “gun violence,” “treatment and punishment.”

2.1 Crime Development in Sweden

Law and society are intertwined together, continually shaping and governing one another. How society is governed depends on how crime is controlled. Sweden is worldwide known for liberal crime policy, focused on humane and lenient penal systems promoting equality, social cohesion, and trust in state institutions – an approach often recognized as “Nordic Exceptionalism” (Barker, 2013, p. 7). Traditional penal legislation in Sweden was mainly based on the *ultima ratio* principles where punishment was only considered when nothing else worked (Tham, 2012, p. 13). This way, the state aimed to prevent crime through social reform, treatment and support with the focus on the offender - taking into account his possibly faced difficulties in childhood or injustices within society (Tham et al., 2011, p. 556). However, seeing an offender as a victim quickly faded away with the penal system being

replaced by harsher policies towards the crime, and increases in imprisonment (Andersson, 2024, pp. 51-52). In the 1960s-70s, critics claimed that rehabilitation failed to reduce crime, leading to its removal from Swedish criminology and crime policy (Andersson, 2024, p. 54). And by the 2000s, Sweden's crime policy had shifted from viewing offenders as victims of society to seeing them as responsible for the harm they cause to others (Tham et al., 2011, p. 556).

These shifts in the criminal justice system were brought by the government's views that crime needs to be dealt with before it even occurs and in a way that it would not happen again (Tham, 2012, p. 18). Modern Swedish crime policy now focuses on protecting law-abiding citizens through control rather than reforming offenders (Andersson, 2024, pp. 59-60). The central issue that initiated increasingly repressive crime policy measures, was the idea of a "drug-free Sweden" which promoted zero-tolerance vision (Tham, 2012, pp. 23-24; von Hofer & Tham, 2013, p. 35). Since the 1970s, political parties have impacted the crime framework by taking the lead in combating crime and labelling it as a major national threat, with even minor offences being treated as unacceptable (Tham, 2012, pp. 16, 20). A "drug-free" Sweden symbolized a history of Swedish state's intrusive actions justified by public good, particularly in the name of public health and society (Barker, 2013, p. 13). Therefore, the drug issue influenced an offensive penal model prioritizing punishment (Tham, 2012, pp. 23-25), resulting as being the only option to combat any threats to democracy (Andersson, 2024, p. 56), and emphasizing sobriety, self-discipline, and personal improvement (Barker, 2013, p. 13). Additionally, Swedish politicians defended harsher drug policies as protecting society from drugs, enforcing a productive welfare state where all work and dignity is imposed if needed, reflecting coercive, yet legitimate state power over all citizens (Barker, 2013, p. 13). This way the idea that punishment comes only when nothing else works faded away - the imprisonment returned to being a fashionable solution in combating crime (von Hofer & Tham, 2013, p. 46), reflecting that the state prioritizes societal safety over rehabilitation (Schclarek Mulinari, 2025, pp. 26-27). Consequently, when combating drug crime, Swedish legal policy has shifted from prioritizing the rule of law toward emphasizing security, with the focus to prevent serious crimes, especially terrorism led by the overarching issue of gangs (Tham, 2012, pp. 16-17). This way national politicians became the sources of crime policy using law and order issues to assert authority, reinforce national identity, and respond to any threats (von Hofer & Tham, 2013, pp. 45-46), leading to the politicalization of crime (Schclarek Mulinari, 2025).

In Sweden, harsher criminal measures have also been heavily influenced by the state's flawed practice of Nordic Exceptionalism. Critics argue that the model is Janus-faced, showing benevolence to first-generation Swedes but harsh punishment toward migrant families and foreigners (Schclarek Mulinari, 2025, p. 19). This way, even when Sweden's welfare state promotes individual autonomy, it limits rights protection and harbors ethnic biases, enabling intrusive punishments (Barker, 2013, p. 20). Since 2010, when Sweden Democrats entered parliament, the unacknowledged history of racism became more visible as political discourse shifted on linking immigrants with crime (Heber, 2023, p. 860; Schclarek Mulinari, 2025, p. 25). Additionally, the Sweden Democrats heavily promote the "Islamic Terrorist" image, portraying Muslim immigrants as immediate threats to Swedish society, which helps the right-wing parties to justify their exclusionary and repressive crime policies (Heber, 2023, p. 866). Stricter measures towards marginalized communities were also majorly influenced by the increases of violence of organized crime, operating through wide social networks, accessing people to support its criminal activities, including assault, murder, and drug smuggling (Gunnarson & Rostami, 2019, pp. 38-42). The issue of organized crime created a hot topic within criminal debate because violent gangs started to also involve younger and younger offenders, followed by increased firearm homicides among teens due to violent gangs (Sturup et al., 2019; Hradilova Selin et al., 2024, pp. 2-7). Organized crime influenced profiling of safe and unsafe neighborhoods, portraying them as the grounds for future crime and creating migrant paradox - perceiving them as enemy to the safety and justifying targeted policing such as stop-and-search zones (Schclarek Mulinari, 2025, p. 25). Consequently, the Swedish government has recognized organized crime as an advanced criminality, threatening the state's ability to provide strong welfare services that could undermine public trust in the system for the long term (Gunnarson & Rostami, 2019, pp. 45-46). In this way, international organized crime has become a key focus of Swedish criminal policy, where drug crime and racism were central to it, reinforcing the view of crime as threatening and in need of repression (Tham, 2012, p. 25). Moreover, the view that organized crime exploits vulnerable people, such as children, made it easier to prioritize it in Swedish crime policy (Tham et al., 2011, p. 572). Struggles when combating organized crime resulted in increased security, leading to expanded use of measures such as secret surveillance, wiretapping and entrapment (Tham, 2012, pp. 16-17), reflecting that the Swedish government views security through war-like values, pausing on democracy to combat current crises influencing the safety of society (Schclarek Mulinari, 2025, p. 28).

Lastly, the Swedish state turned towards punitiveness because of its failed interventions on reducing crime, with its primary focus on the offender and not on the crime victim (Tham et al., 2011, p. 556). Scholars mark that in recent decades, victims of violence, particularly women affected by men's violence, have become a leading public issue in Sweden, which impacted the rise of victim-centered policies influencing imprisonment rates and reflecting broader social trends such as decreased tolerance for violence, intensified responses to rule-breaking, and gender equality policies (Tham et al., 2011, p. 560; Tham, 2012, p. 23; von Hofer & Tham, 2013, pp. 43-44). The rise of the crime victim as a social and political focus has shaped perception of offenders: an "ideal victim" implies an "ideal offender" who is responsible and intentional, with right-wing parties emphasizing punishment, while left-wing views see offenders as damaged or shaped by circumstances (Tham et al., 2011, pp. 576-577). This phenomenon was heavily influenced by Swedish media portraying crime as a serious threat (Tham, 2012, p. 17), reinforcing fear of crime and leading to harsher attitudes toward offenders (Demker et al., 2008, p. 324). Additionally, the media's involvement has shifted crime's power to mobilize public concern, particularly around victims, risking a more emotional and moralistic crime policy (Andersson, 2005, pp. 83-84). This is particularly seen when the public highly supports prison sentences, especially for crimes involving sexual violence, followed by Sweden's strong gender equality policies and focus on men's violence against women (Balvig et al., 2015, p. 350). Consequently, the rise of the victims' movement has shifted the view of offenders from socially disadvantaged to villains, emphasizing the offender's responsibility and shaping correctional programs towards the acceptance of guilt (Tham, 2012, pp. 20-21). While punishments were once judged mainly by their ability to reduce crime in individuals or society, today the focus has shifted to "just deserts," moral education, and public opinion - punishing offenders to deliver justice to victims (Tham et al., 2011, p. 578). This led to politicians emphasizing punishment and victim redress to appeal to public outrage and moral judgement, rather than the welfare state's earlier focus on solidarity and inclusion for both parties involved - victim and offender (Tham et al., 2011, p. 598). Additionally, the criminal policy turned from offender to victim because Swedish media constantly criticized courts as being unfair and too lenient for the caused harm to victims (von Hofer & Tham, 2013, p. 43). In this way, even though the Swedish government was always expected to focus on alternatives to imprisonment, governmental authorities reflect those serious crimes, such as terrorism, sexual exploitation, or drug offenses, violate victims' integrity, and punishing offenders with imprisonment is an only reasonable option for integrity-based response (Tham et al., 2011, p. 573).

Taken together, the developments in Swedish crime policy mirrors what Garland describes as a culture of control, which marks a shift in probation services - from supporting and helping offenders to focusing on changing behavior, reducing crime, protecting the public, and supporting victims (Garland, 2002, p. 177). Moreover, the rise of victim-centered policies in Sweden further reflects Garland's theory, as it perceives that these kinds of policies are more focused on security and protecting the public, resulting in rehabilitation now mainly used for managing risks and protecting public safety (Garland, 2002, pp. 175-176). In this way, Sweden's example reflects that offenders are continuously perceived through the stereotypes of the public rather than as individuals in need of rehabilitative help (Garland, 2002, p. 179). Consequently, factors such as viewing crime as a national threat to democracy, media perceptions of threats to security, increased advocacy for victim's rights, and raised concerns about organized crime have impacted the Swedish criminal justice system, shifting it from rehabilitation towards increased security and control, which has led to harsher penalties.

2.2 Youth Criminal Justice in Sweden

2.2.1 The Tensions in Governance: Care vs. Punishment

In contemporary society, the problem of children being drawn into criminality appears to be considered one of the most pressing global social issues, influencing political debate and changes in criminal policies. However, even when it is a pressing issue, worldwide known President Nelson Mandela highlighted that every state should prioritize children's welfare, because the way we treat children today shapes how they will represent and contribute to our societies in the future (Mandela, 1997). International juvenile justice standards stand for integration, rejecting the idea that children alone are the problem, and shifting its focus on structural issues with putting responsibility on society as a whole (Cipriani, 2009, p. 36). The Nordic model of youth justice began in the late 19th and early 20th centuries with child protection laws allowing authorities to intervene in children's behavior (Lappi-Seppälä, 2018, p. 105). The Swedish youth criminal justice system is mainly focused for individual prevention and for institutions only youth oriented (Janson, 2004, p. 392). In Sweden, the main goal has been to replace prison sentences with alternative institutional measures (Lappi-Seppälä, 2012, p. 97). Therefore, in the 1960s-70s, Nordic countries radically reformed juvenile justice by recognizing child welfare and moving away from punitive incarceration, which resulted in Sweden abolishing special youth prisons in 1980 (Lindström & Leijonram,

2008, p. 561; Lappi-Seppälä, 2018, pp. 106-107). Swedish child welfare law has shifted from focusing on protecting society in 1902 to prioritizing the protection of the child in 1980 (Rennerskog, 2021, p. 728). Juvenile sanctions now mainly involve non-prosecution, fines, or community-based interventions focused on support, treatment, supervision, and education, reflecting a progressive approach to youth justice (Lappi-Seppälä, 2018, p. 123). Nevertheless, since the mid-1980s, public concern about juvenile violence increased, followed by repeated outbreaks of youth involvement in crimes in many settings, including sports events, public celebrations, racist and political clashes, schools, gangs, and street crime such as robbery (von Hofer, 2000, p. 56). Because of this, early intervention was introduced, allowing to prevent future crime by identifying at-risk children in preschool or early school years and implementing measures to stop them from developing a criminal path (Tham & von Hofer, 2009, p. 314). From the 2010s onwards, the governance of juvenile delinquency in Sweden shifted, as organized criminal gang violence involving youth became an increasingly central policy concern (Sturup et al., 2019, pp. 366-368). In the 2010 election debate, all party leaders supported a new political shift with the focus on “early intervention,” in order to prevent children's criminal behavior and their possible involvement in criminal gangs (Tham, 2012, p. 18). As Fraser et al. (2018, p. 157) highlight, the criminal justice system is focused on three main strategies: prevention, intervention, and suppression. Prevention of organized crime surrounds the idea of early intervention of children's behavioral problems and surveilling challenging family situations (Tham, 2012, p. 18). Additionally, the government has issued advice to parents on monitoring their children for drug use, and new laws introduced allowance of mandatory drug testing over minors to protect their health and prevent future criminal behavior (Tham, 2012, pp. 18-19). Since 2015, reduction in youth violence in Sweden has slowed, and research marks a growing concentration of offenders coming from low-income families, indicating increasing social inequality in youth offending despite the overall long-term decline in juvenile crimes (Oberwittler & Svensson, 2025, p. 156).

In Sweden, criminal responsibility starts at 15, with younger children handled by social services (Janson, 2004, p. 413; Lindström & Leijonram, 2008, p. 561; Lappi-Seppälä, 2018, p. 105). Youth that are aged between 15-17 generally cannot be sentenced to prison and are instead referred to social welfare institutional care, except if special circumstances occur (Janson, 2004, p. 413). In Sweden, very few minors are imprisoned, but many children are placed in correctional facilities, with 178 adolescents recorded in 2017 (Enell et al., 2022, pp.

184-185). In 1999, to avoid imprisonment, Sweden implemented Secure Youth Care (LSU), a sanction managed by the National Board of Institutional Care (SiS) rather than the prison system, which places juveniles in specialized homes providing involuntary treatment, starting in a closed unit and gradually moving to a more open environment, ensuring rehabilitation while complying with children rights standards (Lappi-Seppälä, 2018, p. 111; Tärnfalk & Alm, 2021, p. 22). After confinement, local social services can provide further rehabilitation based on the child's best interests (Tärnfalk & Alm, 2021, p. 22). Moreover, for youth aged 15-20, sanctions are formally determined by courts, but minor offenses are often settled through police warnings, minor fines or administrative penalties that resolve cases without court, unless it results in unpaid (Janson, 2004, pp. 415-416). Based on crime severity, Swedish courts have an authority to sentence 15–17-year-olds to LSU from fourteen days to four years, and if the child needs more care after the sentence, the compulsory treatment can continue until the age of 21, prioritizing the child's health and development (Tärnfalk & Alm, 2021, p. 23). In 2000-2001, thousands of children and youth, mostly under 18, received LSU care or CYPA institutional treatment, including special homes for behavioral issues, with many under 15 (Janson, 2004, p. 415). CYPA refers to the Care of Young Persons Act, which is activated when voluntary social services are not enough to protect vulnerable young people under 18 years old (SFS 1990:52). CYPA works as coercive care and applies to children either due to harmful home conditions or the child's delinquent behavior followed by substance abuse, prostitution, running away, and other criminality (Rennerskog, 2021, p. 729; Enell et al., 2022, p. 180). In 2012, the government proposed prison-style coercive measures under CYPA, such as body searches and room inspections in closed institutions (Rennerskog, 2021, p. 736). While the Ombudsman for Children opposed these measures as violating children's rights and called for greater focus on care, by 2015 most consultative bodies supported stricter measures, reflecting a shift from protection toward individualistic security in the framing of children's rights (Rennerskog, 2021, p. 736). Consequently, scholars appear to examine the tensions between UNCRC protection and state punishing children under CYPA.

As mentioned in the introduction, the UNCRC set out standards to protect children's rights in any decision concerning them and is often perceived as a powerful and accessible advocacy tool that treats children's welfare as an issue of justice, not charity (Freeman, 2009, p. 383). It is a state's responsibility to proceed with new reforms involving children in accordance with the UNCRC. Yet, practice shows that what is framed to be the best interest of the child, is

usually exercised through what is best for society (Rennerskog, 2023, p. 13). Sweden was among the first countries to ratify the UNCRC, and in 2020 it became a Swedish law to strengthen children's rights and the Children's Ombudsman (Rennerskog, 2023, p. 1; UNICEF Sverige, 2024; Riksdagens socialutskott, 2025). Incorporating the UNCRC to Swedish law is seen as both empowering children as individual subjects and burdening them with responsibility, making rights and justice conditional on good behavior (Rennerskog, 2023, p. 2). Between 2015-2018, Sweden reformed its coercive childcare under the CYPA to align with the UNCRC principles (Rennerskog, 2021, p. 727). In contemporary Sweden, the state appears to react more strongly on juvenile misbehavior (von Hofer, 2000, p. 59), arguing that rights and social justice become tied to personal responsibility, where having rights demands on fulfilling duties, and behaving appropriately to fulfill disciplinary expectations (Rennerskog, 2023, p. 4). The Swedish government has declared that in order to act in accordance with the best interests of the child, it is necessary to assess how serious criminal behavior is, justifying its need to use protective measures as a form of security, supporting stricter reforms (Rennerskog, 2021, p. 737). It is important to highlight that the international juvenile justice standards support adapting juvenile justice to children's age and capacity for effective participation (Cipriani, 2009, p. 32). However, in Sweden practice shows that most children over age of 15 lack access to public counsel, undermining their right to be heard (Rennerskog, 2021, p. 738). Consequently, studies emphasize the gap filled by the state's responsibilities aimed at protecting society, and not children, replacing traditional protection with a security-first approach (Rennerskog, 2021, p. 13).

In conclusion, Sweden's juvenile justice system has evolved from prioritizing the protection of children to focusing on society and now combines societal protection with promoting children's responsibility. This result is seen within coercive care, which is exercised under the CYPA, emphasizing stricter measures for children, and influencing the tension between rights and punishment. Importantly, the debate between the assurance of the UNCRC and the strict state's sanctions over children reflect that having rights means one should be able to fulfill one's duties.

2.2.2 Youth Offending Populations

Studies show that the decisions young people make about their actions are heavily influenced by the society's environment, opportunities, and expectations (Cipriani, 2009, p. 15;

Brännström, 2012, p. 327). In Sweden, ethnic residential segregation influences the ethnic composition of youth offenders and victims, meaning that the choices about co-offenders' ethnicity are partly shaped by structural inequalities beyond individual control (Pettersson, 2003, pp. 145-146). Youth from areas marked by economic disadvantage affecting groups and/or ethnic minorities face greater risks of criminal involvement compared with youth from well-off areas (Brännström, 2012, p. 327; Hällsten et al., 2013, p. 468). Since 2015, Swedish police have classified certain suburbs as vulnerable/risky areas, particularly based on socio-economic disadvantages and criminal activity (Andersson, 2024, p. 71). In 2017, the Swedish Police marked 23 especially vulnerable areas, which are identified by social problems, strong criminality presence, low public participation in justice, and limited investment in public amenities such as playgrounds (Sturup et al., 2019, p. 373; Enskär et al., 2021, p. 58). Enskär et al. (2021) conducted a research interviewing children to find out which environments children find unsafe in Sweden. Those children stated that there are specific areas that they avoid due to adult warnings about them and described them as unsafe due to "bad people," shootings, and criminal activity (Enskär et al., 2021, p. 64). Media adds up to stigmatization of these disadvantaged areas, creating fear and uncertainty, such as Rosengård in Malmö, which is well known as "avoidable neighborhood," affecting schools, social services, community relations, and residents' self-image (Sernhede, 2011, p. 163). Moreover, marginalized Swedish suburbs reinforce the notion of children seeing themselves as outsiders and "problematic," rather than being equal to ethnic Swedish peers (Sernhede, 2011, pp. 170-171). As Anderberg et al. (2022, p. 408) highlights, criminality and drug use become more likely common in communities marked by poverty and social exclusion, and young people from disadvantaged areas are more frequently arrested and charged compared to those from wealthier areas. Additionally, Swedish media has often portrayed youth violence as a "race war" between native and immigrant youth (Pettersson, 2003, p. 144), resulting in immigrants receiving stricter sanctions or longer prison sentences than first-generation Swedes for similar offenses, suggesting that youth offending between natives and immigrant children may reflect discrimination rather than only socio-economic factors (Hällsten et al., 2013, p. 473). Hällsten et al. (2013, p. 466) research shows that compared to native-born Swedish males, male children of immigrants are suspected of crimes about 40-55% more often, violent crimes convictions are 61-91% higher, and incarceration rates are 100-120% higher. Additionally, Brännström (2012, p. 333) reflects that youth living in the most disadvantaged areas have about twice the risk of being sentenced and commit roughly 66% more offences than their

peers from well-off areas. Importantly, disadvantaged areas have recently become stigmatized as a result of gang-related crime and youth involvement in it (Rostami, 2017, p. 366).

Moreover, Sweden is internationally known for gang violence, and in the past years, the country has been exposed to series of severe gang-related attacks, including shootings, bombings, and grenade attacks that have killed and injured both adults and children, and even targeted police (Rostami, 2017, p. 365). However, the patterns of criminal gangs changed when young people, even early teens, began carrying out violent acts for status or money, often without personal stakes, marking a shift from experienced gang members to less experienced perpetrators (Angerbrandt et al., 2025). Youth get involved with organized criminal gangs due to the appeal of an attractive lifestyle, quick access to wealth, and material goods, especially when they have financial struggles, face issues at school, and have no control over substances (Calderoni et al., 2020, p. 10). Criminal gangs in Sweden are known for the highest rates of lethal and especially non-lethal shootings in Western Europe, noting that media sources recorded 440 lethal and non-lethal shootings between 2010 and 2015 in a population of about 10 million, among men aged 15-29 (Sturup et al., 2019, p. 366; Hradilova Selin et al., 2024, p. 2). Gun violence in Northern Europe is mainly carried out by younger offenders, reflecting the strong presence of youth-based gangs in Sweden and overall children drawn into criminal networks (Rostami, 2017, p. 367). Consequently, children being recruited to criminal gangs reflects society's failure to protect them and broader systematical issues within failed education, future employment, and social isolation, which imposes a lasting harm to their futures (Calderoni et al., 2020, p. 2).

In conclusion, there are signs of greater criminal activity in vulnerable areas, but there is also evidence of discrimination, visible through higher suspicions of crime, stricter sanctions and longer punishment for immigrant children. Moreover, the changing crime pattern, with children becoming involved in criminal networks, further reflects the Swedish state's reasoning for stricter measures within the youth criminal justice system.

Chapter 3 – Methodology

The following chapter outlines the methods used to analyze the 2026 Swedish legal reform, lowering the age of criminal responsibility to 13. It explains the choice of Bacchi's "What's the Problem Represented to Be?" within critical policy analysis as the primary methodological approach, detailing its relevance to the thesis research objectives. The chapter also addresses the selection criteria for the empirical material, ethical considerations, reflexivity, and positionality.

3.1 Critical Policy Analysis

Every scientific research requires a well-defined methodology that determines the data and the outcomes the study seeks to achieve. Since this research focuses on analyzing certain stages of the law-making process and how different actors critique and question the proposal of the 2026 legal reform, the thesis adopts qualitative document analysis. Scholars emphasize that document research refers to "a process of evaluating documents in such a way that empirical knowledge is produced and understanding is developed" (Bowen, 2009, pp. 33-34). Bowen (2009, pp. 27-28) & Tight (2019, pp. 18-19) state that a "document" can be anything as long as it is transmitting information and evidence on specific context: from published written texts, reports, books, journals, press releases to recorded material such as videos, scrapbooks, photos, etc. Social sciences documentary research usually refers to policy research and relies on government publications, newspapers, and statistics (Tight, 2019, p. 21).

Moreover, qualitative analysis flows from ontology and epistemology that help in researching the social world. Ontology defines the social world with specific themes such as behaviors, experiences, or relationships, while epistemology gives meaning to it by explaining the rules and assumptions behind what we accept as knowledge, and how that knowledge is being disrupted and generated (Mason, 2018, pp. 7-9). As this study focuses on analyzing certain stages of the law-making process, a poststructuralist approach will be applied. This approach rejects singular truths and challenges established governmental authority, enabling the questioning and deconstruction of dominant knowledge, interpretations, and claims of expertise (Mason, 2018, p. 9). Moreover, considering the fact that the 2026 legal reform faced huge amounts of criticism, qualitative document research will allow interpretation on how

other authorities bring meanings to specific laws that shape and change society's experiences (Della Porta & Keating, 2008, p. 28).

Qualitative document (policy) research will be adopted using Bacchi's "What's the Problem Represented to Be" (further - WPR) approach, which allows to question and interpret documents to understand how the public perceives governing, and that it is not limited only to formal political institutions, because it also includes experts, professionals, and researchers (Bacchi, 2025, pp. 1-2). By studying specific policies, laws, and referrals, qualitative document analysis will help to understand the reasons and processes behind certain outcomes - not just patterns or correlations (Della Porta & Keating, 2008, p. 36). Consequently, it will reveal the reasons behind the government's decision to bring the 2026 legal reform to the light and how it has been challenged by other institutions.

3.1.1 Bacchi's "What's the Problem Represented to Be?" in Critical Policy Analysis

Carol Bacchi developed an approach to policy analysis based on problematization, using public policies and proposals as entry points to understand how society is governed (Bacchi, 2012a, p. 4). The WPR approach is grounded in poststructuralist ways of analyzing how power affects the social world (Rönblom & Edwards, 2025, p. 519) and opens a new perspective of understanding how the government problematizes its proposals for change, allowing to critically discuss political issues and future possibilities (Bacchi, 2025, p. 24). A critical poststructuralist approach to public policy challenges the traditional idea that the objective evidence alone can fix policy issue and instead argues that policy "problems" and "solutions" are defined and represented by power relations, language, and values (Rönblom & Edwards, 2025, p. 519). Consequently, Bacchi's approach draws from Foucault who produced "thinking problematically" (Bacchi, 2025, p. 3), and targets policy analysis to critically examine how policies constitute "problems," focusing on questioning and challenging problematizations rather than building consensus or avoiding controversy (Bacchi & Goodwin, 2025, p. 44). It reveals how proposed solutions construct those problems, specifically how policymakers define what needs to change and why that change is needed (Bacchi, 2025, pp. 5-6). Therefore, the WPR approach inspired by Foucault "helps to problematize problems in the policies and policy proposals they develop and implement, while identifying limitations within, and possible consequences of it" (Bacchi & Goodwin,

2025, p. 45). In other words, WPR examines how governing works in reality by analyzing how issues are framed and managed through the broader “problem-space” presented by institutions, experts, and forms of knowledge (Bacchi, 2025, p. 15). The WPR approach sees policy as shaping and defining problems rather than simply solving them and focuses on uncovering the hidden assumptions and forms of knowledge that influence policies and how they affect people’s lives (Bacchi, 2012, p. 22). In this sense, the approach focuses on analyzing how policies construct new problems and result in power operating through possible negative lived effects that follow from so-called solutions brought about by new reforms (Rönblom & Edwards, 2025, p. 519).

Moreover, the WPR uncovers how policies create subject positions through categories like “children” that define the roles, behaviors, and characteristics that children are expected to take on, shaping who counts as a legitimate subject in policy debates (Bacchi, 2025, p. 20). By examining patterns in problem formation, WPR helps to identify political rationalities and determine whether the problematizations signal change or reinforce existing regimes of government (Bacchi & Goodwin, 2025, p. 49). By uncovering these processes, the WPR analysis helps to challenge ideas that seem natural, revealing that multiple versions of reality exist, demonstrating that what is considered “real” is shaped through political decisions and struggles (Bacchi, 2025, p. 9).

To conclude, applying the WPR approach in policy research will help to reveal how the “problems” underlying the 2026 legal reform are constructed and justified during the law-making process. It also enables the examination of how these representations are disrupted by other actors, reflecting forms of resistance and lived experiences that challenge official policy narratives.

3.1.2 The Application of Bacchi’s Approach

A WPR analysis is usually followed by 6 questions that help to examine policies to identify how the problem is defined and question this representation (Bacchi, 2012, p. 21):

1. “What’s the ‘problem’ (for example, of ‘problem gamblers’, ‘drug use/abuse’, ‘gender inequality’, ‘domestic violence’, ‘global warming’, ‘sexual harassment’, etc.) represented to be in a specific policy or policy proposal?”
2. What presuppositions or assumptions underpin this representation of the ‘problem’?

3. How has this representation of the ‘problem’ come about?
4. What is left unproblematic in this problem representation? Where are the silences?
Can the ‘problem’ be thought about differently?
5. What effects are produced by this representation of the ‘problem’?
6. How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?”

The first and second questions will help to identify the issues that the Government Official Report frames as in need of control behind the children’s involvement in serious offences, majorly led by criminal networks, and how this issue is constructed, revealing political reasons and understandings behind it. The third question will help to reveal how the problem of a delinquent child came into force in the new reform, through the practices and power relations behind the policy. The fourth question will reveal what children’s rights organizations perceive as problematic, with the sixth question adding to how the truth behind the reform is disrupted and challenged by the focus on the protection of children under the UNCRC. Lastly, the fifth question will reveal the possible lived effects on these children through the practices of subjectification and discourse (Bacchi & Goodwin, 2025, p. 25).

3.2 Data Selection

In relation to the research aims, the empirical material was selected accordingly to analyze the 2026 legal reform during its certain stages of the law-making process. Lönnqvist (2025, p. 584) presents the steps of the Swedish legislative process: Initiative (dir.) -> Inquiry stage (SOU; Ds) -> Referral process -> Governmental bill (prop.) -> Committee statement (JuU) -> Parliamentary debate/vote (prot). As this study is not focusing on the whole law-making process, but only certain stages of it to answer research questions, the empirical materials consist of these stages of the law-making process: SOU and referral process. Consequently, the analysis will present four sets of data, resulting in empirical material consisting of a variety of sources (see table below).

Empirical Data	
SOU	SOU 2025:11 - The Government Official Report (inquiry) on the “Age of Criminal Responsibility”

Responses to SOU	1. UNICEF Sverige, 2025a - The first UNICEF Sverige report, “Response to the report on the age of criminal responsibility (SOU 2025:11)” 2. Bris, 2025a - An NGO, Bris (referred to as Children’s Rights in Society), statement on "The age of criminal responsibility, SOU 2025:11"
Referrals to the draft proposal	1. UNICEF Sverige, 2025b - A referral from UNICEF Sverige, “Draft referral to the Council on Legislation: Lowering the age of criminal responsibility for serious offences” 2. Bris, 2025b - A referral from Bris, “Bris’s opinion on the draft referral to the Council on Legislation – Lowering the age of criminal responsibility for serious offences” 3. Rädda Barnen, 2025 - A referral from Rädda Barnen (Save the Children), “Response to draft referral to the Council on Legislation: Lowering the age of criminal responsibility for serious offences”
Final proposal	Regeringen, 2026 - The proposal referred to the Council on Legislation for consideration, “Stricter rules for young offenders”

(Table created by the thesis author, 2026)

While the law-making process started with a directive released in 2023, the primary material of this research is the Government Official Report on the “Age of Criminal Responsibility” - SOU 2025:11. The analysis starts from SOU, as this thesis focuses on exploring only the recent developments in the legislative process from 2025 to 2026. Moreover, SOU 2025:11 draws from a directive and is a more detailed and comprehensive report, enabling deeper exploration of different factors that motivate the proposed reform. Consequently, to avoid being repetitive, the analysis starts from SOU, which sets out the reasons behind the final proposal and indicates lowering the age of criminal responsibility to 14. After analyzing SOU 2025:11 and revealing the underlying problematization and subjectification within the reform, the analysis will move to the second part, where it will critically examine how the referrals and responses received from children’s rights-oriented organizations – UNICEF Sverige,

Rädda Barnen, and Bris - disrupted and opposed the reform in two stages: first after the SOU was released at the beginning of 2025, and later when the proposal to lower the age of criminal responsibility to 13 was released in September 2025. This part is essential, because these institutions are drawing attention to the tension between the UNCRC and punishment, which aligns with the thesis aim. This part will be combined with the final proposal referred to the Council on Legislation for consideration, to reveal how the government continues to justify its punitive turn and whether it agrees or disagrees with what children's rights organizations see as problematic lived effects of children targeted by the reform. Moreover, it will reveal whether the justifications for the reform align with the principles of the UNCRC, or whether children's rights have been neglected to impose new, stricter sanctions over minors. Consequently, the second part turns to conflict - justifications revealed in the SOU become unstable, and the government's lines of reasoning become clearer.

3.3 Ethical Considerations, Reflexivity and Positionality

When conducting research within social sciences, it is important to ensure that ethics are adjusted according to the data that analysis presents (Mason, 2018). Qualitative research ethics emphasize integrity as the guiding value, defined as commitment to honest knowledge pursuit, and respect for studied populations as the primary principle (Guillemin & Gillam, 2004, p. 270). Within qualitative document research, transparency and awareness to bias become the most important ethical rules, referring that the researcher is holding to objectivity and does not change the real meaning of the documents (Tight, 2019). As this thesis is focused on interacting with documents available to everyone, rather than with people directly affected by the reform, confidentiality and consent permissions were not issues for this thesis (Guillemin & Gillam, 2004, p. 264). However, the researcher always takes into consideration that the way the data is further produced can have different impacts on communities and subjects involved (Guillemin & Gillam, 2004, p. 275).

Moreover, ethics are not limited to how researchers produce data, it is also about how they reflect and interpret it (Guillemin & Gillam, 2004, p. 275). Within qualitative research, reflexivity refers to critical thinking, which impacts dialogue between the researcher and data (Mason, 2018). This dialogue enables critical reflection on interpretations, analyses, presentation choices, while at the same time shaping knowledge production and its generative processes (Guillemin & Gillam, 2004, p. 274). As this thesis is focused on poststructuralism,

openness in epistemology highlights being open to knowledge and seeing research as an interactive process that produces it (Mason, 2018, p. 166). Additionally, reflexivity extends beyond epistemological knowledge production to encompass the entire research process, which involves ongoing critical interpretation of theories, methods, collected data, and context (Guillemin & Gillam, 2004, p. 275). Therefore, the further steps of the research will reflect how I, as a researcher, understand the issue of the new reform and apply knowledge to interact with the material, shaping how the data is further produced and interpreted (Mason, 2018, p. 191).

Additionally, reflexivity also encompasses critical awareness of the researcher's own positionality and identity within the research process. Social scientists increasingly motivate their positionality, whether they are insiders or outsiders to the populations they study, especially when they often research communities and countries they do not belong to (Dwyer & Buckle, 2009, p. 57). Moreover, social scientists reflect that it is impossible to be only an insider or an outsider, as it is not only enclosed to your nationality but it is about researchers' perspectives that are shaped by their role and knowledge (Dwyer & Buckle, 2009, p. 61) - for example, sharing professional background with the field they study (insider) but differing culturally (outsider) (Yip, 2024, p. 223). Consequently, this thesis reveals my identity and forms my positionality as an international student researching Swedish legal reform, which places me as an outsider. As a non-Swedish speaker, I have used AI tools (Perplexity, DeepL, ChatGPT) to translate the official documents, which may result in some words not being directly translatable, meaning that the excerpts may not fully align with the analysis. At the same time, my academic knowledge and background in social work and sociology of law could place me as an insider. Moreover, social scientists reflect that sometimes it is even better to be an outsider, as in this case not being a Swedish citizen, because it can enhance one's ability to better approach the issue of the researched area, as outsiders have greater analytical distance, better navigate complexities, and more easily grasp broader power patterns and connections (Dwyer & Buckle, 2009, p. 59). In this way, an outsider position enables more distance to understand and conceptualize the issues of the studied reform, providing a clearer and broader perspective that is objective for navigating through the complexities of the findings (Yip, 2024, p. 228). Consequently, this research might bring a more critical understanding of the issue and of my ability, as an outsider, to see factors and effects that insiders might miss or not reflect on.

Chapter 4 - Theoretical Framework

This chapter presents the central theoretical framework, inspired by Bacchi's WPR approach to problematization and drawing on Foucault's well-known concepts of *power/knowledge* and *discipline and punish*, which together will guide the analysis and the discussion of this thesis. The first part of this chapter outlines Foucault's concept on *power/knowledge*, which will guide the analysis in understanding how the government defines and manages problems affecting society, in ways that it disciplines the weaker. Drawing on Bacchi & Goodwin (2025, p. 53), this thesis is particularly focused on subjectification because, if the reform seeks to discipline the weak, one needs to know who the weak is. The second part will present Foucault's concept of *discipline and punish*, which flows from *power/knowledge*, and refers to how the state enforces power to control the criminality of individuals. This concept will guide the discussion in understanding how the government uses its authority to control delinquent children through the new legal reform. Moreover, these theories are grounded in poststructuralism, which highlights that policy is a never finished product, as it does not end issues but create new ones (Bacchi & Goodwin, 2025, p. 18). Both concepts blended with Bacchi's WPR and previous research will allow in-depth analysis of the law-making process, uncovering how power, knowledge, discipline, and punishment are reintroduced by what the state sees as a problem in need of control.

4.1 Power and Knowledge

In contemporary society, crime and criminal justice appear to be shaped by power and knowledge (Turek, 1990, p. 178). Power and knowledge create each other by power generating knowledge, and knowledge always involving power (Foucault, 1995, p. 27). From a Foucauldian perspective, power is understood as productive, shaping who we are and how realities are formed through diverse, everyday practices rather than conspiracy (Bacchi, 2025, p. 9). Additionally, Foucault understood power as it exists everywhere and is exercised in daily life, creating social realities, knowledge, and subjects (Turek, 1990, p. 170). Following Foucault, policies that promote justice usually hide how power influences and operates within the society (Bacchi & Goodwin, 2025, p. 5). Moreover, in contemporary society power is reflected in how some people dominate other people (Bacchi & Goodwin, 2025, p. 32), resulting in how laws impact different social groups. In this way, using a poststructuralist

stance, power is exercised through subjectification - policies produce subjects and positions imposed on certain populations, rather than fixed identities (Bacchi, 2025, p. 20; Bacchi & Goodwin, 2025, p. 44). The targeted populations of new legal reforms become objects of social control and correction, directing power not only on what those populations do, but also on what they should not do (Foucault, 2000, pp. 70-71). Consequently, law does not repress - it expands power networks by blending with control techniques, and discourses to monitor and shape individuals according to society's needs (Turel, 1990, p. 170). Moreover, the WPR approach views power as constitutive of reality that creates problems and subjects, showing how policies actively produce specific problems needing control (Bacchi & Goodwin, 2025, pp. 32-33). In this way, power is not something that people possess but it is a productive capacity exercised through strategic relations that make realities, objects, and truths possible (Bacchi, 2025, p. 111).

Apart from power, knowledge plays a crucial role within criminal law, helping to analyze if present measures are right and strong enough to reform the behavior of future criminals (Turel, 1990, p. 180). Foucault (1980, p. 102) argues that knowledge is not just abstract or ideological, but it is built through real practices and systems, such as risk assessments that actively shape what it means to be a "delinquent". Knowledge is not seen as objective truth, but as something that shapes how reality is understood and governed, influencing the kinds of subjects' people are encouraged to become (Bacchi & Goodwin, 2025, pp. 5, 17). In this way, knowledge reveals that problems are not objectively real but are created throughout problematizations by the policies themselves (Bacchi & Goodwin, 2025, p. 43). Consequently, Foucault (1980, p. 69) highlights "politics of knowledge," where power works through how knowledge is produced, organized, and applied. Moreover, different systems generate knowledge about individuals by labeling and categorizing them, which enables ongoing monitoring and behavior correction (Foucault, 1980, p. 106). Therefore, the WPR approach uses problematizations, showing how policies define and construct problems by the knowledge they present, shaping how people and social realities are understood (Bacchi & Goodwin, 2025, p. 18). Additionally, Foucault also uses problematization as the process through which practices become an object of thought and judgement, referring that what counts as truth depends on who has the power to define rules in society (Bacchi, 2012a, p. 4).

4.2 Law, Discipline and Punish

The legal system, built around the idea of state sovereignty and individual rights, gives the impression of justice being equal and available for everyone, yet it hides how power constantly categorizes, monitors, and disciplines certain populations (Foucault, 1980, p. 105). Therefore, in the criminal justice system punishment becomes a central tool of power exercised through legal policies - correcting and controlling populations according to their level of dangerousness, and reinforcing authority (Foucault, 1995, p. 25; Turkel, 1990, p. 181; Foucault, 2000, pp. 52, 57). The power of correcting populations is reflected in how authority controls an individual throughout the methods it uses to change them, even if it conflicts with the legal system itself (Foucault, 1995, p. 127). According to Foucault (1995, p. 82), punishment nowadays is linked to not punishing less, but with punishing in a way that enhances power over the social body. Following this understanding of power in the legal systems, Foucault's idea of discipline and punish directs attention to a general model of power by showing how the government defines problems, chooses methods to address them, and targets specific desired outcomes through governance, such as changing legal reforms to shape and control certain groups of populations (O'Malley & Valverde, 2014, p. 320). Through Foucault's lenses, law is a tool shaped through historical and political power, that becomes not something simply restricting people's freedoms but creating a system of subjects defining what is normal and not, who counts as a victim or the offender, and what is considered as deviating from societal norms (Wagner, 2025, pp. 3, 6-7). Being called a "criminal" or "delinquent" places an individual in a certain position that is treated as part of a story about a past act and future judgement, meaning that such process reshapes the person into a legal subject to exercise the control of its behavior (Wagner, 2025, p. 15). In this way poststructural policy analysis reveals that policies actively shape people's identities in limiting or harmful ways, producing what people can become, reflecting that law is productive, not just restrictive (Bacchi & Goodwin, 2025, p. 54). Law separates people into categories such as youth/adult or delinquent/non-delinquent that reinforce control and encourage policies to "correct" behavior for those that seem to be lacking in self-control (Bacchi & Goodwin, 2025, p. 57). As a result, acts such as delinquency are defined less by breaking laws and more by how individuals are judged, observed, and shaped according to the established society's norms (Foucault, 1980, p. 106). Consequently, the criminal justice system is not designed to get rid of the crimes completely, but to manage them differently (Foucault, 1995, p. 89), with the focus on what is useful for society and not separate individuals on repairing harms and

preventing the future ones (Foucault, 2000, pp. 53-54, Valverde, 2017, p. 126). In this way, power is reinforced through the decided punishment on the formed judgements about what causes crime, how the offending population might change, and how it will impact society's future (Foucault, 1995, p. 20).

Moreover, following Foucault's ideas, modern law is perceived as both a system of regulation and a form of performance, controlling and shaping people through surveillance and classification (Wagner, 2025, p. 11). However, law is not simply controlled by discipline but rather regulates it by deciding which powers should be limited through its continuous interactions with people and practices it seeks to govern, including those that resist it (O'Malley & Valverde, 2014, p. 327). In this way, the idea of discipline and punish creates a system of lawful and unlawful barriers that control how people act by shaping their sense of power and choice (Foucault, 1995, p. 104). Here, legal discourse becomes a system of knowledge that uses tools like classification, surveillance, and normalization to shape people's identities by shifting them into legal subjects and justifying certain forms of authority (Foucault, 1980, pp. 119-120; Wagner, 2025, p. 3). Therefore, legal discourse practices how subjects are produced as policies constantly create certain types of subjects according to how people think, act and behave (Bacchi & Goodwin, 2025, p. 53). Consequently, punishment works by restricting rights, imposing rules, and limiting choices (Foucault, 1995, pp. 11, 108).

4.3 Concluding Remarks

Foucault's concept of power/knowledge reflects that there is more than a single truth, and everything can be questioned, and will deepen the analysis by revealing how the 2026 legal reform expands its authoritative power to monitor and shape individuals according to society's needs. Consequently, drawing on Bacchi (2025, p. 251), the legal reform will reveal how the government frames the truth of the crisis and serves as a guide to how present risks are managed, and how future challenges are met. Additionally, within policy analysis the understandings of power and knowledge become inseparable, helping to focus on power relations and how discourses both shape and support them (Bacchi & Goodwin, 2025, p. 35). In this way, the concept of power/knowledge will reveal how the legal reform creates subjects of delinquent children and problematizes their behavior. Moreover, Foucault's concept of discipline and punish will help to reflect on how the government uses law and power to

control delinquent children throughout the new reform. It will reveal how the legal reform becomes a form of punitive technology, emphasizing that what matters about the issue is the knowledge, techniques, and power that render changes in punishment understandable, measurable, and governable (Bacchi, 2025, pp. 249-250). In this way, it will help to discuss how legal authority is reinforced by shaping subjects into what is considered appropriate to societal norms, and how legal reform separates populations through laws targeting behavior.

Chapter 5 – Analysis

This thesis explores the recent developments in the legislative process of the 2026 legal reform, lowering the age of criminal responsibility to 13, and divides the analysis into two parts. The first part presents an analysis of the Government Official Report (SOU 2025:11), mapping out the reasons for the proposed reform, which frames current problems and justifies its punitive changes by applying thematic categorization based on three key themes of problematizations. The report proposes lowering the age of criminal responsibility to 14 for serious offences with a time limit for 5 years. However, it also discusses the option of lowering it to 13 years old. The second part reveals how those problematizations are disrupted and challenged by children's rights organizations in Sweden (UNICEF Sverige, Rädda Barnen, and Bris). Moreover, the second part also reveals how even after receiving criticism from the children's rights organizations, the proposal referred to the Council on Legislation for consideration (further – government's referral) continues to justify the punitive turn. Additionally, the analysis is enriched by Bacchi's concepts of subjectification and problematization, as well as Foucault's concept of power/knowledge.

5.1 Problem Representations of the Delinquent Child in Sweden

The poststructuralist stance through WPR argues that the reform does not describe the reality but actively creates it by producing particular representations of “problems,” revealing that the reform itself creates and shapes problems in specific ways (Bacchi & Goodwin, 2025, pp. 71-72). In this way, WPR highlights how specific subject positions are promoted in policy, reflecting how policies constantly create and form new subjects of a targeted population throughout new laws and reforms (Bacchi & Goodwin, 2025, p. 53). Therefore, the analysis of SOU 2025:11 reveals how children drawn into serious criminality, society as deserving protection, and the failure of welfare services are constructed as problems and subjects of control.

5.1.1 The Criminal Child and the Need to Hold Them Responsible

Policies actively shape roles and identities that are created by society and power (Bacchi & Goodwin, 2025, p. 84). Drawing on Foucault's problematization, power and knowledge

reveals how issues become framed as problems in the first place (Bacchi & Goodwin, 2025, p. 57), including how delinquent children become seen as a problem within the new reform. In this way, the inquiry both shapes a child as a victim that needs protection using restrictions, and as an offender that needs to be surveilled and controlled to a bigger extent. Consequently, law creates specific subjects through the view of what is perceived as acceptable and unacceptable (Wagner, 2025, pp. 6-7), resulting in this section focusing on the construction of the victim and an offender in the legal reform. This is particularly seen when the inquiry considers new regulations only for serious offences, and not all criminal acts (SOU 2025:11).

The Swedish state mainly focuses on framing an increased worries of delinquent children as a broader society's safety threats and risks, with solutions centered on increased control and surveillance over minors. Increased control and surveillance measures are suggested by lowering the age of criminal responsibility first to 14, and later to 13, and are directly framed as a solution to the issue of severe changes in crime patterns (SOU 2025:11). Drawing on Bacchi's (2025, pp. 19-20) problematization, the initiative to lower the age of criminal responsibility therefore responds to the problem of rising crime rates. Suggested reform changes imply that the threat of younger children committing serious offences is dangerous and needs to be corrected and disciplined. Consequently, the problem representation of the worrying phenomenon of crime pattern changes is surrounded by younger children committing serious offences such as "murder, aggravated drug offences, aggravated firearm offences, and offences under the Act on flammable and explosive substances" (SOU 2025:11, p. 149), reflecting how "the most serious crimes are also committed by children under 15" (SOU 2025:11, p. 196). While the age of criminal responsibility in Sweden is set to 15 and there is not enough data on younger children involvement in serious crime acts, the increases in criminal prosecutions reflect the worry of overall increased crime pattern changes from 2022: "there were 8 charges in 2022 and 39 charges in 2023. The increase has continued in 2024: already between January and July 2024, 48 charges have been brought" (SOU 2025:11, p. 149). Even though the data is limited to reflect how many under the age of criminal responsibility get involved in serious offences, the inquiry presents the increased suspicions of criminal activities among younger children: "suspicions of firearms offences, narcotics distribution, extortion and fraud have increased substantially in recent years even for children who are not of an age of criminal responsibility" (SOU 2025:11, pp. 155-156). This way the reform creates a delinquent child as a subject of the issue that needs to be controlled (Bacchi & Goodwin, 2025, pp. 32-33). Additionally, the reform reveals how problem representations

shape lives and worlds even when they remain open to being challenged (Bacchi, 2025, pp. 19-20), resulting in the proposal creating the world and a policy that responds to it by shaping a world where crime is out of control:

Crime is no longer directed solely at individuals linked to criminal networks but may also be directed at their relatives. Crimes are increasingly committed outdoors and in public environments. Both victims and perpetrators have [...] become younger. In an increasing number of cases, the perpetrators do not know the intended victims. (SOU 2025:11, p. 148)

Following the problem of the changes in crime patterns, the inquiry reveals the connection of younger children's involvement in serious offences through the networks of criminal gangs: "more children are becoming linked to gang-related crime, and these children are becoming younger" (SOU 2025:11, p. 147). Organized crime is a major issue in Sweden that is known by increases in lethal violence, mirroring a substantial social problem within the society: "lethal violence is never acceptable in society" (SOU 2025:11, p. 231). Lethal violence reflects the problematization over increases of children's criminal prosecutions, specifically linked to murder cases (SOU 2025:11, p. 149). In this way, duality appears as inquiry presents not only a delinquent child but also a child as a victim drawn into serious criminality by criminal networks. Therefore, the problematization of a criminal child is presented through criminal networks recruiting minors to commit offences for them, framing it as the biggest threat to society's safety: "the recruitment of young people into criminal networks is one of the biggest threats to society that these networks entail" (SOU 2025:11, p. 147). The inquiry also outlines how criminal networks use children as a "human storage site" for hiding drugs and weapons to increase better mobility and security for older gang members (SOU 2025:11, p. 159). Drawing on previous research, this problem representation reflects the government's struggles in combating serious offences, allowing them to justify repressive modes of power (Tham, 2012, p. 25). Moreover, the problem of criminal networks is also linked to children living in vulnerable areas, where crime becomes easily visible and a natural part of their lives, leading to the prosecution of violent boys appearing to be twice as high in those areas than in the rest of the country (SOU 2025:11, p. 162). Drawing on previous research, the issue of criminal gangs has become an important driver of a policy change, because it started to rely on the recruitment of younger offenders (Sturup et al., 2019; Hradilova Selin et al., 2024, pp. 2-7), and it is recognized that these networks operate accordingly to existing criminal laws

leading them to target those that are under the age of criminal responsibility, reflecting the fact that “children under 15 years of age cannot be held criminally responsible and that children under 18 receive reduced penalties” (SOU 2025:11, p. 165). Moreover, children involved in criminal networks become not only more serious offenders, but they are also recognized as victims forced into the criminality: “it cannot be ignored that children can be both offenders and crime victims at the same time” (SOU 2025:11, p. 215), especially if children disagree with carrying out crimes on behalf of criminal gangs, they might get subjected to violence (SOU 2025:11, p. 166).

While lowering the age of criminal responsibility is justified as a way to prevent children’s involvement in serious offences, the state also justifies this solution by arguing that it will not put children younger than 13 years old at risk of criminal networks exploitation, because carrying out a serious offence requires sufficient maturity and the risk of it should not be exaggerated: “requires a certain degree of maturity and physical capacity, for example the ability to handle weapons and to follow instructions” (SOU 2025:11, p. 201). Following this problematization, the state justifies the new reform by framing it as a measure to protect younger children from possible harm and exploitation by violent gangs. In this way, drawing on Bacchi (2012a, p. 5), the state shapes legal reform by presenting it as a means of protecting younger children and encouraging behavior that reflects wider societal interests, highlighting lowering the age of criminal responsibility as a part of broader strategies of governing behavior. Consequently, drawing on Foucault (1980, p. 95), the inquiry frames protection of children as a result of increased repression, presenting the reform as sufficiently lawful and justified while concealing its underlying force and inequality. In this way, punishment becomes not just a legal response, but part of a continuous structure of control and domination between the powerful and the vulnerable (Foucault, 1980, pp. 91-92).

Moving on, the inquiry as well problematizes children as offenders. Changes in crime patterns, resulting from criminal networks that exploit children, question the entire criminal justice system and what the state perceives as a legitimate child’s responsibility. While the age of criminal responsibility is usually set to balance the protection of children’s rights and their capability to face consequences of their actions, the age differs around European countries considering necessary criminal law sanctions (SOU 2025:11). An inquiry problematizes delinquent children’s behavior as departing far from society’s moral values and norms: “Children under 15 who commit serious offences [...], have crossed a line and acted in a way

that markedly departs from the normal behavior of children of that age” (SOU 2025:11, p. 197). Drawing on Foucault’s concept of power/knowledge (Bacchi & Goodwin, 2025, p. 56), the inquiry’s knowledge defines the criminal child as a subject who fails to follow the established norms, constructing young offenders as not belonging: “developments involving children under 15 who commit serious crimes with major societal impact have progressed to such an extent that, with regard to the most serious offences, there are reasons to weigh the interests differently than before” (SOU 2025:11, p. 235). Here, law becomes not just a set of rules, but a tool that shapes and manages individuals, punishing children not so much for the crime itself as for their perceived deviant character and failure to conform to norms (Wagner, 2025, p. 9). In this way, the proposal is creating a space for transformation over the youth criminal justice system, justifying the reform by creating a dichotomy of who is part of society and who is not. This problematization reflects previous research that to have rights one needs to adhere to society’s expectations and when in need - face possible harsher consequences (Rennerskog, 2023, p. 4). Consequently, while the state’s most important responsibility under the UNCRC is to act in the best interest of the child, the inquiry neglects its meaning by exercising children’s rights through what is deemed best for the public (Rennerskog, 2023, p. 13). Even though the Committee on the UNCRC advocates that the Swedish government should not lower the age of criminal responsibility neither to 13 nor 14 (SOU 2025:11, pp. 261-262), the inquiry defends its measures on reflecting how it cannot turn a blind eye to the suffering (SOU 2025:11, p. 20), and how children need to learn to take their actions seriously through facing the criminal responsibilities once it deviates from society’s set norms (SOU 2025:11, p. 215). Following this problematization, the inquiry justifies its proposed solution in the sense that children have not before committed serious offences in the way they do now, reflecting society’s growing eagerness to respond punitively when serious harm occurs: “There is, however, a fundamental societal interest in being able to respond with criminal law sanction when serious offences occur” (SOU 2025:11, p. 292). Therefore, the framing of a child’s responsibility appears to be justified by the need of change for the welfare of society, even if it goes against the child’s best interests: “The reasons [...] can justify the change, even though it means that the interest in protecting children from criminal-law measures must [...] give away” (SOU 2025:11, p. 232). Consequently, the law labels children as offenders, recognizing that they need to learn to take their actions seriously, and enabling the law to organize and control their behavior in a justifiable way (Wagner, 2025, p. 14). In this way, the state pays more attention on how society should be protected better, while at the same time disregarding children’s rights by making them criminally responsible.

5.1.2 The Need to Protect Society and the Legitimacy of Law

Policies promote, facilitate, and foster not only the kinds of subjects' children become, but also how society becomes an object of interest of broader governing practices, reflecting that law is productive, and not merely restrictive (Bacchi & Goodwin, 2025, pp. 54, 101). In this way, as Foucault showed how "madness" became an "object for thought" through practices of exclusion, society becomes an object through practices that identify risks and norms requiring protection (Bacchi & Goodwin, 2025, p. 102). Consequently, drawing on Foucault (1980, p. 112), the inquiry operates through mechanisms of exclusion producing knowledge on delinquent children within the criminal justice system by determining how the public becomes a greater object of protection, resulting in the criminal child being constantly positioned in relation to society at large, and the child needing to be managed for the sake of society. What is threatened by these children's crimes are society and crime victims, which weighs more heavily for government interests. Consequently, drawing on Foucault (1995, p. 25), the inquiry uses a tool of lowering the age of criminal responsibility to maintain state power over children through expanded legal regulation and earlier criminal accountability.

Changes in crime patterns among young people appear to indicate the quality of the state's power to address harm in society, which is expected to be strengthened through legal reforms imposing greater responsibility for minors to accept possible following consequences within the criminal justice system. Drawing on Bacchi's (2012a, p. 4) problematization, delinquent children become treated as a broader issue to the society's protection, justifying the proposed solutions to counter it. Crime control is the main responsibility of the state and its authorities. Therefore, the inquiry's measure to lower the age of criminal responsibility to 13 constructs a problem representation centered on the loss of the state's control, safety and responsibility. Loss of control is perceived as the state's incapability to fulfill its fundamental task in protecting citizens: "general preventive function will be eroded if the state appears passive, and if it is perceived that the state has lost control [...] to fulfil its fundamental task of protecting its citizens" (SOU 2025:11, pp. 201-202). Moreover, the loss of control is followed by the risk that if the state does not act upon the harms within the society, it can result in society's loss of confidence of an entire criminal-law system: "If the criminal justice system is not designed in such a way that society's response to very serious crimes [...], is perceived as reasonable by the vast majority, and if victims of crime do not feel that society protects them, [...] this will ultimately affect trust in the entire criminal justice system" (SOU 2025:11, p.

201). In this way, the inquiry presents the need to protect society and to demonstrate the state's capability to do so, reflecting that penal law always represents what is considered useful for society (Foucault, 2000, p. 53). This particularly relates to previous research on the political exploitation of crime, with Swedish legal policy valuing security and society's safety above the rule of law, resulting in stricter coercive measures to respond to new threats (von Hofer & Tham, 2013, pp. 45-46; Schclarek Mulinari, 2025, pp. 26-27). Additionally, the need to protect the public draws from Sweden's long-standing central focus on the victim and not the offender, viewing the offender as a villain, whose behavior needs to be controlled for society to feel safe (Barker, 2013, p. 13). Consequently, the inquiry produces society's protection as another problematization within the crime debate, reflecting that the proposed solution is shaped by power, language, and values - not just facts (Rönblom & Edwards, 2025, p. 519).

Moreover, changes in crime patterns put the government in an uncomfortable situation, reflecting that either way - whether policies are changed or not - there will be negative consequences for everyone, contributing to a worrying development in society (SOU 2025:11, p. 223). Here, the state justifies its actions by following societal protection as a central rule-of-law interest: "The need for societal protection is a fundamental rule-of-law interest that makes it important to respond with a criminal sanction, particularly in cases of very serious offences" (SOU 2025:11, p. 230). Drawing on previous research (Tham, 2012, pp. 23, 25; Andersson, 2024, p. 56), the inquiry reflects that the government is positioning itself with the victims, perceiving delinquent children as bigger threats to upholding a democracy, and resulting in strengthening penal laws and earlier punishment to minors. Consequently, the proposed solution is thus focused on strengthening the efficiency of the criminal justice system and society's protection: "the main argument in favor of lowering the age of criminal responsibility concerns the long-term legitimacy of the criminal justice system and society's need to protect itself from serious crimes" (SOU 2025:11, p. 20). This problematization can be understood as resulting from Sweden's strong crime-victim policies, which emphasize the state's responsibility of punishing the offenders in order to deliver justice to victims (Tham et al., 2011, p. 578). In this way, drawing on Foucault (1980, p. 106), the discipline of younger offenders operates through societal norms - standards of what are considered normal and not acceptable. Consequently, following Bacchi & Goodwin (2025, pp. 32-33, 101), the inquiry constructs society as an object of the issue that needs to be protected from these delinquent children.

5.1.3 The Failure of the Welfare State and the Need for Change

The reform constructs delinquent children as lacking control and integration, effectively displacing limitations in social services-oriented institutions onto those they are meant to support (Bacchi & Goodwin, 2025, p. 104). Therefore, the inquiry again constructs a clear subject of a delinquent child, and the real problem seems to be the welfare services that did not keep these children in check. In this way, “knowledge” about children’s delinquency is not an absolute truth but what a society accepts as true (Bacchi & Goodwin, 2025, p. 39), producing delinquent children as subjects of a repressive reform, where behavior is controlled by law and norms (Foucault, 1995, p. 82). As highlighted above, the inquiry directs attention to protecting society from delinquent children who commit very serious crimes. In contrast, this section examines how this problem has come about.

Following problematizations above, the third theme constructs an inefficient, uncoordinated Swedish welfare state that makes society vulnerable to crime pattern changes. The inquiry problematizes failed state control throughout the inconsistency of welfare institutions, insufficiency in data accessibility, and criminalization of vulnerability enabling children’s involvement in serious offences, led by criminal networks (SOU 2025:11). Formal control marks the state’s ability to have strong institutions, laws, and public order. Therefore, maintaining this control results in new, stricter reforms being more easily understood as justified (Bacchi, 2025, p. 71). Consequently, the proposed solution can be understood as emerging from specific inquiry’s problematizations. The reform lowering the age of criminal responsibility to 13, with the criminal sanction on youth prison units, is framed by centering on the possible failures in welfare systems. The parliament’s comments in the inquiry reveal that even though the social services have long worked with children who commit crimes, the state perceives it as insufficient because of the new breakthrough of younger children getting involved in serious offences: “although the social services work hard with young people who commit offences, the measures taken have proved insufficient” (SOU 2025:11, p. 393). The failure of social services is also perceived through highlighting that children become involved in criminal networks during their stay in SiS homes, reflecting how these kinds of measures are not sufficient to prevent their involvement in more serious delinquent behavior: “individuals within the criminal network pick the children up from the [...] (SiS homes and HVB homes) and place them somewhere while they wait to carry out the new offence” (SOU 2025:11, p. 165). Additionally, the inquiry perceives the welfare system as not only

incomprehensive but also as inconsistent: “there is a risk of insufficient equivalence across the country” (SOU 2025:11, p. 390), justifying its solution as a measure that will strengthen the application of the law (SOU 2025:11, p. 301). In this way, following Bacchi & Goodwin (2025, p. 17), the inquiry produces new knowledge on the “old” welfare system as not delivering promised results, creating a new vision of punitiveness as a better future tool to control these delinquent children. As a result, drawing on Foucault (1980, pp. 56-57), the inquiry constructs delinquent children as a site of conflict between children and systems of authority that work with them. Moreover, as mentioned above, the state finds it worrying that nowadays there is no official criminal records data to what extent children between 13 to 14 commit serious offences, because the age of criminal responsibility is set to 15 (SOU 2025:11, p. 262). Therefore, the problematization of a gap in data frames a preventive solution in which the lowered age of criminal responsibility will help uncover how severe the issue is, while at the same time presenting children as subjects of experimentation and criminalizing their vulnerability. Consequently, these patterns of problem formation signals change and reinforce existing regimes of government (Bacchi & Goodwin, 2025, p. 49).

5.1.4 Concluding Remarks

The inquiry presents three overarching problematizations. The first problematization showed that the new legal reform is a result of changes in crime patterns within society, with criminal networks exploiting children under 15 years old to carry out very serious offences for them. What I found most engaging in the first part is that the construction of children as both victims and offenders is used to promote the proposal: the reform is “needed” to protect children from victimization (i.e. repress to protect), but also to protect society from children who do not belong. In this way, the second problematization revealed that the legal reform results from the need to protect society and crime victims from harm and suffering. Here, the inquiry continues to exclude children by emphasizing the need to protect the legitimacy of law and society through stronger responses to the harm linked by the issue of younger children’s involvement in serious crimes. Lastly, the third problematization reflected that the Swedish legal reform operates through constructing children’s involvement in serious offences as the failure of the long-standing social welfare system, undermining its capability in prevention. Consequently, the inquiry frames the failure of the “old” welfare state as justification for constructing a “new,” more punitive state that is presumed not to fail.

5.2 Repression vs. Prevention: How Is the Proposal Being Disrupted and Justified?

After the problem representations were revealed, it is now the time to examine how the discursive practices of children's rights organizations challenge what the reform is about (Bacchi & Goodwin, 2025, p. 147). Here, following Foucault, resistance becomes the main tool for disrupting power, not from the outside but within the reform process, by questioning dominant narratives and bringing forward marginalized or "subjugated" knowledges visible (Bacchi & Goodwin, 2025, p. 35). Moreover, according to Foucault, the resistance of the reform creates freedom to some extent, because it helps us to see the hidden rules, limits, and exclusions that policies usually try to silence (Bacchi, 2012a, p. 4). Therefore, the further analysis reveals how chosen children's rights organizations in Sweden (UNICEF, Rädda Barnen, and Bris) confront the reform in every possible aspect by highlighting its departure from Sweden's international commitments and traditional welfare system. Additionally, the analysis shows that, despite the criticism received about the reform, the government's referral (Regeringen, 2026) disregards the opinions of children's rights organizations and continues to justify its criminal measure of lowering the age of criminal responsibility to 13.

5.2.1 Knowledge of the Vulnerable Child

Law is a dynamic, shaping force that works through ongoing interactions between power, language, and identity - not just rules, creating legal subjects and legitimacy in contested spaces where justice is negotiated (Wagner, 2025, p. 17). In this way, the production of delinquent children as subjects is not fixed as it is constantly being formed through social and political processes that enact change (Bacchi & Goodwin, 2025, p. 53). Therefore, while the analyzed inquiry above constructs a subject of the delinquent child that needs to be controlled, the children's rights organizations construct a subject of the vulnerable child that needs to be protected. In this way, Foucault's concept of power/knowledge helps to challenge traditional thinking by questioning fixed identity categories that the policies produce (Bacchi & Goodwin, 2025, p. 11). Moreover, Foucault's idea on power/knowledge helps to reveal that everything can be questioned, and that criticism can gain strength by bringing up real evidential truth to question the truth produced by the new reform (Foucault, 1980, p. 82).

The children's rights organizations agree that the younger children's involvement in serious criminality is a worrying crime development, but the measure of lowering the age of criminal responsibility to 13 is not seen as proportionate to the reform's purpose of crime prevention (UNICEF Sverige, 2025b, pp. 2-3; Bris, 2025a, p. 4). Here the government's referral clarifies that the intention of the solution is not to reduce crime, but to "maintain public protection and contribute to the victim's interest in redress" (Regeringen, 2026, p. 81). The children's rights organizations express the worry that the reform is targeting children and not adults, and highlights that there will always be new children being recruited to carry out violent crimes (Bris, 2025a, pp. 2, 6). Consequently, children's involvement in serious offences should not be combated by using repressive measures (UNICEF Sverige, 2025b, p. 3; Bris, 2025b, p. 6). Moreover, Bris (2025b, p. 7) reflects that even the families that lost someone due to gang-related violence request the government to focus on the structural issues to reduce social exclusion and the vulnerability of children and oppose the state's solution on lowering the age of criminal responsibility to 13. While these statements expose government as focusing only on controlling the vulnerable rather than addressing the structural issues, the government's referral justify its measures by arguing that if children continue to not be held criminally responsible for serious offences, it will undermine trust in the entire criminal justice system and the protection of society, as responses to crime would remain insufficient (Regeringen, 2026, pp. 69, 84). Moreover, the inquiry justified the criminal measure by stating that criminal networks operate in accordance with established laws, and in this way, the new reform will help control violent gangs and prevent children's exploitation. However, children's rights organizations disagree with such statements, highlighting that if the age of criminal responsibility is lowered to 13, violent gangs will target even younger children (Bris, 2025b, p. 5; Rädde Barnen, 2025, p. 5). After such an assessment, the government's referral takes these comments into account and presents already taken measures to minimize and prevent these risks through strategies such as "the communication *Barriers to Crime – a Social Preventive Strategy against Criminal Networks and Other Crime*, which has a particular focus on breaking recruitment and socialization into criminal networks" (Regeringen, 2026, p. 83). In this way, the state continuously shapes domination and power over children by enforcing new interventions that produce "truth" about their deviance and keep the systems running (Foucault, 1980, p. 93).

Moving forward, both the inquiry and the government's referral highlight that not taking any measures equals turning a blind eye to harm yet justify this by turning a blind eye to children

and their needs, as if they are not part of society. Increasing harsher measures on younger children is not perceived as a solution by children's rights organizations (Bris, 2025a, p. 11), and will put even more children at risk, lacking evaluation on the imposed negative consequences that children and the public will face in the future (Bris, 2025b, p. 3). The Committee on the UNCRC highlights that such a response is not based on rational knowledge of children's development, which emphasizes their ability to take responsibility for their actions:

The proposed lowering goes against research on children's cognitive and emotional development, which emphasizes children's limited ability to [...] take responsibility for their actions. Nor is there any scientific support for the idea that punishing younger children leads to reduced criminality. (UNICEF Sverige, 2025a, p. 3)

Therefore, the inquiry lacks an understanding of children's vulnerability (Bris, 2025a, p. 3) and presents insufficient evidence on the consequences after the reform becomes active (Bris, 2025b, p. 3; Rädga Barnen, 2025, p. 2). In this way, drawing on Bacchi & Goodwin (2025, p. 53), children's rights organizations use rational evidence and knowledge to construct the vulnerable child as a subject, revealing that the reform is declining recognition of children's vulnerability and their right to rehabilitation. Here, the government's referral does not deny the evidence of harm to the child but justifies the solution by arguing that nowadays children under 15 years old appear to be capable of committing serious offences, therefore, they should not completely avoid punishment, resulting in the system getting reassessed (Regeringen, 2026, p. 81). Moreover, the government's referral highlights that the measure is applicable when there's a need to protect society even if it works against the best interests of the child: "The government considers the potential harm to children acceptable, arguing it is outweighed by the need to address serious crime and support victims" (Regeringen, 2026, p. 249). In this way, the reform mirrors Foucault's notion of power within a sovereign state, highlighting that, in order to uphold the state's authority, law is exercised through contradictions of rights, inequality, and coercivity (Foucault, 1980, p. 88). Here, the reform builds on already existing state power over children, using stricter prohibitions to reinforce it (Foucault, 1980, p. 122), and reveals underlying systems of limitation and exclusion that affect certain groups of individuals throughout the reform (Bacchi, 2012a, p. 5) - delinquent children. Consequently, governing relies on knowledge about the roles through which certain groups of people are

understood with some being visible while others are not (Bacchi & Goodwin, 2025, p. 56), reflecting that knowledge about delinquent children is not fixed and is always changing.

5.2.2 The Crisis of Legitimacy: The Reform Does Not Align with the UNCRC

Through dividing practices, society creates oppositions such as delinquent and non-delinquent, which label children as further failed subjects, resulting in stricter reforms of increased surveillance, control, and harsher punishment (Bacchi & Goodwin, 2025, p. 56). Drawing on Bacchi & Goodwin's (2025, p. 56) understanding of Foucault, this analysis argues that different discourses construct delinquent children and the protection of society in conflicting ways, creating tensions that open space for disruption and challenge the punitiveness promoted by the reform. In this way, drawing on Foucault's (1980, p. 258) concept of power/knowledge, true resistance against the reform imposing stricter management of children's delinquency occurs by questioning the entire understanding of children's access to law, rights, and protection.

Crime control and protecting the vulnerable are fundamental state responsibilities. How the state responds to the serious offences committed by children shows its international commitments to the legal protection of children's rights. According to children's rights organizations, the proposed inquiry goes against the core idea of the UNCRC, which highlights that children have more specialized needs and are prompt to vulnerability, meaning that social and legal systems should not treat them as adults (UNICEF Sverige, 2025a, pp. 1-2; Rädga Barnen, 2025, p. 5). UNICEF Sverige highlights that regulations under the UNCRC are designed to be followed no matter how serious the situation is and is based on proven knowledge and experience:

The recommendations of the UN Committee on the Rights of the Child are designed to be followed regardless of how serious or complex a societal situation is [...]. Both the Convention and the Committee's recommendations are based on knowledge, research, and proven experience. (UNICEF Sverige, 2025b, p. 2)

Therefore, children's rights organizations find it worrying that the state within the inquiry appears to misinterpret the Committee's on the UNCRC explanations, followed under Article 41, that the age of criminal responsibility set to 14 is desirable but should not be lowered if it is already higher than 14 (UNICEF Sverige, 2025a, p. 2; Bris, 2025b, p. 5; UNICEF Sverige, 2025b, p. 1). Moreover, the lowered age of criminal responsibility as a stricter criminal justice measure is seen as inconsistent with the Swedish law and will contradict with the UNCRC protection under Article 40, which regulates that children who commit crimes must be treated in ways that support their reintegration (Bris, 2025b, p. 5; UNICEF Sverige, 2025b, p. 2). In this way, lowering the age becomes an excuse for correcting minors at an earlier stage, reflecting previous research on how the Swedish criminal justice system focuses more on public security than on the rehabilitation of offenders (Schclarek Mulinari, 2025, pp. 26-27). While children's rights organizations worry about the reform's incompatibility with the UNCRC, the government's referral denies it, and stresses that it is not targeting to alter or weaken children's rights in any way (Regeringen, 2026, pp. 152-154). In addition, the government's referral highlights that the Committee's on the UNCRC recommendations have "no status under international law as a source of law and are not legally binding on states parties" (Regeringen, 2026, p. 152), justifying its solution as a legally acceptable measure. In this way, drawing on Foucault's concept of power/knowledge (Turek, 1990, p. 181), criminal law, justice, and punishment together produce a system that justifies the penal process of lowering the age of criminal responsibility and turning children into both a target of power and a tool for exercising it throughout the new reform. Consequently, the reform becomes a staged space where justice for society is performed (Wagner, 2025, p. 10), reflecting that modern law continues to rely on the denial such as on ensuring children's rights.

Moreover, both the inquiry and the government's referral frame society as in need of protection, while leaving children exposed to the early criminal justice system, which will eventually lead to stigmatization, reinforced exclusion, and reoffending, exposing both the child and the public to further risks (UNICEF Sverige, 2025b, p. 2; Rädde Barnen, 2025, p. 7): "Early exposure [...] risks leading to stigmatization, reinforced exclusion, and entrenched criminal identity. [...] it risks [...] recidivism, which is negative for the individual child as well as for societal development at large" (UNICEF Sverige, 2025a, p. 3). In addition, while the inquiry justifies the solution by protecting the erosion of the entire justice system, Rädde Barnen (2025, p. 7) stresses that this measure will lead the system to the erosion, partly because a large part of the public opposes the reform. Therefore, the legitimacy of the

criminal justice system is not supported enough in the inquiry, because there is no evidential basis showing that this criminal measure will strengthen the trust in the criminal justice (Bris, 2025a, p. 8; UNICEF Sverige, 2025b, p. 2; Rädga Barnen, 2025, p. 2). Consequently, the inquiry reveals a clash between societal protection and children's deprivation of liberty (Bris, 2025a, p. 7), thereby undermining people's trust and indicating that this measure will neither combat crime nor protect society from it (Bris, 2025b, p. 2; Rädga Barnen, 2025, p. 7). In addition, Bris (2025b, p. 6) reflects that since the inquiry's proposed measures appear to be speculative, the government should not implement this legal reform based only on speculations. The government's referral confronts this criticism by arguing that not changing criminal measures for children is in itself ironic, because the same crimes could result in a lifetime imprisonment for adults, meaning that the state needs to show society that it does not accept such seriously deviant behavior among children and that consequences will be imposed (Regeringen, 2026, p. 81). Drawing on Foucault's (1980, p. 104) idea of modern power, the reform can be understood as an exercise of everyday discipline through increased surveillance of delinquent minors, signaling that such seriously deviant behavior will not be tolerated. Consequently, following Bacchi (2012a, p. 5), the implicit systems of limits and exclusions shape an understanding of the reform in ways that prioritize societal norms, which in turn continuously expose children to further legal risks.

Lastly, the inquiry justifies the measure by statements that if no action is taken it will result in a worrying development within society. However, the government proceeding with this punitive measure is contested as a worrying development in the state (Bris, 2025b, p. 3), deviating from a long-standing Swedish legal traditional administrative order, neglecting extensive criticism (Bris, 2025b, pp. 2, 4). Here, the government's referral continues to justify the criminal measure and urgency of it by valuing the protection of society and the interest to redress victims in order to ensure the legitimacy over the criminal justice system (Regeringen, 2026, p. 152). However, UNICEF Sverige (2025b, p. 1) highlights that lowering the age of criminal responsibility constitutes a clear departure from Sweden's international commitments under the UNCRC and implies a weakening of children's legal protection under the best interest of a child. In addition, Rädga Barnen stresses the worry that the government is interpreting children's rights as something that can be denied, which results in undermining the principle that children always have all their rights, even when they are suspected of crime:

It is highly remarkable that the government chooses to interpret the Convention on the Rights of the Child as negotiable and as something that can be disregarded. The Convention on the Rights of the Child always applies, regardless of the situation in which country finds itself, and children always have all of their rights, even when they are suspected of having committed crimes. (Rädda Barnen, 2025, p. 6).

Drawing on these concerns, the government's referral justifies its decision by highlighting that, under Article 8 of the European Convention, it is permitted to take measures that ensure "that individuals are protected in their rights against other individuals" (Regeringen, 2026, p. 71). This particularly aligns with Foucault's (1980, p. 85) idea that law makes power appear legitimate by punishing a delinquent child in order to fulfill the state's lawful duty of protecting society, while hiding its reinforced control over children. Moreover, the government's referral highlights that this measure is not meant to perfectly align with the UNCRC and instead responds to concerns that more younger children are committing very serious crimes (Regeringen, 2026, p. 154). Therefore, the reform is framed as a solution to protect Swedish society from children's involvement in serious crimes such as lethal violence and murder (Regeringen, 2026, pp. 80-81). In this way, the reform reflects Foucault's idea that the state's role is to resolve violence within society by navigating its power through the exclusion of the vulnerable (Valverde, 2017, pp. 125-126) – such as delinquent children - resulting in the Swedish government forgetting the principles of the UNCRC, which emphasize that children should not be treated as adults (Kairienė, 2023). Consequently, these justifications reveal that the state is more interested in protecting society than a vulnerable child, moving away from a meaningful engagement with the value of children's rights.

5.2.3 The Need for Social Welfare

From a poststructural perspective, the failure of social services presented by the inquiry undermines the value of the welfare system's interventions and treatment (Bacchi & Goodwin, 2025, p. 45). Drawing on Foucault's (1980, p. 141) concept of power/knowledge, the reform's turn from social services towards penal systems should not be seen only as repression, but also as part of a broader system that manages society between legal and illegal actions in ways that serve political purposes. Here, knowledge is not something fixed but is produced through what institutions are seen as most relevant, revealing the main issue

(Bacchi, 2012a, p. 3). Consequently, if the welfare system is seen as the most fitting way to correct delinquent children, the question becomes how the reform also constructs that system itself as an issue.

Social services have always worked towards better inclusion and rehabilitation interventions for children drawn into criminality. Both the inquiry and the government's referral stipulate that the need for criminal sanction changes appears as the only solution to cover up the insufficient work of the social services work, resulting in failed intervention to reduce children's exploitation by criminal networks (Regeringen, 2026, pp. 65, 81). However, Bris highlights that neither the inquiry nor the government's referral acknowledge that social services may fail due to inadequate conditions such as understaffing and high turnover, overlooking that preventive work requires long-term commitment and that, if these conditions are not met, the state cannot claim everything has been tried:

Preventive work requires long-term commitment, stable resources, trust in professional expertise, and carefulness and respect for the children being worked with. These conditions are currently not being met. As long as this remains the case, [...] it cannot be said that we have done everything possible to prevent children from becoming involved in criminal activities. (Bris, 2025b, p. 8)

In this way, drawing on Bacchi's (2025, p. 22) concept of problematization, children's rights organizations draw attention to what has been left invisible in the reform proposal. Here, children's rights organizations believe that the inquiry's statement about the failures of the welfare system are not evidently sufficient, therefore it should not be treated as a reason to lower the age of criminal responsibility by putting the blame on an individual child (UNICEF Sverige, 2025a, p. 3; Rädde Barnen, 2025, p. 2). In this way, the silence in the reform is not just absence of knowledge - it is a tool of power used to justify stricter measures (Wagner, 2025, p. 12). Children's rights organizations highlight how the inquiry also neglects that the research and lived experiences of a child-adapted prevention result as the most effective interventions, which occur outside the criminal justice system, producing better outcomes for both the child and the public (Bris, 2025a, p. 3; UNICEF Sverige, 2025b, p. 2). Drawing on Foucault's (1980, p. 82) concept of power/knowledge, the above-mentioned experience-based knowledge of the welfare system functions as a tool for challenging dominant systems of power, such as the reform. Consequently, the reform is perceived as focused on repression

even though it is presented as prevention, leading to insufficient expertise of ensuring that the legal processes will be exercised under the UNCRC (Bris, 2025a, p. 3; UNICEF Sverige, 2025b, p. 3). Therefore, these organizations reflect Bacchi and Goodwin's (2025, p. 5) problematization that any problem constituted in policy, such as the problem of children drawn into serious criminality, can be thought about differently. Consequently, Rädga Barnen (2025, pp. 2-3) proposes investing in early and preventive social services to counter social vulnerability, which can be achieved without lowering the age of criminal responsibility. Drawing from this problematization, the government's referral does not decline the need for stronger social welfare, and shows its coordinated collaboration across authorities such as police, social services, and schools:

The collaboration structure aims to coordinate work with children and young people who risk committing or are committing serious crimes in environments linked to organized crime. Since 2021 [...] have been working to strengthen and develop support for dropouts across the country. [...] The government has also granted funds to the organization [...] Bris to [...] reach more children and young people who want to leave criminality, children and young people at risk of being drawn into criminal environments, and children and young people indirectly affected by increased violence. (Regeringen, 2026, p. 66)

While these efforts seem to strengthen and support the efficiency of social services and other authorities, the real goal of strengthening social law is presented as the only option to meet the need for "societal protection and crime victims' legitimate interest in redress" (Regeringen, 2026, p. 70). Consequently, the efforts for legal reform continue to be justified as a tool of protecting society and victims of crime. In this way, the Swedish state is working against the promised protection of vulnerable children and the importance of treating them with dignity, for the purpose of achievable reintegration into society (UNICEF Sverige, 2025a, p. 2; Rädga Barnen, 2025, p. 8). Consequently, following Foucault's (1980, pp. 102, 109) concept of power/knowledge, the government's justification of the reform reflects that delinquent children are being produced as subjects not worthy of rights through new systems of knowledge and social practices.

5.2.4 Concluding Remarks

Children's rights organizations heavily criticize the proposed legal reform, as it significantly promotes punitiveness, neglects children's vulnerability to early punishment, lacks evidence of its advantages, contradicts the UNCRC and shifts the government's focus from protecting the children to protecting society from them. Moreover, children's rights organizations oppose this measure because, while it aims to combat the exploitation of children by violent gangs, it may lead to even younger children becoming involved in serious crime. However, the government's referral neglects this criticism and continues to support the idea that these children should not completely avoid punishment and that society deserves recognized protection. In this way, the reform showcases its shifting turn, as nowadays children are increasingly being treated as adults. Here, children's rights organizations oppose the reform because it is in direct conflict with the UNCRC and the recommendations received from the Committee on the UNCRC, and deviates from what is perceived as a trustworthy criminal justice system among victims and perpetrators. However, the government's referral responds by focusing entirely on protecting crime victims and society in order to ensure the credibility of the justice system, even if it neglects the best interests of children. Lastly, children's rights organizations advocate strengthening the social welfare system through supportive interventions rather than stricter criminal measures. In contrast, the government's referral highlights the shortcomings of social services and continues to justify the criminal measure as the primary solution for protecting the state from further harm and suffering.

Chapter 6 - Concluding Discussion

The overarching purpose of this thesis has been to critically analyze reasonings behind the 2026 Swedish legal reform lowering the age of criminal responsibility to 13, and how those reasonings have been disrupted by children's rights-oriented organizations, revealing the tension between children's rights protection under the UNCRC and the need to make these children responsible for the harm caused to crime victims and society. Using Bacchi's WPR approach and Foucault's theoretical concept of power/knowledge, this thesis was focused on analyzing two research questions.

The first research question - What problematizations are produced through the 2026 legal reform lowering the age of criminal responsibility and how are these problematizations justified in the legislative process? – with problematizations and justifications being examined in the first part of the analysis, and some of the justifications in the second part. The first part of the analysis revealed the three overarching problem representations. The first “problem” appeared to be the most engaging, as it constructed the child both as a victim and an offender within criminal networks: a subject who must be protected from these networks while society, in turn, must be protected from the child. This duality positions the child as both vulnerable and dangerous, justifying the measure as a tool for maintaining the state's control over crime by strategies of exclusion. The second “problem” was presented as the need to protect society and ensure the legitimacy of the criminal justice system, which justifies the reform through the need to demonstrate that the state is not passive to harm and can control the overarching violence caused by criminal networks recruiting these children. Lastly, the third “problem” appears to be the failure of the welfare system, which justifies the reform by the need for youth criminal justice system changes, as the traditional system is perceived as not producing desirable effects.

The second research question – How do different children's rights organizations disrupt the 2026 Swedish legal reform throughout the law-making process? – was examined in the second part of the analysis, which revealed that the children's rights organizations entirely oppose the reform. These organizations disrupted it by producing a different subject – the vulnerable child who is sensitive to early punishment. Moreover, by using legal knowledge

children's rights organizations pointed out the reform's inconsistencies with the UNCRC. In addition, the reform was also disrupted by framing society and welfare differently.

6.1 Discussion – The Punitive Turn

The discussion reflects Foucault's idea of discipline and punish, which highlights that punishment and the regression of illegalities become a regular function of criminal law, controlling and correcting children's behaviors in a way that enhances authoritative power over them (Foucault, 1995, p. 82). The previous research and analysis together reveal that Sweden's contemporary legal landscape is focused more on separating offenders from the society with the focus on punishment rather than on rehabilitation. Revealed problem representations in the analysis balance contrasts between lawful and unlawful behaviors, drawing boundaries between children who commit crimes and legitimate society (Foucault, 1995, p. 104). Additionally, these representations of problems hold the characteristics of the power of law, including repression through control, the authoritative power to manage populations, the domination of power through separating children from society, punishing unlawful behaviors, and the criminalization of the vulnerable through a greater interest in protecting society (Turek, 1990; Foucault, 1995; Wagner, 2025).

Drawing on Foucault's (1995, p. 106) concept of discipline and punish, and the problem representations outlined above, which reflect a punitive turn in the youth criminal justice system, the first identified problem representation further reflects children's serious criminality as a pressing crisis to society's safety, which enables the reform to be justified as a necessity, giving the state more power to counter this issue by presumably protecting even younger children before the situation escalates further. In this way, governance of the youth criminal justice system becomes what Foucault called an "art of distribution," shaping how children drawn into serious criminality are positioned, perceived, and permitted to move within society (Wagner, 2025, p. 12). The other, yet most significant, problem representation is that, in the eyes of the government, the reform's main target is to protect society from the harm caused by these delinquent children. This way the government shifts responsibility from the state to the child, undermining their protection under the UNCRC and reinforcing exclusion and stigmatization. What becomes important here is that the government's referral considers that the issue of these children drawn into criminal networks is so severe that the reform is not meant anymore to align with the UNCRC, and instead it is a result of the serious

crime pattern changes among the minors (Regeringen, 2026, p. 154). In this way, throughout the practice of the new reform, the law produces ideas on children's guilt, responsibility, and credibility, using an authoritative power to shape them as subjects of control (Wagner, 2025, pp. 2-3). The constant focus on children's behavior and the protection of the public reflects that the government is no longer interested in protecting these children from adults and environments that draw them into criminality, neglecting the efforts of welfare state institutions, and is instead eager to separate them from society because it is easier to control them than to combat the root causes of these crimes. Drawing on previous research, it can be reflected that the root issues of children's serious criminality are structural, such as children living in socio-economically disadvantaged and marginalized areas where crime becomes a part of daily lifestyle (Brännström, 2012, p. 327; Hällsten et al., 2013, p. 468; Anderberg et al., 2022, p. 408). Another issue pointed out by previous research is discrimination within the criminal justice system between first-generation Swedes and children with a migrant background, which results in migrant children being suspected of crime and charged at substantially higher rates (Brännström, 2012, p. 333; Hällsten et al., 2013, p. 466). In addition, stigmatized areas and discrimination lead to children's exploitation by criminal networks, revealing the state's failure to protect them (Rostami, 2017, p. 366; Calderoni et al., 2020, p. 2). In this context, in general, crime in Sweden has been associated with migrants and racialized groups (Heber, 2023, p. 860), meaning that the reform might result in targeting primarily migrant children, thereby reinforcing discrimination and stigmatization. In this way, drawing on Foucault (1995, p. 110), the reform demonstrates that ideas of an ideal society will become linked to the harsher lived realities of these children.

Moreover, the lowered age of criminal responsibility reflects that in Sweden crime prevention is focused on teaching citizens, especially children, the norms and values of a civilized society (Andersson, 2024, p. 64). While the UNCRC was created in order to treat children as children and punish them only when nothing else works, the Swedish government appears to be not interested in upholding these rights anymore even after the UNCRC became the Swedish law in 2020. In this way, the government thus frames rights as conditional upon conformity to societal norms and lawful behavior (Rennerkog, 2021). From this perspective, rights can be understood as producing an appearance of freedom, while law and social behavior are simultaneously organized through judgements of deficiency and deviance (Bacchi & Goodwin, 2025, p. 57). Importantly, even after the Committee on the UNCRC requested Sweden to not lower the age of criminal responsibility neither to 13 nor to 14, the government

continues with the decision as a way to protect the society from further risks. This decision reflects that law's authority depends not only on rules and discipline but also on the reform being convincingly staged as a source of protecting the populations and the legitimacy of the criminal justice system (Wagner, 2025, pp. 10-11). Therefore, punishing children at a younger age means that the state controls them by restricting their rights, imposing additional rules, and limiting choices (Foucault, 1995, p. 11). Drawing on previous research, combating organized crime requires more coercive and stricter measures (Tham, 2012, pp. 16-17), meaning that the legal reform might follow a logic of pausing on integrity, rights, and democracy (Schclarek Mulinari, 2025, p. 28). In this way, one can draw a conclusion that the reform creates a new victim - society. This particularly connects to previous research showing a shift from viewing offenders as in need of help to seeing them as villains through the state's focus on strong victim-oriented policies, which emphasize repairing harm to the public (Garland, 2002, p. 175; Tham et al., 2011, p. 560; Tham, 2012, p. 23; von Hofer & Tham, 2013, pp. 43-44), and, as in this reform, not to the children drawn into serious criminality. It also reflects Bacchi & Goodwin's (2025, pp. 18, 43) concept of problematization, that the reform is not meant to solve the issue of children's involvement in criminal networks, but rather it creates new problems through creating a child as a subject of a broader issue of control for the safety of society's well-being.

Lastly, the punitive turn for young offenders in Sweden deviates from the long-standing tradition of international juvenile justice standards, which emphasize integration, treatment, and child-adapted supportive interventions (Cipriani, 2009, p. 36, Lappi-Seppälä, 2018, p. 123), as well as from Sweden's earlier focus on ensuring that young offenders do not face harsh treatment and are instead sent to social services (Tham, 2012, p. 15). It becomes particularly interesting that the inquiry mentions the issue of youth offending populations coming from vulnerable and marginalized areas (SOU 2025:11, p. 162), yet the reform does not focus on strengthening social services in those areas but rather on punishing children at a younger age. Here, the reform reflects previous research showing that the Swedish state is prioritizing public safety over rehabilitation of delinquent children targeted by the reform (Schclarek Mulinari, 2025, pp. 26-27). Consequently, drawing on Foucault's (1995, p. 90) concept of discipline and punish, society asserts its right to oppose these children in its entirety, as the offenders are constructed as enemies and traitors, thereby excluding delinquent children from society. Moreover, the analysis of the 2026 legal reform also reflects previous research showing how Sweden, for the past 50 years, has focused on creating policies that

combat threats to democracy by valuing the imprisonment of individuals for their behavior, reflecting Foucault's (1995, pp. 11, 108) idea that punishment is directed at some populations. Previously mentioned Sweden's ideology of a "drug-free" society, followed by zero-tolerance visions (Tham, 2012, pp. 23-24; von Hofer & Tham, 2013, p. 35), has now shifted into a zero-tolerance approach to serious offences committed by younger offenders, pushing the new reform into the light to pay for the harm caused to society. In this context, drawing on Foucault (1995, pp. 128-129), punishing children earlier reflects how law continuously exposes populations to rules and authority, where disciplinary power operates both upon and within the individual, becoming internalized as self-regulating conduct. Moreover, the reform, presented as time-limited up to 5 years, further exposes children to harm as they become an experiment of broader techniques of control. Therefore, the reform becomes an example of Foucault's disciplinary systems, which favor stricter penalties to prevent future disorder and use early punishment as an exercise of power through increased surveillance, normalization, and the discipline of social bodies (Foucault, 1995, pp. 93, 179-180). Consequently, the reform plays out as an example that modern Swedish crime policy is now focused on only protecting law-abiding citizens through control, rather than reforming offenders (Andersson, 2024, pp. 59-60).

In conclusion, the 2026 legal reform lowering the age of criminal responsibility to 13 indicates a significant departure from the long-standing international trust in strong Swedish welfare system for children, emphasizing rehabilitation and reintegration. Despite children's rights organizations stressing the importance of the UNCRC and urging a halt to the reform, the state continues proceeding with the reform, signaling shifts in Sweden's governance over youth - from welfare-oriented approaches toward punitive penal strategies. The reform additionally reflects a broader shift in seeing society as the victim of a child's hand, forgetting that these children are also part of society, have rights and are worthy of the support, thereby reinforcing increased surveillance and control over vulnerable populations.

6.2 Further Research

The research conducted in this thesis reveals the punitive turn in governance of children drawn into serious criminality in Sweden. However, this study is limited because it has approached a small number of documents, as well as not the whole law-making process, which may not fully capture the broader tensions between rights and punishment. Therefore,

further research is necessary, particularly after the reform becomes active, to examine issues that may have been missed during this research. This could be achieved by conducting fieldwork and qualitative interviews with the affected authorities, such as social services and probation services, by revealing whether the reform is successful in countering children's criminality and protecting society from violence or further exposing children to legal risks when there is an absence of understanding of the protection of children's rights within the reform.

Moreover, while this thesis showcases why the Swedish government is motivated to turn to punitiveness for society's well-being, further research could significantly enhance the understanding of this punitive turn by examining the actual lived effects after the reform becomes active. Drawing on previous research, the risk of children's involvement in criminal networks is significantly connected to the fact that most of them come from socio-economically vulnerable areas and have migrant backgrounds (Brännström, 2012, p. 327; Hällsten et al., 2013, p. 468), which influences their prosecution to be twice as likely as for youth being first-generation Swedes and coming from well-off areas (Anderberg et al., 2022, p. 408). In this way, the reform is likely to further stigmatize and exclude children who are already severely marginalized within Swedish society, thereby reintroducing discriminative legal policies. Consequently, further research would help to reveal which groups of children were mostly targeted by the reform.

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