

**STOPPA  
VÅLDET MOT  
KVINNOR**



# Men's Violence against Women in Intimate Relationships

**An account of the situation in Sweden**

19 April 2004



**amnesty**

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# Introduction

The UN Universal Declaration of Human Rights proclaims that all human beings, without distinction of any kind, such as sex, race, religion, social status or sexual orientation, are entitled to fundamental rights and freedoms, such as the right to life, liberty and security of person, the right to equality within the family, the right to health, and the right not to be subjected to torture or to any other cruel, inhuman or degrading treatment or punishment. Violence against women is a serious violation of women's fundamental rights. Gender-based violence occurs in every country in the world, but despite the fact that violence against women is one of the most widespread violations of human rights across the globe, it is still largely concealed and under-reported. Women of different nationalities or of varying ethnic, religious or cultural background or sexual identity are the victims of this crime. The violence is directed at women of all ages and social classes and represents one of the major threats to the lives and health of women.

Violence against women is defined by the UN as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."<sup>1</sup> Women are subjected to violence precisely because they are women in a social structure that subordinates women and discriminates against them. Men's violence against women in intimate relationships is often regarded as the ultimate proof that unequal power relations between men and women prevail in society. Gender-based violence is thus a manifestation of discrimination against women that also contributes to maintaining the gender power structure and gender discrimination.

International law is clear as to the responsibility of states to take all the necessary steps to combat violence against women, regardless of whether the violence takes place in the public or the private sphere and irrespective of who the perpetrator is. It is incumbent upon all states to respect, protect and enable women to assert their human rights, to prevent violence and to investigate and punish the perpetrators. Furthermore, it is the responsibility of the state to support abused women and provide them with adequate protection.

In Amnesty International's view, violence against women may constitute torture for which the state is accountable when it is of a nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection.<sup>2</sup>

The UN committee in charge of monitoring the states' observance of the Convention on the Elimination of Discrimination against Women (CEDAW) concluded in 2001 that the presence of violence against women demonstrates that there is a skewed balance of power between women and men also in Sweden. The CEDAW committee called on the Swedish Government to "continue to gather data about the nature and extent of violence against women, particularly within the family, and to continue its work to implement and strengthen the present policy to combat violence."<sup>3</sup> The former UN special rapporteur on violence against women, Radhika Coomaraswamy, also stressed in her 2003 report that the Swedish Government must "continue its work to implement and strengthen the present policy to combat violence..."<sup>4</sup>

Thanks to the hard work that the women's rights movement and gender researchers have carried out for decades, violence against women has now been placed on the political agenda in Sweden. Swedish legislation on violence against women and on the protection of women's integrity may be one of the most progressive of its kind in the world; nevertheless, despite the positive efforts and measures by the Swedish government to combat violence against women, men's violence against women in intimate relationships remains a wide-spread and serious social problem that even seems to be increasing.<sup>5</sup>

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<sup>1</sup> UN Declaration on the Elimination of Violence against Women, Art. 1

<sup>2</sup> Amnesty International: Broken bodies, shattered minds: Torture and ill-treatment of women, 2001

<sup>3</sup> Report of the Committee on the Elimination of Discrimination against Women, General Assembly Official Records, Fifty-sixth Session, Supplement No 38 (A/56/38). 2001 CEDAW/C/SR.510 and 511

<sup>4</sup> Economic and Social Council: Integration of the human rights of women and the gender perspective. Violence against women. Report of the Special Rapporteur on Violence against Women, its causes and consequences

<sup>5</sup> National Council for Crime Prevention (BRÅ), Apropå No. 1/2003

This report forms a part of Amnesty International's global campaign "Stop violence against women," that runs between March 2004 and December 2005. The report has been compiled in order to raise the awareness and increase the knowledge about men's violence against women in Sweden. It's time to stop talking about violence against women as a phenomenon that only occurs elsewhere, far away in other countries or within certain minority groups. Men's violence against women represents an extremely serious human rights problem also in Sweden, and comprehensive measures are required to prevent, preclude and punish such violence and to provide protection and support for abused women. The responsibility rests on the authorities, the legal system and political bodies at all levels in society, be they national, regional or local.

It is not until we stop considering men's violence against women as a sudden and marginal phenomenon that only affects a few individuals that real and necessary change can be brought about. However, for this to be achieved, we must put an end to the many myths about who gets abused and who abuses. We have to stop redefining, diminishing and making excuses for men's violence against women in individual instances of violence. Men's violence against women can never be excused or accepted.

It is high time that women's human rights are made a reality in all homes - also in Sweden.

# Men's violence against women in intimate relationships

## The causes and mechanisms of violence

Violence against women is defined by the UN as "any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." The demarcation lines between the different forms of violence are vague, and gender-based violence is often described as a continuum where men expose women to a continuous sequence of psychological, physical and sexual violations, such as controlling behaviour, threats, restriction of the freedom of movement, sexual harassment, battering, sexual violations and rape. Psychological assault often includes threats of physical and sexual violence. Sexual violations and rape often involve both physical and psychological violence. Physical abuse is often combined with threats and sexual violations or rape.

Women are subjected to men's violence in a number of different contexts. The violence may be perpetrated by men close to the woman, as well as by male acquaintances or strangers. The violent crimes may take place at work, at school, in bars, in the street or in other public places; however, most of the violence against women in Sweden is perpetrated in the woman's own or somebody else's home.

Men's violence against women in intimate relationships is defined here as psychological, physical and sexual violence committed by a man with whom the woman has, or has had an intimate relationship. It may be her current or former husband, cohabitant/partner or boyfriend. Violence against women in such relationships is often recurrent and has almost always been preceded by a pattern of increasing dominance and control over the woman by the man. Gross physical violence is a part of a pattern, a notch on a sliding scale, a continuum, rather than an isolated and inexplicable incident.<sup>6</sup>

Physical violence against women comprises, i.a., assault and battery in the form of blows, kicks, boxes on the ears, shoving, strangleholds and the use of various objects and weapons. Sexual violence includes sexual touching and degrading sexual acts and games that a man inflicts upon a woman or forces her to take part in, rape and violence to the breasts and genitals. Psychological violence consists, i.a., of threats of physical and/or sexual violence, death threats, constant insults and abusive language, controlling behaviour, threats against other persons who are important to the woman (for example, her children or parents), imposed and degrading acts and behaviour, restraining the woman from comforting her crying children or preventing her from seeking help and treatment.<sup>7</sup>

Injuries caused by physical assault are most often localised to the head, followed by the arms, the neck and the abdomen. The most frequent injuries are not, however, serious enough to require treatment in hospital. Injuries caused by rape vary considerably, from no injuries at all, to internal injuries, injuries to the head or the anus, unwanted pregnancies and HIV infection. In approximately 50 per cent of all rape cases the woman incurs no physical injury at all. Instead, psychological damage predominates in rape cases.<sup>8</sup>

There are different ways to analyse men's violence against women. According to the structural perspective it is not possible to specify a set of definite characteristics and criteria for abused women and abusing men. The violence is instead seen as a consequence of the prevailing gender power structure that permeates society at all levels, including relationships. The individually oriented view bases its approach on explanations at the level of the individual and focuses on the childhood and social and economic conditions of the victims and the perpetrators and other circumstances affecting their lives. The system theory view is a third approach that focuses on imbalances within the individual family (the system). Finally, violence is explained on the basis of a so-called ecological model where several factors within the structure/society, the relationship and the individual interact and give rise to violence.<sup>9</sup> The choice of approach influences the choice of measures that are considered relevant and effective to prevent and combat men's violence against women.

Men's violence against women differs from one country to another in terms of its prevalence and its specific manifestations; however, in Amnesty International's view it is a matter of varying degrees of violence, rather than differences in the type of violence. The causes of gender-based violence have certain common roots, regardless of

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<sup>6</sup> Eva Lundgren, *Våldets normaliseringsprocess. Två parter – två strategier. (The Process of Normalisation of Violence. Two Parties – Two Strategies)*, 1991.

<sup>7</sup> Mona Eliasson, "Att förstå mäns våld mot kvinnor" i *Våldsutsatta kvinnor – samhällets ansvar, ("Understanding Men's Violence against Women" in Abused Women – The Responsibility of Society)*, Heimer and Posse (ed.), 2003.

<sup>8</sup> Annika Björk and Gun Heimer: "Hälso- och Sjukvårdens ansvar" i *Våldsutsatta kvinnor, samhällets ansvar ("The Responsibility of the Health and Medical Services"*, in *Abused Women – The Responsibility of Society)*, Heimer and Posse (ed.), 2003.

<sup>9</sup> Eva Larsson: *Närhet som gör ont. Om våld mot närstående. (Intimacy that hurts: On violence against women in intimate relationships)*, 2003.

where it takes place or what form it takes. Men's violence against women does not arise from a vacuum but feeds on societal perceptions, values and attitudes, as well as on explicitly or implicitly discriminatory forms of behaviour that lead to the subordination of women and the superiority of men in society. Throughout history, economic, political, legal and social conditions and structures have created and keep recreating a gender power structure within which men as a collective have more power than women as a collective. Gender-based violence thus involves sexist elements: women are abused because they are women in a social structure that discriminates against and subordinates women. Men's violence against women also contributes towards maintaining this gender power structure and the gender discrimination.

According to Amnesty International, men's control over women's sexuality is another source of gender-based violence, as are stereotype conceptions about masculinity and femininity - what it implies to be a man or a woman. Women are denied the right to control their own bodies and their own sexuality. Deviating from the prevailing norm, particularly when it comes to sexuality, may lead to more or less violent reprisals from the state as well as from the local community or individuals. Conceptions about sex and violence are thus intimately linked and all societies have their own ways of excusing or legitimising gender-based violence.

It is not the structures that abuse women. Individual perpetrators must of course be held responsible for the violence committed against the woman. It is, however, also incumbent upon the state to take all the necessary measures to prevent, investigate and punish men's violence against women and to prevent and combat gender-based violence in other ways. The state also has an obligation to provide support, assistance and protection for abused women and their children.

## Men's violence against women is different from other violent crime

Men's violence against women in intimate relationships is different from other violent crime in several ways. The perpetrator is a person close to the abused woman, with whom she has or has had an emotional, sexual relationship, with whom she shares or has shared her life and with whom she often has children. Violence against women by men close to them almost exclusively takes place in the home.

The readiness to report violent crime to the police is particularly low for women who have been abused by men with whom they are in an intimate relationship. There are many reasons why the woman does not report the perpetrator. Some of the most frequent causes, revealed by different studies, are that women tend to minimise the violence and consider the incident "too insignificant," or that they are afraid of the consequences and fear being subjected to even more violence by the perpetrators. Many women choose not to report because they believe it is "pointless". Others indicate that they do not report the violent crimes for "family reasons."<sup>10</sup>

The fact that many abused women have children with the perpetrator may make them reluctant to report their children's father to the police. The man may also have been subjecting the woman to constant threats of taking the children away from her if she leaves him. Men's violence against women in intimate relationships is a breach of confidence. The woman loses trust in the man who abuses her, but also in those around her who do not intervene. In the worst case she loses faith in herself.<sup>11</sup>

Research reveals that the perpetrator often plans the violent crimes. The man does not abuse just anybody at random, but the violence is directed at the partner, and sometimes also at the children. The man chooses where, when and how much violence will be used. He often chooses to strike at the soft parts of the woman's body to avoid visible injuries. Unlike other violent crime, nearly all abuse of women by men in intimate relationships takes place in the home, out of sight of others. The objective of men's violence against women in intimate relationships is to gain control over the woman. The man seeks to bind the woman to him by controlling her behaviour and her life situation in different ways. Furthermore, the perpetrator has permanent "access" to the victim and also exerts control in other ways, in addition to physical violence. The woman's emotional dependency on the man is reinforced by the fact that he alternates violence with warmth, care and consolation. A man who exposes his female partner to violence believes that he is

"Dad's violence was always present. He would hit Mum because the dinner wasn't seasoned the way he wanted it or because she said something he didn't like ( ) We kids tried to protect Mum, by curling up on her lap so that he wouldn't be able to get at her, but then he hit her from behind instead ( ) My parents are both university graduates and it is important to point that out, as a lot of people seem to believe that only a certain type of men would use violence, for example, alcoholics or immigrants."

"Anna," 23 years old.  
From: Se till mig som liten är. När pappa slår mamma ("See the children. When Dad hits Mum.")

<sup>10</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski: Captured Queen. Men's violence against Women in equal Sweden – a prevalence study. 2001 and Statistics Sweden (SCB): Välfärd och ofärd på 90-talet. (Welfare and Misfortune in the 1990s), 2003.

<sup>11</sup> Stina Jeffner: Kvinnojourkunska - En översikt av kvinnojourernas kunskap om sexualiserat våld, speglad mot aktuell forskning ("What do the Women's Shelters Know? A survey of the women's shelters knowledge of sexual violence, in relation to current research"), ROKS 1999.

entitled to punish her should she, in his view, transgress certain norms. The violence serves the purpose of maintaining the man's authority. The man's violence is thus both intentional and functional as the perpetrator gains power and superiority.<sup>12</sup>

The effects of violence are devastating for the woman and result in a gradual, destructive process and increasing isolation, which, in turn, may make it more difficult for the woman to break up from the relationship. The violence, which is almost always recurrent, tends to escalate with time and may continue for several years. Suicidal tendencies or attempted suicide are much more frequent among women who have been subjected to different types of violence than among women who have no experience of violence.<sup>13</sup>

## The process of normalisation

Eva Lundgren, Professor of Sociology, has described men's violence against women in intimate relationships as a dynamic process where the violence becomes the "normal" state of affairs in various ways, both for the abusing man and the abused woman. During the initial phase, the perpetrator uses violence to maintain and strengthen his control over the woman in the relationship. After the first incidents he is unhappy and desperately begs to be forgiven, often explaining the violence by something in his current situation or by stress and frustration at work. Little by little, he stops making excuses and instead justifies his violence by claiming that there is something wrong with the woman.

A man who feels that the relationship doesn't correspond to his idea about a "proper" relationship and what being a man and a woman implies may use violence to maintain control over the woman. In doing so, the man affirms his masculinity and the relationship is characterised by the superiority of the man and the subordination of the woman. The perpetrator's control affects many aspects of the woman's life: what she is allowed to do and not to do, whom she is allowed and not allowed to see, what she is allowed to say, think and feel. But the limits are not fixed; they keep changing and the areas of control keep expanding. The man gradually gains control over an increasing number of the different areas of the woman's life, leaving her less and less leeway. According to Lundgren, in the later phase of the violent process, the man's superiority becomes eroticised and the violence becomes linked to intensive erotic experiences provided by his increased control. Gradually, these experiences become the actual driving force behind the violence and any barriers against the use of violence disappear.<sup>14</sup>

For the woman, the process of normalisation means, in short, that her own limits gradually disappear and that the man's violence becomes a normal part of everyday life. The violence gives rise to feelings of guilt in the woman, her sense of reality is blurred and she starts seeing herself through the eyes of the man, blaming herself as the cause of the violence.

The strategy applied by the woman is one of gradual adjustment to fit the man's opinion about what the relationship ought to be like and what it implies to be a man or a woman. Her room for manoeuvre shrinks, she becomes more and more isolated from friends, relatives or colleagues. Finally, the man becomes the only person in her life. The situation is further complicated by the fact that the perpetrator, who dominates the woman's life to an ever-increasing extent, alternates between being warm, loving and caring and being threatening, violent and punishing. The man decides how and when the atmosphere changes and the woman is gradually broken down. Initially, she adjusts herself and her behaviour to put an end to the violence, but increasingly the adjustment becomes a prerequisite for survival. Finally the violence can be both accepted and explained.

A study of the breaking-up process of abused women, based on repeated interviews with women, concludes that adjustment is the primary strategy of some women, whereas resistance is a crucial element in other women's strategy. Some women use adjustment and resistance to an equal extent. However, the resistance does not necessarily lead to the woman leaving the relationship. By resisting, the woman may get an impression of having control over events, of not being subordinated, and that the man will understand and change his behaviour through her resistance. The woman's resistance may thus play an important role in keeping her in the relationship. The resisting woman does not seem to internalise the violence and the man's concept of reality to the same extent as the adjusting woman, but despite this she gets broken down.<sup>15</sup>

"I never get so provoked that I lose control, far from it. But I can get terribly angry. I get really upset when she gets these really crazy ideas. And then naturally I hit her. But I do it to show her when enough is enough. I have learnt how to reward her and punish her when she is just about to cross the line so that she learns where my limit is. But the anger that is not the important thing. I would rather say that I treat her like a pupil, a somewhat difficult pupil."

Perpetrator. From: The process of normalisation of violence.

<sup>12</sup> Eva Lundgren, 1991 and Mona Eliasson, Mäns våld mot kvinnor. Misshandel, våldtäkt, dominans, kontroll. (Men's Violence against Women. Abuse, rape, dominance, control), 1997.

<sup>13</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001.

<sup>14</sup> Eva Lundgren, 1991, and Eva Lundgren, Jenny Westerstrand: Mansvåldets geografi - en kunskapsöversikt (The Geography of Male Violence - A Knowledge Survey) (publication pending), 2004.

<sup>15</sup> Carin Holmberg and Viveka Enander: Varför går hon? Om misshandlade kvinnors uppbrottsprocess. (Why does she leave? On the breaking-up process of abused women), 2004.

In Sweden today, men's violence against women in intimate relationships is generally seen as a dynamic process, in which the violence gradually and in different ways becomes the norm for both parties. This approach has had a strong influence, both on recent research in women's studies and on the work carried out by the Women's Shelters Movement, and also, to some extent, on the official view, expressed, i.a., in the review of questions relating to violence against women by the Commission on Violence against Women as well as in the Protection of Women's Integrity Reform (see page 21).

### The three phases of violence

The process of violence has also been described as a series of successive phases.<sup>16</sup> In the initial phase the perpetrator degrades the woman, constantly pointing out how ugly, stupid and incompetent she is. She is ridiculed and called into question as a woman, a partner, a mother or a professional, often in front of other people. This phase of belittling the woman is characterised by verbal aggression. The next phase is one of exacting respect; the perpetrator becomes moody and unpredictable. The slightest detail makes him fly into a rage; he threatens the woman and sometimes also the children or the pets. The woman adjusts to this new scenario and tries to change her behaviour for the relationship to return to normal.

Finally, the third phase takes over and the violence becomes a fact. Physical violence is often combined with grossly abusive verbal attacks. Weapons or other implements are often used. The shift from peace and quiet to escalating tension that eventually culminates in violence increases the man's control over the woman. Everyday life becomes unpredictable and the woman's existence is characterised by constant pressure and anxiety about more violence and not knowing when or how it will happen.

In such circumstances the woman often tries to keep the family "secret" hidden from the world outside. The family must be kept "in working order." Her own needs are restrained, she tries to avoid annoying the man, controls her facial expressions and body language. Enormous amounts of activity, planning and strength are required, simply to cope with everyday life.

### Rape and sexual violence

Rape and sexual violence within marriage or within a relationship are probably the most hidden forms of violence perpetrated by men against women in intimate relationships. According to the experience of the Women's Shelters Movement, physical violence is often accompanied by rape and sexual violence. It is also the most difficult topic for women to talk about. The feeling of degradation and the shame at also having been abused sexually may prevent the woman from disclosing all the violations she has been subjected to.<sup>17</sup> The experience of sexual violence may also be interpreted differently by the victim depending on her relationship with the man. Sexual violence perpetrated within intimate sexual relationships tends to be played down or reinterpreted.<sup>18</sup> The standard perception of rape still seems to be that it is perpetrated through assault by an unknown person and takes place outdoors.<sup>19</sup>

Many women who turn to the women's shelters for support and protection report that the physical abuse is often or always combined with sexual violence. The notion of the subordinated woman and the dominant man in the relationship also permeates the sexual relationship. Some men want sex immediately after the violence to "make up." Other men use only sexual violence against their partner, without any other physical violence in the form of blows, kicks, etc. Whether the woman consents to having sex or not is of no interest to the man and he may initiate intercourse with her even when she is asleep. Some women have also been forced to participate in degrading sexual games where they have to dress up, pretend to be a prostitute or be photographed with objects inserted into their vagina or anus.<sup>20</sup>

Systematic studies of the extent of sexual violence against and rape of women in intimate relationships are lacking at present. The National Centre for Battered and Raped Women in Uppsala (Annex 1) carried out a questionnaire study

"I was not a good girl. I never fully learned to accept. Despite hours, days and years of "education," I could never swallow that what he said was supposed to be the truth. According to him, he did me a good turn when he hit me, he just picked up where my parents had failed. I could never accept that. It was against everything I believed in and I could never understand the idea of "sparing the rod and spoiling the child." But I believed everything else. I believed that I was useless. I "understood" that everything was my fault. And I was convinced that I could never manage without him. The brainwashing was so effective that I changed from having been a relatively tough young woman standing on my own two feet into a totally subjugated woman. Threats, violence and humiliation can be very forceful instruments."

"Susanne".  
Battered women's own stories on the "Fågel Felix" webpage

<sup>16</sup> Mona Eliasson, 2003.

<sup>17</sup> Angela Beausang: "Att leva i misshandelsförhållande – kvinnojourserörelsens erfarenheter" i Våldsutsatta kvinnor – samhällets ansvar ("Living in an abusive relationship – the experiences of the women's movement" in "Abused Women – the Responsibility of Society"), Heimer and Posse (red), 2003.

<sup>18</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001.

<sup>19</sup> Mona Eliasson, 1997.

<sup>20</sup> Information by Ann-Marie Tung, SKR.

during 2003. All the women who contacted the centre were asked about their experiences of sexual violence. The results of the survey were to be published in 2004.<sup>21</sup>

An evaluation carried out by "Team for raped women", a three-year co-operation project between All Women's House and the Stockholm Crisis Centre for Women during 2001-2003, shows that where information about the perpetrator was available, the largest group of perpetrators was made up of friends/acquaintances (42 per cent), whereas the second largest group, 21 per cent, was made up of strangers. In as much as 18 per cent of the cases, the rapist was a person with whom the woman had an intimate relationship. Only a few of the women had sought emergency assistance within 24 hours of having been raped. Fifty per cent of the women had waited for six months or more before seeking help and, in many cases, several years had passed.<sup>22</sup>

## After the separation

Despite increased awareness about the situation of abused women, they sometimes encounter a lack of understanding by people around them: "Why doesn't she leave?" The process of normalisation describes the extremely complex process that finally leads to violence becoming an integral part of everyday life. Many women, however, constantly plan their escape and make repeated attempts at leaving their partners for good. The reasons for finally leaving may vary, but fear of actually getting killed or of going mad are some of them. Concern about others who also suffer from the situation, primarily the children or the pets, is often reported as a reason for the woman finally leaving.<sup>23</sup>

There is a strong risk that the man will become even more violent when the woman tries to leave him. Every year a number of women are killed by men with whom they have an intimate relationship. The single most frequent motive behind fatal violence against women by men close to them is "problems in conjunction with separation," where the man's perception that he risks losing control over the woman is seen as the triggering factor.<sup>24</sup>

Neither separation nor divorce provides any guarantee that the violence, threats or harassment will actually end. Thousands of women apply every year for a restraining order to be issued against the man; that is to say, a ban on visiting the woman or making contact with her in any other way. In extreme cases, women who have survived violence become refugees in their own country, equipped with alarm devices or a new, protected identity.

Men's violence against women in intimate relationships is diametrically opposed to prevailing notions that a relationship should be based on reciprocity, love and respect. It is often difficult for abused women to describe their experiences as abuse. Research shows that there is a major difference between the abused woman's retrospective understanding of the violence and the view she held while still in the relationship with the perpetrator. It is only once the woman has broken up from the relationship that she is able to interpret the abuse and term it violence.<sup>25</sup> This understanding and the re-interpretation of the violent relationship and its consequences are often very painful, but may also relieve the woman of feelings of guilt.

The experience of being abused by a man in an intimate relationship also runs counter to prevailing views in our culture about how gender equality is supposed to characterise both relationships and society as a whole. The conception of Sweden as the country with the greatest gender equality between men and women may influence the woman's interpretation of her experiences and the violent acts perpetrated by her partner, in order for her to maintain the image of herself as a woman enjoying equal rights.<sup>26</sup>

## Similar to torture

Like people who have survived torture, many women who have been victims of violence in an intimate relationship suffer protracted trauma and may also develop post-traumatic stress syndrome (PTSD). Torture is a premeditated attack on a person's psyche, body and dignity. There is no absolute borderline between torture and other cruel,

"Somewhere I found the strength to actually put a stop to it all. Without help from anyone else I took the children and moved to the city, I created a career and a new life for myself. I'm not complaining. Things have turned out well for me. But although three years have passed, he still exists in our lives. He is present in the nightmares, in my poor self-confidence and in my fear when somebody raises their voice. But for every year that goes by, the nightmares become less frequent and the memories fade. I have discovered that I am capable and that I am not helpless. That makes me strong."

"Agneta"  
Abused women's own stories on the "Fågel Fenix" web page

<sup>21</sup> Information by Ingrid Claesson, RKC.

<sup>22</sup> Kari Jess, "Vi är tyvärr många som behöver hjälp" ("Unfortunately, there are many of us who need help"), 2003.

<sup>23</sup> Carin Holmberg and Viveka Enander, 2004, and information from Ingrid Claesson, RKC.

<sup>24</sup> National Council for Crime Prevention, report 2001:11 Dödligt våld mot kvinnor i nära relationer ("Fatal violence against women in intimate relationships against women").

<sup>25</sup> Eva Lundgren, 1991 + Carin Holmberg and Viveka Enander, 2004.

<sup>26</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001

inhuman or degrading treatment or punishment. The concept of cruel, inhuman or degrading treatment or punishment has not been defined but should, according to the UN, be interpreted so as to provide the greatest possible protection against violations, be they of a physical or psychological nature.

According to Amnesty International, violence against women may constitute torture for which the state is accountable when it is of a nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection.<sup>27</sup> The ban on cruel, inhuman and degrading treatment or punishment in international law is as unambiguous as the ban on torture.

All violence against women does not constitute torture in the sense of the Convention against torture and other cruel, inhuman or degrading treatment or punishment. However, according to Radhika Coomaraswamy, the former UN special rapporteur on violence against women, the fact that the perpetrator is a private person and not a representative of the state must not lead to the automatic exclusion of that type of violence against women from the scope of the convention. A gender-sensitive interpretation of the convention must instead focus on the responsibility of states to prevent and protect women from such violence.<sup>28</sup>

The injuries inflicted upon women by private persons may be as serious and harmful as injuries inflicted upon women through torture by representatives of the state. Private individuals can intentionally cause a woman serious injury through violence. Intention is one of the prerequisites of the concept of torture.<sup>29</sup>

### **Children in the shadow of violence**

When women are abused by their men the children are also affected. Sometimes the children are directly subjected to the man's violence. Children who aren't battered themselves, but who are forced to witness how their father hits and violates their mother and/or a brother or sister, are victims of psychological abuse.

There are no precise figures as to the number of children who live in families where the mother is abused by their father or stepfather. Estimates from Swedish Save the Children indicate that as many as 100,000-200,000 children out of the approximately two million children who live in Sweden experience violence in the family.<sup>30</sup>

Studies reveal that only a very small proportion of the children living in families where the mother is subjected to violence are unaware of what is going on. The vast majority of these children know that violence occurs, they have been forced to witness or to listen to the violent acts, but they get no opportunity to react as the violence is surrounded by silence in the family. Silence is demanded of the children and they are brought up to keep silent. The child's experience of witnessing or being a victim of violence creates frames of reference that differ from those of other children. There is a considerable risk that the child becomes a victim twice, since he or she is considered by other children of the same age to be "different" and gets beaten or bullied at school.<sup>31</sup>

Sexual violations and situations where the mother's or a sibling's life is in danger are described as the worst experiences by the children themselves.<sup>32</sup>

Children who are forced to witness violence they cannot prevent may have their entire childhood and adolescence marked by feelings of powerlessness and fear. The violence is experienced as being erratic, unpredictable, constant and frightening. Living with a permanent and imminent threat may make the child suspicious and make it more difficult for him or her to form trusting relations.<sup>33</sup>

### **Summary**

Amnesty International considers that the causes of gender-based violence are to be found in the prevailing gender power structure in society, where men as a group have greater power than women as a group. Men's violence against women also contributes towards maintaining the gender power structure. Men's violence against women differs from one country to another as to its prevalence and specific manifestations, but in Amnesty International's

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<sup>27</sup> Amnesty International: Broken bodies, shattered minds: Torture and ill-treatment of women, 2001.

<sup>28</sup> Economic and Social Council: Integration of the human rights of women and the gender perspective. Violence against women. Report of the Special Rapporteur on Violence against Women, its causes and consequences.

<sup>29</sup> Amnesty International, 2001.

<sup>30</sup> Save the Children: Anmälningar som försvann ("The reports that disappeared"), 2003.

<sup>31</sup> Se till mig som liten är ("See the children"). Report from the National Council for the Protection of Women's Integrity, 2002.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

view, this is a question of a difference of degree rather than a difference in nature. Male control over women's sexuality is another source of gender-based violence, as are stereotype conceptions of masculinity and femininity.

Men's violence against women in intimate relationships differs in several ways from other types of violent crime; on the one hand, because the woman has an emotional relationship with the perpetrator and, on the other hand, because the violence is generally planned, controlled and carried out in the home, out of sight of other people. Men's violence against women in intimate relationships may be described as a process where violence becomes the norm, both for the abusing man and for the abused woman. The violence breaks down the woman gradually and leads to ever-increasing isolation, which may make it more difficult for her to leave the relationship. Many women make repeated attempts at leaving. The fact that the woman gets out of the relationship does not necessarily put a stop to the violence. Rape within marriage or within a relationship is probably the most hidden form of men's violence against women in intimate relationships.

The tendency to report violent crime to the police is particularly low for women who are the victims of violence at the hands of a man with whom they have an intimate relationship. It is also only once the woman has broken away from the relationship that she is able to refer to her experience as violence. Like people who have survived torture, many women who are victims of violence in intimate relationships suffer lasting traumas and may develop post-traumatic stress syndrome (PTSD).

According to Amnesty International, violence against women may constitute torture for which the state is accountable when it is of a nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection.

Men's violence against women in intimate relationships also has an impact on thousands of children in Sweden who grow up in the shadow of their father's violence. Children who are not abused themselves, but who are forced to witness their fathers hitting and violating their mothers and/or siblings are subjected to psychological abuse. Forcing children to witness violence they cannot prevent may cause their whole childhood and adolescence to be marked by feelings of powerlessness and fear.

# Violence against women and international law

Discrimination and violence against women constitute serious violation of basic rights and liberties. The concept of due diligence plays a pivotal role in Amnesty International's campaign Stop violence against women. Due diligence means that the state is obliged to take all the necessary measures to combat violence against women, whoever the perpetrator may be. Furthermore, the state must support and protect all women who are subjected to violence, and their children. The concept of due diligence is well established in international law and several international and regional declarations, conventions and resolutions have been adopted in order to provide women with adequate protection.\*

Common to all these documents, in addition to the stipulation that the state refrain from exposing women to violence, is the obligation placed on states to take positive measures to protect women from being subjected to violence, irrespective of whether the crimes of violence are committed in public or in the privacy of the home. The state must under no circumstances accept violence against women. Accordingly, men's violence against women is not a private issue, even though the perpetrator may be a private individual, but is a matter of public concern. Sweden has ratified or acceded to all conventions and protocols listed below:

## **The UN Universal Declaration of Human Rights (1948)**

The general declaration states that everyone is entitled to a life "equal in dignity and rights" without discrimination, and to equal protection under the law. Article 3 of the UN Universal Declaration of Human Rights spells out that "Everyone has the right to life, liberty and security of person." Article 5 states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

## **The UN International Covenant on Civil and Political Rights (1966)**

Article 2(1) of the UN International Covenant on Civil and Political Rights establishes that: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

## **The UN International Covenant on Economic, Social and Cultural Rights (1966)**

Article 3 of the UN International Covenant on Economic, Social and Cultural Rights prescribes that: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant."

## **The UN Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)**

Although women's equal rights and liberties were enshrined already in some of the early human rights instruments, the UN realised that discrimination against women remained a widespread and extensive problem. Consequently, in 1979, the General Assembly adopted the legally binding Convention on the Elimination of All Forms of Discrimination against Women, also known as "The Treaty for the Rights of Women" or CEDAW. However, gender-based violence is not explicitly mentioned in the convention. An additional protocol to the convention was adopted in 1999. The protocol gives individuals or groups of individuals the right of appeal through the committee responsible for supervising the states' compliance with the CEDAW. Furthermore, the protocol gives the CEDAW Committee the possibility to investigate, on its own initiative, alleged violations of the rights set down in the convention.

\* Conventions, treaties, protocols and covenants are written agreements which are legally binding on those states that have ratified or acceded to them. When ratifying an agreement a state may enter a reservation against certain provisions in the agreement, provided that the agreement does not explicitly prohibit this. States may be held accountable for infraction of conventions, treaties and protocols. Provisions laid down in declarations and statements are not legally binding, but should rather be seen as declarations of intent and opinion by the states concerned and have important moral implications. The states commit themselves to act in compliance with the declarations and statements but are not legally bound by them. However, the Universal Declaration of Human Rights holds an exceptional position. At the first UN World Conference on Human Rights in 1968, it was established that the declaration is binding on the members of the international community. The Universal Declaration has become a part of the so-called common law and is consequently legally binding on all states, irrespective of whether they have signed the declaration or not. Elimination of All Forms of Discrimination against Women, also known as "The Treaty for the Rights of Women" or CEDAW. However, gender-based violence is not explicitly mentioned in the convention. An additional protocol to the convention was adopted in 1999. The protocol gives individuals or groups of individuals the right of appeal through the committee responsible for supervising the states' compliance with the CEDAW. Furthermore, the protocol gives the CEDAW Committee the possibility to investigate, on its own initiative, alleged violations of the rights set down in the convention.

## **General Recommendation No. 19 of the CEDAW Committee: Violence against Women (1992)**

The CEDAW does not explicitly prohibit violence against women in general, nor violence against women exercised by a man with whom the woman is in an intimate relationship. However, the CEDAW Committee, which is responsible for supervising the states' compliance with the convention, emphasises in its general recommendation no.19 of 1992 that: "Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men." According to the CEDAW Committee's interpretation of the convention, states are therefore obliged to counteract gender-based violence. The Committee's recommendations are not legally binding, but by choosing to respect the recommendation calling on the states to report on measures taken in order to combat violence against women, the state acknowledges its acceptance of the definition of violence against women as a crime against human rights.<sup>34</sup>

In general recommendation no.19 by the CEDAW Committee, states are called upon to take necessary and effective measures to combat all forms of gender-based violence, irrespective of whether it takes place in public or in the privacy of the home, and irrespective of who the perpetrator is. The CEDAW Committee urges states to ensure that the laws penalising violence at home, rape and sexual assault and other forms of gender-based violence provide sufficient protection for all women and that women's integrity and dignity be respected. The state shall set up or support other bodies that provide protection, support and assistance to victims of domestic violence, rape, sexual assault and other forms of gender-based violence. This also includes protection, support and assistance to refugees. Specially trained health care staff should be available and rehabilitation and counselling provided. Women in rural areas should also have access to support and services. Statistics on the prevalence, causes and effects of gender-based violence should be collected, research carried out and measures taken to prevent and counteract violence should be evaluated. Furthermore, measures should be taken to ensure that the media respect and promote women. In the reports from the states to the Committee, attitudes and practices constituting violence against women should be identified. Such attitudes and practices should be counteracted, i.a., through education and public information programmes. The states should also submit reports on measures taken to combat violence and on the results of these measures. Furthermore, they should report on sexual harassment and measures taken to protect women from harassment and other forms of violence at the workplace. General recommendation no. 19 also calls for measures aimed at preventing and combating female genital mutilation, honour-related violence, trafficking and sexual exploitation.

## **The UN Declaration on the Elimination of Violence against Women (1993)**

In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women. The Declaration condemns physical, sexual and psychological violence against women, whether occurring within the family or in public and irrespective of whether it is exercised or accepted by the state. Article 4 of the declaration establishes that "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women..."

The declaration stipulates that member states should:

- develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organisations, particularly those concerned with the issue of violence against women;
- develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;

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<sup>34</sup> Anna Wigenmark : "Våld mot kvinnor som brott mot mänskliga rättigheter" (Violence against Women as a Human Rights Crime) in Mänskliga rättigheter-kvinnors rättigheter. Om FN's Kvinnokonvention. 2002 (Human Rights – Women's Rights. On the UN Women's Convention).

- work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
- include in government budgets adequate resources for their activities related to the elimination of violence against women;
- take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitise them to the needs of women;
- adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;
- adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;
- include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;
- encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;
- recognize the important role of the women's movement and non-governmental organizations world wide in raising awareness and alleviating the problem of violence against women;
- facilitate and enhance the work of the women's movement and non-governmental organisations and cooperate with them at local, national and regional levels.

### **The Platform for Action of the UN Conference on Women (1995)**

In 1995, the UN World Conference on Women in Beijing adopted a platform for action aimed at combating gender-based violence against women. Among other things, the platform for action recommends member states to:

- work actively to ratify and implement all international agreements on violence against women;
- refrain from exposing women to violence and take all necessary measures to prevent, investigate and punish, in accordance with national legislation, violence against women, irrespective of whether the violent act has been committed by a state party or by a private individual;
- apply and/or tighten up criminal, civil, labour and administrative sanctions in order to punish and deal with all forms of violence against women and girls;
- adopt and/or implement legislation, and evaluate and analyse legislation on a regular basis, to guarantee its efficiency in relation to the elimination of violence against women, with particular focus on preventive measures and the punishment of perpetrators;
- improve and strengthen police protection of women, set up women's shelters and provide legal aid and support to women and girls in danger, as well as provide rehabilitation to men who commit violence against women. (Not at all women's shelters in Sweden offer sheltered accommodation. Only a few of them are run

by municipalities, while the vast majority of shelters are “crisis centres” for women, run on a non-profit basis.)

- actively promote gender mainstreaming of all policies and programmes concerning violence against women and actively encourage, support and implement programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms behind violence against women among those responsible for implementing these policies, i.a. law enforcement bodies, the police, health care staff, and social workers, and among those working with minority groups and migration and refugee issues. Strategies should be established to prevent abused women from being revictimised;
- develop and implement action plans at all levels, in order to combat violence against women;
- allocate sufficient funds in the Government budget and mobilise community resources for activities related to combating violence against women, including resources for the implementation of action plans at all relevant levels; and
- ensure that women with disabilities have access to information and support in relation to violence against women.

In addition, there are several other relevant documents that should be mentioned in this context.

### **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

The prohibition against torture is enshrined in all general documents on human rights as well as in humanitarian international law. In Article 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ‘torture’ is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

According to the convention, all states must prevent other acts of cruel, inhuman or degrading treatment or punishment which do not constitute torture, as defined in article 1.

### **The Convention on the Rights of the Child (1989)**

In 1989, the UN adopted the Convention on the Rights of the Child, which focuses in particular on the right of the child to protection against discrimination and all forms of physical, psychological and sexual violence, injury or maltreatment, assault and exploitation.

### **The Statute of the International Criminal Court (1998)**

The international community has established legal norms confirming that rape and other forms of gender-based violence may constitute war crimes and crimes against humanity, and be included as one of several components in the crime of genocide, together with torture and other cruel, inhuman and degrading treatment, and enslavement.

The International Criminal Tribunals for the Former Yugoslavia and Rwanda constitute milestones in the prosecution of acts of wartime sexual violence. The statute of the International Criminal Court, the so-called Rome Statute, defines rape and other forms of gender-based violence as actions falling under the scope of crimes against humanity and war crimes.

Initiatives aimed at combating violence against women have also been taken at regional level.

### **The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)**

Article 1 of the convention lays down everyone’s right to life. The prohibition of torture or inhuman or degrading treatment or punishment is enshrined in Article 3. Article 5 establishes the right to liberty and security of person.

### **Recommendation (2002)5 of the Committee of Ministers of the Council of Europe**

The Committee of Ministers of the Council of Europe has also adopted recommendations on measures aimed at combating violence against women, through Recommendation Rec (2002)5 on the protection of women against violence, where the member states of the Council of Europe are urged to:

- strengthen legislation on violence against women;
- adopt national action plans (preventive and protective);
- appoint a national coordinator responsible for implementing, monitoring and evaluating all measures taken in this area;
- work actively to change attitudes by means of education and information;
- set up special intervention programmes directed towards violent men;
- launch information campaigns aimed at preventing honour killings;

# Swedish legislation on violence against women

Since the 1980s, a number of legislative measures have been taken in order to prevent violence against women. Among other things, several changes to existing legislation have been introduced to strengthen the legal position of women who have been subjected to violence. Penal sanctions have also been made more stringent.

## Assault

The Swedish Penal Code covers the most common offences, arranged by category. The range of penalties applicable to different types of crime is also indicated. In 1965, the Swedish Penal Code replaced previous legislation from 1864. The offences in chapters 3-7 of the Penal Code, for example, murder, physical assault, molestation and sex-related crimes are called crimes against a person – a generic term for crimes directed against a victim and usually involving a situation where the perpetrator and the victim are brought face to face.

In 1982, the legislation was changed in order to make all cases of assault subject to public prosecution. Anybody can report a crime which falls under the scope of public prosecution, including the police who have arrived at a presumed crime scene. The police are obliged to investigate all reports of this kind, irrespective of whether the injured party is opposed to the investigation or not. Furthermore, police reports filed by an injured party cannot be retracted by the injured party her/himself. Before the new legislation came into force in 1982, cases of assault taking place in private, for example, in the privacy of the home, was subject to denunciation, which meant that the victim her/himself had to decide whether the perpetrator should be prosecuted or not. However, gross assault taking place in private has always been subject to public prosecution.

Extract from the Swedish Penal Code: On Crimes against Life and Health, Chapter 3, Section 5-6.

Section 5. A person who inflicts bodily injury, illness or pain upon another or renders him or her powerless or in a similar helpless state, shall be sentenced for assault to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months. (Law 1998:393)

Section 6. If the crime referred to in Section 5 is considered gross, the sentence for gross assault shall be imprisonment for at least one and at most ten years.

In assessing if the crime is gross special consideration shall be given to whether the act constituted a mortal danger or whether the offender inflicted grievous bodily harm or severe illness or otherwise displayed particular ruthlessness or brutality. (Law 1988:2)

The punishment for assault is imprisonment for at most two years or, if the crime is petty, a fine or imprisonment for at most six months. The punishment for gross assault is imprisonment for at least one year and at most ten years.

## Restraining orders

In 1998 the Restraining Orders Act came into force. It was mainly intended to prevent threatening, dangerous situations and to protect women from threats and violence from men with whom they are or have been in an intimate relationship. The law stipulates, i.a., that a restraining order may be issued if there is a risk that a woman becomes the target of criminal actions, persecution or serious harassment by a man with whom she is in an intimate relationship. A restraining order prohibits the man from seeing the woman or making contact with her in any other way and it is valid for a maximum of one year. It can be prolonged for a maximum period of one year at a time. The request for a restraining order can be filed by the woman who is under threat or "when otherwise deemed necessary." Restraining orders are examined and issued by the general prosecutor. If requested by one of the parties, the decision to impose a restraining order shall be examined by a district court. Violation of a restraining order carries the penalties of a fine or imprisonment for a maximum of one year. In cases of "minor violation," no sanctions shall be imposed on the man.

In the summer of 2003, the Swedish Parliament adopted a number of amendments to the Restraining Orders Act with a view to counteract "violence between persons who are or who have been in an intimate relationship." On September 1, 2003, the Law on Extended Restraining Orders came into force. The new law was, among other things, aimed at improving the protection of individuals who, despite restraining orders, are being subjected to different forms of harassment. It also allows for the geographical scope of restraining orders to be extended.

Furthermore, a restraining order may refer to a couple's shared home if there is a risk of a crime being committed against the life, health, freedom or peace of one of the cohabitants. Under normal circumstances, a restraining order referring to a couple's shared home is valid for 30 days at most. The police have the authority to issue a temporary

restraining order that applies until the prosecutor has taken a decision; however, no longer than 24 hours. The man whom the restraining order is issued against is obliged to undergo a police interrogation directly after the police intervention and the prosecutor has to take a "speedy" decision on a restraining order. If there is a request for the case to be tried before a court, this should be done within four days.

The purpose of the new law is for the abused woman and her children, if any, to be able to stay in their home, without having to flee precipitately with nowhere to go. Many women, and often their children as well, who have been forced to flee their homes are taken in by women's shelters all over Sweden. The man, on the other hand, often remains in the shared home. The request for a restraining order for a couple's shared home can be submitted either by the woman herself or "if otherwise deemed necessary."

In 1998, 300 requests for restraining orders were made and the number has increased sharply since then. Thousands of applications have been filed and approximately half of them have been approved.<sup>35</sup>

### **Injured party counsel**

In 1998, victims of crime were given the possibility to have an injured party counsel appointed. This may be done as soon as the preliminary investigation has been initiated. The victim of a crime can choose his or her own aggrieved party counsel who will be retained through the legal aid system. The aggrieved party counsel shall defend the victim's interest throughout the legal process, as well as support and assist the victim, manage contacts and accompany the woman at police interrogations if the woman so wishes. The aggrieved party counsel also informs the victim of the different steps of the legal process and stays in touch with the police and the prosecutor during the course of the proceedings.<sup>36</sup>

### **Protection of Women's Integrity Reform**

In 1993, the government in office at the time set up a Commission on Violence against Women assigned to "present an overview, from a female perspective, of issues concerning violence against women and propose measures to counteract such violence." Two years later, the Commission on Violence against Women presented its final report containing a number of proposals for the government. In the spring of 1998, the Swedish Parliament approved the Government Bill on the Protection of Women's Integrity (1997/1998:55), a comprehensive programme of measures aimed at combating violence against women. It was based on the final report of the Commission on Violence against Women from 1995 and contained a number of proposals for measures. Besides improved legislation, the main features of the Act were preventive measures and improved treatment of abused women by public authorities. The bill presented measures to counteract violence against women, prostitution and sexual harassment at the workplace. The Swedish Parliament gave its full support to the bill. The government allocated a total of SEK 41 million to the proposed measures.

Several authorities were instructed to initiate joint actions in the period up to and including the year 2002. They were instructed to increase their efforts to prevent violence against women and to draw up action plans for their own work in this area. Strong emphasis was placed on the importance of cooperation between authorities. Certain tasks were given directly to individual authorities.

For example, the National Council for Crime Prevention (BRÅ) was called upon to improve its crime statistics and its own system for crime classification and coding. The National Police Board (RPS) was instructed to survey police methods and routines for dealing with men's violence against women. Programmes for further training of public officials were also initiated in the police force, the National Courts Administration and the Public Prosecution Office.

Some effects of the legislative changes introduced by the Protection of Women's Integrity Reform are described below.

#### The Law on Gross Violation of a Woman's Integrity

On July 1, 1998, a new offence was introduced into the Swedish Penal Code: the Law on Gross Violation of Integrity and Gross Violation of a Woman's Integrity (Chapter 4, section 4a). The law says that if a man commits repeated acts of harassment or abuse against a woman with whom he is, or has been, in an intimate relationship, he can be convicted of gross violation of a woman's integrity. The offences referred to include, i.a., assault, molestation, violation of the privacy of the home, and sexual coercion. The provision is mainly intended to cover crimes that are not as serious enough to constitute, for instance, gross assault.

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<sup>35</sup> National Council for Crime Prevention (BRÅ) Report 2003:12: Restraining orders. Evaluation of Relevant Legislation and its Applicability.

<sup>36</sup> Elvy Wicklund : "Rättsväsendet – den rättsliga processen" in Våldsutsatta kvinnor – samhällets ansvar. ("The Judicial System – the Legal Process" in "Abused Women - the Responsibility of Society"), Heimer and Posse (ed.), 2003.

Repeated violations of a woman's integrity are to be considered jointly and will lead to a more stringent sentence than would be the case were each of the acts to be considered separately. Violence targeting women in intimate relationships is often systematic and it may be difficult for the victim to keep track of the events and dates when the crimes were committed. The law on violation of a woman's integrity takes into consideration all aspects of the abused woman's life, characterised by threats, assault and mental stress, and has been drawn up so as to facilitate prosecution of perpetrators who repeatedly have violated the integrity of a woman with whom they are in an intimate relationship. Several offences, for example, assault, abuse and violation of the privacy of the home, are to be considered jointly by the court. The penalty for gross violation of a woman's integrity is imprisonment for at least six months and at most six years.

Since strikingly few police reports of violations of a woman's integrity resulted in prosecution, a clarification on how to interpret the concept of gross violation of a woman's integrity was introduced in the legal text in 2000.

Extract from the Swedish Penal Code: Law on Gross Violation of Integrity and Gross Violation of a Woman's Integrity, Chapter 4, Section 4a:

A person who commits criminal acts as defined in Chapters 3, 4 or 6 against another person having, or have had, an intimate relationship to the perpetrator shall, if the acts form a part of a repeated violation of that person's integrity and suited to severely damage that person's self-confidence, be sentenced for gross violation of integrity to imprisonment for at least six months and at most six years.

If the acts described in the first paragraph were committed by a man against a woman to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for gross violation of a woman's integrity to the same punishment.

(Law 1999:845, amended from January 1, 2000.)

#### Rape

In 1965, Sweden, as the first country in the world, passed a law against rape within the marriage. Since then, several Law Commissions on Sex-related Crimes have been assigned to undertake reviews of the provisions on sex-related offences included in the Penal Code.

The Protection of Women's Integrity Bill entailed a broadening of the definition of rape, as some of the acts previously regarded as sexual coercion were included in the crime of rape. Sexual intercourse was also to include other sexual acts if, taking account of the nature of the violation and other circumstances, the act in question was comparable to enforced sexual intercourse. Failure to report or disclose certain gross sex-related crimes, i.e., rape, gross rape, gross sexual exploitation of a minor and gross procuring, became punishable offences.

The 1998 Parliamentary Law Commission on Sex-related Offences was set up to carry out a complete overview of sex-related crimes. The Commission's final report was presented to the Minister of Justice, Mr. Thomas Bodström, in March of 2001. A good two and a half years later, in December 2003, the Minister of Justice presented a draft proposal for new legislation on sex-related crimes broadening the scope of the crime of rape. In the future, more acts will be defined as rape, as the criteria for coercion will be less strict and the most serious cases of sexual exploitation will fall under the provision dealing with rape. A specific provision on the rape of children has been proposed and the scope of application for such crimes will be extended since the coercion requirement has been abolished. According to the Minister of Justice, the new legislation on sex-related crimes is aimed at strengthening the protection of the sexual integrity of adults and stressing the seriousness of sex-related crimes committed against children.<sup>37</sup>

#### Purchase of Sexual Services

A prohibition on obtaining casual sexual relations in exchange for payment was introduced in connection with the Protection of Women's Integrity Reform. Attempted purchase of sexual services was also made a punishable offence. The penalty is a fine or imprisonment up to six months. The law was changed with the coming into force of the Prohibition of the Purchase of Sexual Services Act in 1999.

#### Genital Mutilation

In Swedish law the term 'female circumcision' has been replaced by the term 'genital mutilation' and the penalties have been made more stringent. Today, the minimum penalty for a gross crime is two years' imprisonment. Preparation and conspiracy to perform a criminal act, as well as failure to reveal acts of genital mutilation, have also been made punishable offences. Since July 1, 1999, the crime of genital mutilation has been exempt from the principle of dual criminality following the insertion of a new paragraph into the Act on Prohibition of the Circumcision

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<sup>37</sup> Press communication from the Ministry of Justice 19/12/2003: Den sexuella integriteten stärks i ny lag (New Law Strengthens Sexual Integrity).

of Women (1982:316). The new provision says that a person may be convicted in Sweden of a crime committed abroad, even if the act is not classified as punishable in the other country.

#### Social Services Act

The Social Services Act (1980:620) has been amended by a supplementary provision (Social Services Act, Section 8a) stipulating that local social welfare boards should act to provide women who are or who have been victims of abuse or other violations in the home with help and support to change their situation. The relevant paragraph was amended with the adoption of the new Social Services Act in July, 2001, which now includes a specific reference to the responsibility of the local social welfare boards in Chapter 5, Section 11: "The local social welfare board should act to provide support and assistance to persons who have been victims of a crime and to their families. The local social welfare board should pay special attention to the fact that women who are being or who have been subjected to violence or other abuse in the home may need support in order to change their situation."

#### Sexual Harassment

The Equal Opportunities Act has been made more rigorous with regard to sexual harassment (Swedish Code of Statutes, 1998:208) and a definition of the concept of 'sexual harassment' has been introduced. In addition, the law now clearly states that it is the responsibility of each employer to actively prevent sexual harassment. Failure to do so may lead to imposition of damages. Sexual harassment means undesired conduct of a sexual nature which violates an employee's integrity. Each workplace must have routines for dealing with sexual harassment.

### **Protection of Personal Data**

As a rule, personal data recorded in the National Population Register are publicly available. Three types of measures are available to protect persons under threat when recording personal data in the national register: non-disclosure alert, non-disclosure of change of address and recording of assumed personal data.

#### Non-disclosure alert

The Secrecy Act (Chapter 7, Section 15) applies, i.a., to secrecy in public activities related to the National Population Register and other forms of recording of personal data. In cases where it may be suspected that personal data will be used in a way that would cause harm to the individual concerned or to his or her family, were the information to be disclosed, the local tax authorities can enter a so called non-disclosure alert in the register. For instance, it may concern data on the place of residence of a person, which might be used in order to persecute that person. A non-disclosure alert means that personal data related to a specific person should be handled with special care, as the data might be covered by secrecy provisions and the alert is intended as a warning signal for the authorities. The procedure related to non-disclosure alerts is not regulated by law, but has been used within the population register system for several years. The National Tax Authority has set up specific routines for the procedure and the Swedish Parliamentary Ombudsman has approved the system of non-disclosure alerts. A person requesting that a non-disclosure alert be entered in the register has to prove that an actual threat exists, for example, by enclosing a decision on a restraining order, a police report, a police investigation, a court decision or documents from the social services. Generally, non-disclosure alerts are valid for one year and may be prolonged if it can be proven that the threat persists.

The number of non-disclosure alerts increased throughout the 1990s and in 2001, non-disclosure alerts applied to data on 7,690 persons in Sweden.<sup>38</sup>

#### Non-disclosure of change of address

If there is specific reason to believe that a person might be subjected to a crime, persecution or serious harassment, non-disclosure of change of address may be granted in accordance with section 16 of the Population Registration Act. In this case, non-disclosure means that a person may remain registered at her/his old address although she or he has moved to a new address. The person concerned has to apply personally for a non-disclosure of change of address order and this will only be granted if the need for protection cannot be met by means of a restraining order or in other ways. The non-disclosure order may also include the victim's family residing with the victim at the new address. A non-disclosure order regarding change of address requires a tangible threat that can be objectively confirmed and a risk of persecution. The order remains in force for a maximum of three years at a time. According to the legislative history works related to this measure a non-disclosure order for change of address may be issued on behalf of a person if the perpetrator has been convicted of a crime. If the crime was directed against the person applying for the non-disclosure order and the perpetrator continues to harass the injured party there are good reasons to issue a non-disclosure order. The number of persons for whom both a non-disclosure alert and a non-disclosure order for change of address had been issued amounted to 404 in 2001. Another five persons had been granted non-disclosure of change of address without a non-disclosure alert.<sup>39</sup>

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<sup>38</sup> National Action Plan on Violence against women in intimate relationships. Interim report from the Personal Safety Commission, SOU, 2002:71.

<sup>39</sup> Ibid.

### Assumed personal data

A person running the risk of being subjected to serious crimes against his or her life, health or freedom may use fictitious personal data, in accordance with the Assumed Personal Data Act, section 1. The definition of serious crime is a crime to which a penal value of 6-8 months' imprisonment is attributed. In the case of repeated criminal acts, a somewhat lower penal value may suffice to allow for the use of assumed personal data. The permission to use assumed data may be limited in time. The request shall be sent to the Swedish National Police Board (RPS). The National Criminal Investigation Department is responsible for examining the request and the final approval for the use of assumed personal data is made by the Stockholm District Court. If the request is rejected by the National Police Board the person concerned may appeal to the district court directly. During the period 1991 to 2000, between 11 and 24 requests per year were submitted to the National Police Board. Since 2001, a sharp increase in the number of requests has been noted.<sup>40</sup>

### Change of Surname

If a woman who is subjected to violence changes her last name in order to start a new life elsewhere she can be tracked down through her children. A notification of change of last name for children under the age of 18 requires a joint application by both parents if they have joint custody of their children.

Consent is also required in cases where the woman has sole custody of the child but where the child has the father's last name. If the parent who does not have custody of the child refuses consent, the case may be taken to court.<sup>41</sup>

In its interim report, the Commission on Personal Safety proposes that the Names Act be changed and the demand for consent or consideration by a court abolished if the parent who does not have custody of the child has committed a crime involving violence, threat or other serious harassment against the other parent and there is an apparent risk of similar crimes being committed. The proposed legislative amendment has not yet been adopted.

## **Summary**

Swedish legislation on men's violence against women has been changed and made more stringent during the last decades. Laws have been introduced to strengthen the protection of women and to prosecute crimes involving violence against women committed by men with whom the women are in an intimate relationship. In 1982, the existing legislation was amended so that all forms of assault would henceforth be subject to public prosecution. Before the amendment was introduced assault that had taken place in private, most often in the privacy of the home, would not be prosecuted unless so requested by the victim. Acts of gross assault committed in private were already subject to public prosecution.

The Restraining Orders Act came into force in 1988. The law was mainly intended to prevent threatening and dangerous situations and to protect women from threats and violence from men with whom they are in an intimate relationship. Among other things, the law stipulates that if there is a risk of a woman being subjected to a crime, persecution or harassment by a man with whom she is in an intimate relationship, a restraining order can be issued. In 2003, the law on extended restraining orders came into force. One of the purposes of the new law was to improve the protection of women who, despite a restraining order, are subjected to different forms of harassment. It also provides the possibility of extending the geographical scope of a restraining order. Furthermore, a restraining order can now also apply to a couple's shared home.

In the spring of 1998, the Swedish Parliament approved the Government Bill on the Protection of Women's Integrity (1997/1998:55), an action plan aimed at combating violence against women that comprised a number of legislative changes and proposals for measures. The laws on gross violation of integrity and gross violation of a woman's integrity were introduced, which means that a man who repeatedly abuses and violates the rights of a woman with whom he is in an intimate relationship can be sentenced for gross violation of a woman's integrity. The violations covered by the law include, i.a., assault, molestation, violation of the privacy of the home and sexual coercion. The provision is primarily intended to cover crimes that cannot be classified, for example, as gross assault in terms of severity. Repeated violations of a woman's integrity are to be considered jointly and shall lead to a more stringent sentence than would be the case were each of the acts to be considered separately.

Measures are also available within the population registration system to protect persons living under threat, including abused women and children: non-disclosure alerts, non-disclosure of change of address orders and the use of assumed personal data.

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

## The prevalence of the violence in Sweden

The concept of violence against women generally comprises physical abuse, sexual violence and psychological violence such as threats and molestation. While it is essential to draw attention to and combat men's violence against women in intimate relationships, it is also important to highlight the fact that women are also subjected to violence by men other than their current or former partners. This may include various forms of physical, psychological and sexual violence at the workplace, at school, in bars and clubs, in the streets and in public places. In addition, girls and young women are subjected to violence in the home, perpetrated, for example, by their fathers and brothers.

In Sweden, physical violence against women appears to be most common in intimate relationships, while sexual violence predominates in public settings, outside the home.<sup>42</sup> Still, experience from the women's shelters and the specialist clinic in Sweden, the National Centre for Battered and Raped Women at Uppsala University Hospital, indicates that sexual violence and rape are frequently part of the physical abuse committed by men in intimate relationships with the abused women, but that the women find it difficult to admit to also having been sexually violated.<sup>43</sup>

The fact that men's violence against women is widespread in the Swedish society has consequences for all women, not only for those who are subjected to that violence. In various contexts, women are encouraged to adopt "security-oriented attitudes" towards their own activities. A security-oriented attitude implies avoiding a number of behaviours, contexts and places said to increase the risk of being subjected to violence by men. This includes, for example, not being outdoors late at night, not jogging in parks after dark, not travelling alone by taxi, not inviting a man one has met in a bar home for a cup of coffee, not having too much to drink or dressing too provocatively or behaving so as to attract attention. Many women express fears of being subjected to violence or rape in public places. Men's violence against women compels many women to change their ways of life and to limit their freedom of movement in order to avoid or reduce the risk of being subjected to abuse.<sup>44</sup>

In spite of the fact that more attention is now being paid to men's violence against women in society, the violence itself is still covert in many respects, not least because official statistics only include cases of violence against women for which police reports are filed. A more exhaustive picture of the scope of men's violence against women can be obtained by carrying out interview studies with the victims of crime, or by making prevalence studies, in which women are asked to describe their experience of men's violence. However, prevalence studies, too, carry a certain amount of uncertainty. According to Statistics Sweden, there is every reason to assume that there is a considerable amount of violence that interviewees choose not to discuss, for various reasons - neither with the police nor with interviewers - including sexual abuse and men's violence against women in intimate relationships. For this reason, it is probable that violent crimes of this type are underestimated even in studies of the victims of crime.<sup>45</sup>

### Crime statistics

Statistics from the Swedish National Council for Crime Prevention (BRÅ) indicate that approximately 35 per cent of all cases of assault for which police reports are filed comprise assault against women. The number of police reports filed regarding assault against women increased by nearly 40 per cent during the 1990s. This increase was long explained by the claim that women's tendency to report assault was on the rise, but today there are clear indications that there has also been an actual increase in assault against women in recent years.<sup>46</sup>

During the first half of the 1990s, the number of reported crimes of assault increased gradually from just over 14,000 to nearly 19,000 annually.<sup>47</sup> In 2002, approximately 21,500 reports of assault against women were filed. In two thirds of these cases, the perpetrator was somebody with whom the woman was acquainted.

Crimes of assault against women continued to increase in 2003, when approximately 22,400 reports were filed, an increase by four per cent compared with 2002.<sup>48</sup> In 16,780 of these cases the perpetrator was a person previously known to the victim. According to an estimate from the Council on Crime Prevention, two thirds of these, or some 11,000 cases, concern assault against women by a perpetrator with whom they had an intimate relationship.

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<sup>42</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001.

<sup>43</sup> Information from Ingrid Claesson RKC, Ann-Marie Tung, SKR, and Ireen von Wachenfeldt, ROKS.

<sup>44</sup> Maria Wendt Höjer: Rådslans politik. Våld och sexualitet i den svenska demokratin ("The Policy of Fear: Violence and Sexuality in Swedish Democracy"), 2002.

<sup>45</sup> Statistics Sweden (SCB): Vålfärd och ofärd på 90-talet ("Welfare and Misfortune in the 1990s"), 2003.

<sup>46</sup> BRÅ, Apropå no. 1/2003: "Statistik måste tolkas varsamt" ("Statistics must be interpreted with caution").

<sup>47</sup> BRÅ, Crime Statistics.

<sup>48</sup> BRÅ press release no. 1/2004: "Våldsbrotten ökar, stöldbrotten minskar" ("Violent crime increases, theft decreases").

The number of unrecorded cases is very large, and crime statistics are known to comprise only a small proportion of actual crimes committed. There are varying opinions about the extent of hidden statistics. A rough estimate from the Council on Crime Prevention indicates that the number of reported violent crimes only corresponds to between 20 and 25 per cent of the crimes actually committed.<sup>49</sup> It is likely that the number of unrecorded cases of men's violence against women in intimate relationships is even greater than for other types of violent crimes. It is known that the tendency to report is negatively affected when a woman subjected to violence is acquainted with or has/had an intimate relationship with the perpetrator of the abuse. Generally speaking, crimes committed indoors also tend to be reported less frequently than crimes committed out of doors, and it is characteristic for violence against women that such violence tends to take place indoors and be committed by a person previously known to the woman.<sup>50</sup> Crimes of violence against women perpetrated by men with whom they have or have had intimate relationships are often recurring crimes, and more than 30 per cent of women who report this kind of violent crime to the police have reported the same man for assault at least once before.<sup>51</sup>

In 2002, only just under one fourth (24 per cent) of the cases of assault against women reported to the police resulted in prosecution.<sup>52</sup>

The number of police reports of cases of "gross violation of a woman's integrity" is also on the rise. This general heading includes assault and battery, unlawful threat, violation of the privacy of the home, and harassment. According to preliminary statistics, just over 1,800 police reports fell under the heading of "gross violation of a woman's integrity" in 2003 – this is an 18 per cent increase on the figure for 2002.<sup>53</sup> In 2000, the legislation on "gross violation of a woman's integrity" was amended. This was followed by an increase in reporting frequency.

The number of applications for restraining orders has also increased steadily since 1998, when the legislation came into force. That year, approximately 300 applications were made.<sup>54</sup> The corresponding figure for 2003 was 7,806. Of these, 3,741 were granted. However, it is impossible to tell from existing statistics how many of these restraining orders applied to men with whom the women had intimate relationships.<sup>55</sup> Recent statistics from the Office of the Prosecutor General in Sweden indicate that the number of reported violations of restraining orders fell from 5,015 in 2002 to 3,731 in 2003.<sup>56</sup>

The number of police reports filed for sex-related crimes fluctuated during the 1990s, but the trend was an upward one, with the average figure around 8,000 per year. Recent years have seen a further increase, with the number for 2002 being the highest ever: approximately 9,700 reports of sex-related crimes were filed, 2,184 of which were reports of rape. Of these, 386 were reports of rape of a child under the age of 15, a 12 per cent increase over the previous year. This increase was accounted for entirely by crimes committed indoors.<sup>57</sup> Preliminary statistics for 2003 indicate a continued increase in the number of police reports filed for sex-related crimes, including 2,560 crimes reported and classified as rape.<sup>58</sup>

During the 1990s, some 30-60 cases per year of rape reported to the police were classified as "gang rape with two or more perpetrators." This figure does not include gang rape where the perpetrators were previously unknown to the victim and unidentified. In a study of gang rape during the 1990s, the Council for Crime Prevention identified 390 cases of gang rape where the perpetrators were known to the victim. In 43 of these cases, the victim was a girl 14 years of age or younger. According to the Council for Crime Prevention, there is a downward trend at present, and the number of police reports filed for gang rape declined by 30 per cent between 1991 and 1999. However, the number of reports of gang rape with three or more perpetrators has been constant, with 5-10 such reports filed annually. In 75 per cent of all the reported cases of gang rape, the charges were later dropped either by the police or the prosecutor, the main reason being that it was not possible to confirm that a crime had been committed. Approximately 10 cases per year lead to legal proceedings.<sup>59</sup>

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<sup>49</sup> BRÅ report 2002:14: Våld mot kvinnor i nära relationer. En kartläggning (Violence against women in intimate relationships - A survey).

<sup>50</sup> BRÅ, Apropå no. 1/2001: Statistikskolan 11: Våld mot kvinnor ("Learning about statistics, no. 11: Violence against women").

<sup>51</sup> BRÅ report 2002:14: Våld mot kvinnor i nära relationer. En kartläggning (Violence against women in intimate relationships against women - A survey).

<sup>52</sup> Information from Jan Ahlberg and Lotta Nilsson, BRÅ 2004-01-15

<sup>53</sup> BRÅ press release no. 1/2004: "Våldsbrotten ökar, stöldbrotten minskar" ("Violent crime increases, theft decreases").

<sup>54</sup> BRÅ Apropå 2/2003: "Han bryter mot besöksförbudet dagligen" ("He violates the restraining order on a daily basis").

<sup>55</sup> Information from Sara Billström, RÅ.

<sup>56</sup> Annual Report from the Prosecutor-General's Office, 2003.

<sup>57</sup> BRÅ Apropå no. 1/2003: "Statistik måste tolkas varsamt" ("Statistics must be interpreted with caution").

<sup>58</sup> Information from Lotta Nilsson, BRÅ.

<sup>59</sup> BRÅ Apropå no. 2/2000: "Trots flera uppmärksammade fall. Gruppvåldtäkterna har minskat" ("Focus on gang rape, but their number has decreased").

In as much as 75 per cent of the police reports filed in cases of sexual coercion, the victim was a child under the age of 15. There was a reporting increase of 14 per cent between 2001 and 2002. In 2002, over 1,300 sex-related crimes perpetrated against children were reported.<sup>60</sup>

It should also be mentioned in this context that not all victims of sex-related crimes are women. It is likely that a substantial number of the victims of sex-related crimes committed against children are boys.

However, when it comes to adult victims of rape, the number of male victims is probably small.<sup>61</sup>

Every year, approximately 20-40 women are subjected to fatal violence in Sweden. According to the Council for Crime Prevention, an average of 16 women are killed every year by a man with whom they have/have had an intimate relationship.<sup>62</sup>

## Prevalence studies

Captured Queen: Men's Violence against Women in "Equal Sweden" A prevalence study. Translated by Julia Mikaelsson and Geoffrey French (Published 2001).

In conjunction with the reform of the Act on Protection of Women's Integrity, the Council for Crime Prevention was commissioned by the government to perform an interview study with the victims of men's violence against women. The Council engaged two researchers to carry out the study: Professor Eva Lundgren, whose professorial chair has a special focus on violence against women, and Associate Professor Gun Heimer, director of the Centre for Battered and Raped Women in Uppsala.

The results of the study are based on the answers received from 7,000 respondents to an extensive questionnaire sent to a random sample of 10,000 women from the general population in Sweden, between the ages of 18 and 64. The study was carried out between October 1999 and January 2000. Briefly, the women were asked about their experience of physical violence, sexual violence, threats of violence, controlling behaviour and sexual harassment.

The responses from the interviewed women showed that:

- 46% had experienced violence committed by a man since their fifteenth birthday;
- 25% had experienced physical violence committed by a man since their fifteenth birthday;
- 5% had been subjected to physical violence during the past year;
- 7% of the respondents who were married or cohabiting had been subjected to physical violence in their current marriage/cohabitation;
- 3% of the respondents who were married or cohabiting had been subjected to physical violence during the past year in their current marriage/cohabitation;
- 28% of the women who had previously been married or cohabiting had been subjected to physical violence in their previous marriage/relationship;
- 22% of the women between the ages of 18-24 had been subject to some form of violence during the past year;
- 34% had been subject to sexual violence committed by a man on at least one occasion since their fifteenth birthday;
- 56% had experienced sexual harassment;
- Only 15 per cent of the women who had experienced violence had filed a police report regarding the most recent violent event. The main reason stated for not filing was that the event was "too insignificant." (Approximately 50 per cent of the women who said that they had been subjected to violence replied to the question as to whether they had reported the incident to the police.)

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<sup>60</sup> BRÅ Apropå nr 1/2003: "Statistik måste tolkas varsamt" ("Statistics must be interpreted with caution").

<sup>61</sup> Information from Lotta Nilsson, BRÅ.

<sup>62</sup> BRÅ-rapport 2001:11: Dödligt våld mot kvinnor i nära relationer ("Fatal violence against women in intimate relationships").

Experience of physical violence in previous relationships about which the participants in the Captured Queen study were asked included being threatened with physical violence, having objects thrown at them, being pushed, held down, hit with a fist, hit with a hard object, kicked, held in a stranglehold, having their head banged against an object, being threatened with a knife or had a knife, gun or any other weapon used on them.

#### Statistics Sweden's (SCB) survey of living conditions (ULF)

The annual survey of living conditions (ULF) carried out by Statistics Sweden includes questions on whether the respondents have been subjected to violence. These surveys are based on interviews conducted in the respondent's homes. Every 7-8 years, more extensive surveys are also made, with a number of corollary questions being asked, including a question about the relationship between the respondent and the perpetrator. The question is formulated as asking about a "close acquaintance" – which does not necessarily imply that the perpetrator is somebody with whom the woman is in an intimate relationship or even that it is a man. In 2000, 3.9 per cent of the female respondents in the age group 16-64 stated that they had been subjected to violence. In 1.5 per cent of these cases, the violence had been perpetrated by a close acquaintance. (This category includes male acquaintances as well as the respondent's spouse, cohabitant partner or boyfriend, as well as female acquaintances). According to the estimates of Statistics Sweden, in 2000, 0.7 per cent of women in the age group 16-64 were subjected to violence in their homes that was perpetrated by a close acquaintance.

A Statistics Sweden report entitled "Välfärd och ofärd på 90-talet" (in Swedish only, the equivalent English title would be Welfare and Misfortune in the 90s) published in the autumn of 2003, states that the trend since the early 1990s has shifted in the direction of increased exposure to violence among young women, while the corresponding statistics for older women are unchanged. In 2000-2001, two per cent of the female respondents stated that they had been subjected to violence in the home. The majority of those women were younger women. In 2000-2001, just over four per cent of women in the age group 16-24 and just over three per cent of women in the age group 25-34 stated that they had experienced this kind of violence. Moreover, the figure for single mothers who stated that they had been subjected to violence or threats in their own dwelling or that of another person was as high as 16 per cent. A large proportion of these responses came from single mothers with small children, and eight per cent of them (5,000 women) had experienced violence of a severity that resulted in physical injury or visible marks. Some eight per cent of this group also stated that they had been subjected to repeated violence, with at least four instances of assault in a one-year period. Over 40 per cent of the single mothers with children who had been subjected to violence had failed to report the violence to the police.

The report discusses the difficulties in establishing reliable data on men's violence against women in intimate relationships. One possible explanation given for the striking increase in reports of violence being filed by single women is that it is less probable for a woman who has been subjected to violence but who is still cohabiting with the perpetrator to report physical violence, particularly because the man is also likely to be nearby during the interview itself. The report does, however, go on to point out that information given by single mothers cannot be used to draw parallels to the situation of women who are married or living with a partner, as the divorce or separation may be a direct consequence of the violence that has occurred.

#### Report 2002:14 from the Swedish Council for Crime Prevention "Våld mot kvinnor i nära relationer. En kartläggning" (in Swedish only, English equivalent title: Violence against Women in Intimate Relationships: A survey.)

This study is based on a questionnaire sent to women at a number of randomly selected workplaces in four Swedish counties. The questionnaire was answered anonymously and at work by just over 3,300 women. Of these working women, 0.9 per cent stated that they had been subjected to physical violence by their current spouse/cohabitant partner/boyfriend or former spouse/partner/boyfriend in 2001. None of them had reported the crime to the police. Weighted results extrapolated to national level indicated that in a year, one per cent, or approximately 25,000 of the gainfully employed women in Sweden are subjected to violence by a man with whom they have an intimate relationship. Repeated violence is common. These findings indicate that socially integrated, gainfully employed women are disinclined to report such crimes to the police. According to an estimate from the Swedish Council for Crime Prevention, based on the assumption that the proportion of the female population that is not gainfully employed is subjected to a larger number of violent crimes (an estimated 27 per cent in the age group 16-64), as many as 40,000 women could have been subjected to violence in 2001 by a man with whom they were in an intimate relationship.

It should be added that studies of this kind only encompass the violence the respondents themselves state that they have been subjected to. It would be relevant in this context also to investigate women's experience of violence in previous relationships, because, as mentioned above, there are major discrepancies between the retrospective construction of violence given by women who have been subjected to violence and the views they held of the violence during the time they were still living in a relationship with the perpetrator. A woman tends to be unable to designate the violence as violence until she has put the relationship behind her. According to Captured Queen, women tend to describe ongoing relationships in a better light than relationships that are in the past, for which they

are far more inclined to report the existence of violence. Statistics Sweden also states that it is less probable that women subjected to violence by men with whom they are still cohabitating will talk about it.<sup>63</sup>

## Other information

In a project initiated by the Swedish National Board of Health and Welfare and carried out in three counties (the counties of Dalarna, Stockholm and Skåne), young women with appointments at 40 public antenatal care facilities and 15 outpatient clinics for young people in the different towns and cities in these counties were asked about their experiences of violence. From April-December 2001, a total of 9,300 women were interviewed, and nearly 1,300 of them stated that they had been subjected to violence at some time. For the vast majority of them, this had been previous violence experienced during childhood and adolescence or in previous relationships with a boyfriend or the like. Approximately 110-140 of these women stated that they were in an ongoing relationship where there was violence, or that the violence was relatively recent. It was concluded from this project that women are reluctant to describe their experiences of violence spontaneously, but that they respond to direct questions on the subject. Women mainly choose to describe previous experiences of violence rather than currently ongoing violent situations.<sup>64</sup>

## Summary

The prevalence study entitled *Captured Queen* indicates that seven per cent of the women in Sweden who are married or cohabiting are subjected to violence in their current marriage/cohabitant relationship, and that three per cent of these women have been subjected to violence during the past year. Reports of violence in previous relationships were more frequent, with as much as 28 per cent of the respondents stating that they had had at least one previous spouse/cohabitant partner who subjected them to physical violence while the relationship was ongoing. Estimates from the Council indicate that, in any given year, one per cent of the gainfully employed women in Sweden are subjected to violence of a kind that can be legally classified as assault and battery by a man who is close to them. The violence is often recurrent. Their studies also indicate that the reporting frequency is low. Only 15 per cent of the respondents in the *Captured Queen* study who had been subjected to violence had reported the latest occurrence to the police. The probability that violence against women is reported is thought to vary with the social category. Studies show that the likelihood of a case of violence against a woman being reported is particularly low among women who are gainfully employed and most socially integrated. In other words, there is a large number of unrecorded cases and only a small proportion of the actual number of violent crimes against women are reported to the police.

According to statistics from the Swedish Council for Crime prevention, in 2002 just over 10,000 police reports were filed regarding violence against women perpetrated by a man with whom she had an intimate relationship. In 2003, the figure had risen to approximately 11,000 reports. According to the Council, actual violence against women in Sweden is rising. Charges are only filed in 25 per cent of the cases of assault and battery committed against a woman by a man with whom she is acquainted.

The number of police reports filed regarding sex-related violence is also on the rise. The figure for 2002 was the highest ever, with approximately 9,700 crimes of sexual violence being reported, 2,184 of which were cases of rape. Preliminary statistics for 2003 indicate that the number of reports filed for sex-related crimes continued to increase, and 2,560 reports of crimes classified as rape were reported during the year.

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<sup>63</sup> Statistics Sweden: *Välfärd och ofärd på 90-talet* ("Welfare and misfortune in the 1990s"), 2003.

<sup>64</sup> National Board of Health and Welfare: *Tack för att ni frågar. Screening om våld mot kvinnor* ("Thank you for asking: Screening of violence against women"), 2002.

# The people behind the statistics

## Perpetrators and crime victims

Many of the studies that BRÅ has carried out on violence against women include analyses of the perpetrators, their drinking habits, social exclusion, psychological problems, criminal record, etc. A BRÅ report entitled Violence against Women in Intimate Relationships (Våld mot kvinnor i nära relationer), looks at crime victims and the reported (although not necessarily convicted) perpetrators in a limited sample of crimes of assault against women by men in intimate relationships with them, reported to the police during the period 1990-91 and in 1998. BRÅ analysed the crime victims and the perpetrators with regard to educational background, unemployment, criminal record and country of birth. Most perpetrators and victims (more than 60 percent) were found to be between the ages of 25 and 44, and both groups had a much longer criminal history than the average population. Perpetrators and victims born abroad were found to be overrepresented compared with the rest of the population, but this overrepresentation showed a tendency to decrease. There was a weak tendency for the violence to be more aggravated and result in more serious injuries for perpetrators born in Sweden. There was considerable overrepresentation of people with a limited educational background compared with the rest of the population. In 1990-1991, 49 per cent of the perpetrators had consumed alcohol in connection with the aggression. This percentage had gone down to 41 in 1998.

The descriptions of perpetrators in the BRÅ survey are based on 855 cases of reported violence against women and comprise 787 identified perpetrators; hence, they constitute only a very small proportion of the real number of perpetrators.

In the prevalence study Slagen Dam (Captured Queen), another picture emerges both of the perpetrators and of the abused women. Questions were asked about the woman's educational background, income, profession, country of birth and the country of birth of her parents. The questionnaire also contained questions about her current husband's/partner's country of birth, the country of birth of his parents, his consumption of alcohol and drugs and educational background. The results showed that eight out of ten women who stated that they had been subjected to violence in their current relationships were married to/living with a man born in Sweden. Two thirds of the women who stated that they had been subjected to violence in their current relationship indicated that their husband/partner was gainfully employed and 23 per cent reported that their husband/partner held a university degree. A majority (83 per cent) of the men who had abused their current wife/partner were reported to consume alcohol once or twice week or less frequently.

Experiences from women's shelters show that women of all ages and from all social groups are subjected to violence by men with whom they are or have been in an intimate relationship. Similarly, the perpetrators can be found in all social groups and professions. The "domestic violence" so often reported and discussed by the media is frequent in well-to-do residential areas as well as in flats and apartment blocks. The women who turn to women's shelters are often those who have not reported the perpetrators to the police or been in contact with other authorities.

The likelihood that acts of violence against women will be reported to the police is not believed to be the same for all social groups. BRÅ distributes its own workplace questionnaire and the results indicate that the tendency to report is remarkably weak among socially integrated, working women. None of the women who indicated that they had been abused in the workplace questionnaire had reported the aggression.

Researcher Mona Eliasson believes that people from lower social groups and so-called subcultures (including criminals and abusers of alcohol and /or drugs) tend to be subjected to stricter control by society and more scrutiny by the authorities, which is likely to reinforce the impression that they are overrepresented for certain kinds of crime.<sup>65</sup> As crime statistics only include those perpetrators who become known to the law enforcement authorities, groups that run a greater risk of detection may be statistically overrepresented. The risk that a crime is detected and leads to a conviction increases with the number of crimes a person has already committed.<sup>66</sup>

Various studies from different countries indicate general links between men's violence against women and the influence of alcohol. However, the fact that alcohol is involved when women are assaulted does not mean that the alcohol is the reason for the aggression. There are no hard and fast rules as to the connection between alcohol and men's violence against women. Some men who abuse women are teetotalers, others are always under the influence of alcohol when they beat their women, and yet others are sober when they do the beating - even though they may normally be heavy drinkers.<sup>67</sup>

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<sup>65</sup> Mona Eliasson, 1997.

<sup>66</sup> National Council for Crime Prevention (BRÅ): Crime statistics, 2002

<sup>67</sup> Mona Eliasson, 1997, and Eva Larsson, 2003.

In conclusion, it should be emphasised that sweeping conclusions about perpetrators, based on the limited number of men who have been reported for their crimes of violence against women with whom they are in intimate relationship, may be misleading. Conclusions based on a limited number of perpetrator profiles may serve to reinforce the myths that surround men's violence against women.

## Myths

There are many such myths surrounding men's violence against women, not least about who gets abused and who abuses. Many people assume that a certain kind of woman "invites" abuse and – and an even more widespread assumption - that only a certain kind of men assaults women. Men of foreign origin are often identified as being especially prone to subject women to violence; it is "in their culture." When Swedish men abuse their girlfriends, partners, wives or daughters, the violence is often explained in terms of adjustment problems, mental illness, deviant behaviour or alcoholism. The myths serve to relieve the perpetrator of his responsibility for the acts of aggression, while the abused woman is turned into an accomplice:

"She always picks the wrong kind of man" or "it takes two to tango." According to these myths, the woman has to have done something or provoked the man into a violent reaction.

Men who beat women are often described as people who cannot sufficiently control their impulses and aggression – "he lost control". In actual fact, men's violence against women appears to be remarkably well controlled and planned. Women are almost always assaulted in places that are sheltered from view, i.e. at home. The abusive man selects the time and place and the violence is not directed against just anybody, but specifically against the woman who is his intimate partner and quite often also against the children in the family.

There are also many myths surrounding the abused woman. The stereotype image is that of a brutally battered woman with many visible injuries, who is in immediate need of emergency care. Because of this stereotype, much of the violence that women are subjected to is seen as trivial and thus ignored. Psychological abuse, in the form of constant threats of violence, molestation, controlling behaviour and verbal attacks that aim to break down a woman's self-esteem and integrity, leaves no visible scars, but seriously affects the woman's life, well-being and psychological health. When a woman is accosted or forced to perform sexual acts, her sexual integrity and right to decide over her own body are violated.

The above-mentioned myths and assumptions create a situation where men's violence against women is redefined, excused, trivialised and made invisible - by women as well as men. As long as the discussion about men's violence against women is held at a general, abstract and impersonal level, almost everybody in Sweden agrees that we must join forces to combat this violence. But when it comes to concrete acts of violence carried out by people we know, people who are close to us, in our neighbourhood or town, it appears to be much more difficult to acknowledge this violence and take it seriously. The existence and scope of men's violence against women with whom they are in an intimate relationship tend to be underestimated, by people in general as well as by decision-makers and official representatives at different levels in society.<sup>68</sup> Violence against women destroys our picture of "the good society" – of Sweden as a country of equality between men and women.<sup>69</sup> By adhering to myths that reinforce the assumption that men's violence against women is limited to certain groups, "the others," we avoid having to confront and deal with one of the major social problems of our time. And the crimes against women's rights are allowed to continue.

**"When women fall in love with the wrong man, there's trouble for the police, especially if the man comes from another country with a different attitude to women."**

**Chief of police in an average-size municipality in Western Sweden. From: När var och en sköter sitt... (When everybody mind their own business...).**

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<sup>68</sup> Carin Holmberg and Christine Bender: "Det är något speciellt med den här frågan". Om det lokalpolitiska samtalet om mäns våld mot kvinnor ("There is something special about this question" - On the local political dialogue on men's violence against women), 2003.

<sup>69</sup> Mona Eliasson, 1997.

## Summary

Women of all ages and from all walks of life are subjected to violence by men with whom they are or have been in an intimate relationship. Similarly, those who commit the violence can be found in all social groups and professions. The "domestic violence" so often referred to in the media takes place in all social categories. The fact that alcohol sometimes has been consumed by the men who assault women does not mean that alcohol is the cause of the violence. The myths surrounding men's violence against women often serve to relieve the perpetrator of the responsibility for his actions and lead to a situation where the violence aimed at women is redefined, excused, trivialised and made invisible. The stereotype image of the physically ravaged and destroyed woman also contributes to concealing the many other types of psychological and sexual violence that women are subjected to. If the perpetrator is of foreign origin it is often claimed that the violence is a part of "their culture." Swedish men who assault women are described as being a deviant, maladjusted, alcoholics or mentally ill. The myths are used to present men's violence against women as a problem that only concerns specific and well-defined groups, rather than as an all-encompassing societal, health and human rights problem. The existence and scope of men's violence against women with whom they are in an intimate relationship tend to be underestimated both by the general public and by decision-makers and official representatives at different levels in society.

## Women who are particularly vulnerable

Many women are in a vulnerable position and may therefore need special support if they are abused by those close to them and/or other people they come into contact with. These women often belong to low-status groups in society and suffer discrimination on two levels: both on the basis of their gender and other factors, such as disability, ethnicity, social background, alcohol and /or drug abuse, age and sexual orientation. This double discrimination may make it more difficult for them to speak out about their experiences of violence. The support and protection they are offered are often insufficient and inappropriate to their practical situation and needs.

### Disabled women

When disabled women suffer abuse, it is often perpetrated by men on whom they are dependent. For women who live at home, it may be their partners or other men close to them, and for women in institutions it may be personal assistants, employees, fellow patients, or drivers who work for transportation services for the disabled. The violence often focuses on the woman's handicap. Psychological violence often takes the form of telling the woman what she lacks. The husband of a visually impaired woman may, for instance, move the furniture around in their home, making it difficult for her to move about without hurting herself. Because of her disability and her vulnerability, the woman may find it hard to talk to others about being abused. She may also feel ashamed of her disability. Furthermore, a woman with mental or psychological disabilities or intellectual or communicative impairment often finds her credibility questioned.<sup>70</sup>

### Women who are alcohol and/or drug abusers

In a study carried out by Länkarna (a Swedish organisation similar to Alcoholics Anonymous) in the Stockholm neighbourhood of Johanneshov, 70-80 per cent of the approximately 100 women polled stated that they had been subjected to gross psychological and physical violence.<sup>71</sup>

The health and social services often focus on the substance abuse and attach only secondary importance to the violence suffered by these women. Women who abuse alcohol or drugs are particularly vulnerable in situations where they need emergency protection. Women's shelters are unable to accommodate them, because other women and children who are lodged there need a calm and safe environment. Municipal Crisis centres for women do not provide sheltered accommodation either, so these women are often referred to services provided for alcohol and/or drug abusers. However, those services often lack the necessary knowledge of the specific problems of abused women. When attempting to help women give up their addiction, it is necessary to look at the whole picture. Many homeless women who are also drug addicts are frequently subjected to all sorts of violence by men who offer them temporary housing and/or alcohol and drugs.

### Women who are mentally ill

Scant research has been carried out on men's violence against women who suffer from mental illness. However, in 2003, the National Swedish Association for Social and Mental Health (RSMH) carried out a pilot project in the form of a prevalence study of all women who had been in contact with the psychiatric care facilities in Skåne (Southern Sweden) during one given week. The results of the study showed that as many as 70 per cent of the women interviewed (1,382) stated that they had at some point been subjected to physical, sexual or psychological abuse. Among those who indicated that they had experiences of violence, some 70 per cent believed that their mental illness was linked to the violence. Few had received any help in handling these experiences. More than one fourth, or 27 per cent, of the women polled stated that they had been sexually abused as children, and 28 per cent of the women had been beaten. A full 35 per cent stated that they had been subjected to psychological abuse as children.<sup>72</sup>

Mentally ill women are as vulnerable as women who are alcohol and/or drug abusers in situations when they need emergency protection, as the non-profit women's shelters are unable to take them in. The municipal crisis centers for women do not normally accept mentally ill women either. The psychiatric services lack knowledge about the extent of the violence, its underlying mechanisms and how to handle crime victims, according to RSMH. Mentally ill women who fall victim to violence are sometimes given the run-around by different authorities and care services without receiving proper help, support and security.

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<sup>70</sup>Allt om hjälpmedel (Aids and resources) no. 1, 2002 and Eva Larsson, 2003.

<sup>71</sup>Eva Larsson, 2003.

<sup>72</sup>Aftonbladet (Debatt): Våld är vardag för psyksjuka kvinnor ("Violence is a part of everyday life for mentally ill women"), 2004-03-08 and Dagens Nyheter: Psyksjuka ofta tidigare offer ("The mentally ill are often previous victims"), 2004-03-08.

## **Women who are asylum seekers or refugees**

Women who have fled their countries of origin to seek protection in Sweden may have experienced different types of trauma and been subjected to gender-based violence perpetrated by state agents as well as by men with whom they are close, by acquaintances or strangers. Some women asylum seekers fear renewed violence if they are returned to their country of origin. They may be subjected to gender-based violence and persecution in the form of genital mutilation, honour-related violence, rape, physical abuse by their husbands or partners, forced marriages, and explicit and aggravated gender-based discrimination. Other women fear that they will be cast out and socially rejected because they have breached the norms and values that prevail in their country of origin, or because they have been raped during an armed conflict. Some women are forced into exile to avoid prostitution. If they are returned they run a considerable risk of ending up as prostitutes or falling into the hands of traffickers.

According to Chapter 3, Section 3, of the Swedish Aliens Act, a person who harbours a well-founded fear of persecution on the basis of his or her gender or homosexual orientation and who has left the country in which he or she is a national, can be granted a residence permit as a person in need of protection "on other grounds." This also applies to individuals who have a well-founded fear of being subjected to capital or corporal punishment, torture or other forms of inhuman or degrading treatment or punishment.

According to a government report on persecution for reason of gender or sexual orientation presented in March, 2004 (Report 2004:31), all such persecution ought to be covered by the refugee concept and provision 3:3:1:3 of the Aliens Act should therefore be repealed.<sup>73</sup> Amnesty International welcomes this proposal but emphasises that the law enforcement authorities must develop an interpretation of this provision that is based on solid knowledge about the special circumstances and difficulties confronted by women who have been subjected to different forms of violence.

Many women who seek asylum find it difficult to talk about what they have experienced in their countries of origin, particularly if they have been sexually abused, raped or sexually tortured. As a result, all the possible grounds for granting asylum may not be revealed, or may emerge only at a much later stage of the asylum process.

Women whose applications for asylum are rejected and who go underground may be particularly vulnerable if they are also abused by men with whom they are in an intimate relationship. Any contact with the authorities involves a risk of being forcibly returned. Her access to medical care will also be severely limited.

## **Other women of foreign origin**

Women have immigrated to Sweden from many different countries and have different social and cultural backgrounds. If they are abused by men with whom they are in an intimate relationship, they may be particularly vulnerable, as they are often segregated and discriminated against in Swedish society. The violence perpetrated by the man is also proof of the woman's subordinate position in the family. In some cases, the woman risks being marginalised by family and friends if she divorces the man or seeks help outside the family. Other women who arrive from abroad lack a social safety net in the new country. The women may also have language difficulties, making it even more difficult for them to get help and explain their situation.

Foreign women who come to Sweden to marry are only granted permanent residence after two years. Fear of being deported if they report aggression or separate from their violent men before the end of this two-year period may stop the women from seeking help and protection. The woman may also be alone and isolated and lack knowledge of Swedish law, how the legal system works or where she can get help. In addition, she may have a hard time making herself understood in Swedish and will have to rely on the man's description of how Swedish authorities work. The man may also threaten to send her back to her country of origin or to report her to the police - threats taken seriously by the woman. According to BRÅ, there has been an increase in violence against women in relationships where the man is Swedish and the woman is of foreign origin.<sup>74</sup>

According to a new reform that came into force in July 2000, women who have been abused by men may be allowed to stay in Sweden, even if the relationship has lasted less than two years.

## **Honour-related violence**

Honour-related violence against girls and women occurs in many parts of the world. In recent years, so called honour-related violence has come under increased scrutiny in Sweden as well. The concept of honour, used to legitimise

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<sup>73</sup> Flyktingskap och könsrelaterad förföljelse. Betänkande av Utredningen om förföljelse. ("Refugees and gender-based persecution." Report from the Commission on Persecution), Swedish Official Government Report (SOU) 2004:31.

<sup>74</sup> BRÅ report 2002:14 Våld mot kvinnor i nära relationer. En kartläggning (Violence against women in intimate relationships - A survey).

violence against or the killing of women, is based on the assumption that a man's honour is dependent on how the members of his family behave. The chastity of female family members is particularly important and directly linked to the man's and the family's honour. The women's chastity is what determines the difference between honour and shame. In other words, the women are the embodiment of the honour of the men and the whole extended family. In this way, the woman's sexual life ceases to be her private concern and is strictly monitored.

So-called honour systems are often characterised by varying degrees of gender segregation and control. This often leads to restrictions in the woman's freedom of movement. The social control is carried out both by men and women, inside as well as outside the family.

If a girl or a woman breaks the rules, strong pressure may be exerted on her in the form of tighter control, threats, abuse, forced marriage, social exclusion, and, in the most extreme cases, so-called honour killings. Young women may fall victim to honour-related violence for a number of reasons, such as the way they dress, their refusal to marry the man the family has selected, suspicions that they are involved in premarital sexual relationships or for wanting to divorce their husbands.

When the family's honour has been tarnished through the girl's or the woman's behaviour, the men in her family are expected to restore the family honour by punishing her or, if worst comes to worst, by murdering her.<sup>75</sup> Homosexual men, who are considered to violate the gender norms through their sexual orientation, may also as a group be particularly vulnerable to honour-related violence. In 2001, the county councils in Stockholm, Skåne and Västra Götaland were commissioned by the government to survey the prevalence of honour-related violence and the need for special measures to protect girls and women in "patriarchal families." The results were presented in the summer of 2002. The remaining Swedish counties were requested to carry out similar analyses during 2003. The results will be collated in a national report on the extent of honour-related violence, which was to have been concluded by April 2004. The complete picture will reportedly serve as a basis for the future work carried out in Sweden to combat honour-related violence.<sup>76</sup>

Since 2002, the National Criminal Investigation Department (Rikskriminalen) has been working on a manual for combating honour-related violence. The work was supposed to have been concluded by February 2004 but is delayed.

### **Women who are homosexual, bisexual or transsexual**

The prejudices and attitudes that prevail in our society against both male and female homosexuals make these persons particularly vulnerable to violence. Some homosexuals do not want to or dare not reveal their sexual orientation, which adds to the difficulty of breaking the silence surrounding violence and abuse. Threats to reveal the vulnerable person's sexual identity at the workplace, in the family or among friends and acquaintances can be an effective means of control in an abusive homosexual relationship. The perpetrator can exploit society's homophobia to his or her own benefit and many homosexuals have negative experiences of this kind. Intimate violence in homosexual relationships is often trivialised: the parties are seen as equally strong and when a woman is the aggressor the violence is perceived as less serious. The feelings of group loyalty are often strong.<sup>77</sup> Information about the frequency of violence in lesbian relationships in Sweden is lacking, but it is clear that it follows the same pattern of dominance and subordination as that in heterosexual relationships, with one partner being the perpetrator and the other the victim.

Research carried out in other countries indicates that intimate violence in homosexual relationships is as common as in heterosexual relationships. The Crime Victim Compensation and Support Fund has awarded grants to two researchers who will carry out the first study of partner abuse in same-sex relationships. The results of the study are expected in 2005.<sup>78</sup>

The Swedish Federation for Gay and Lesbian Rights (RFSL) has been running a victim support centre in Stockholm since 1998. Almost half of the incoming phone calls concern violence in intimate relationships.<sup>79</sup> In addition, women who are homosexual, bisexual or transsexual, run the added risk of being abused by strangers when they, on the basis of their sexual identity, are perceived as having breached society's gender norms.

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<sup>75</sup> Amnesty International: Hedersmord (Honour-related violence): <http://www2.amnesty.se/krig.nsf/Hedersmord?OpenPage>

<sup>76</sup> Dagens Nyheter: "Fadimes öde väckte Sverige" (Fadime's fate awakened Sweden), 2004-01-16.

<sup>77</sup> Nationellt Råd för Kvinnofrid: Kvinna slår kvinna, man slår man. Homosexuell partnermisshandel (The National Council for the Protection of Women's Integrity: Women hit women, men hit men: Partner abuse in homosexual relationships), 2003.

<sup>78</sup> Kom ut, no. 10/03: "Inget vackert som går sönder" ("It isn't something beautiful that breaks").

<sup>79</sup> Ibid.

## Young women and girls

Studies have shown that young women and girls between the ages of 18 and 24 are particularly vulnerable to men's violence. According to the prevalence study Captured Queen, 19 per cent of the interviewed women in that age group had been threatened with violence and/or assaulted and/or subjected to sexual violence or threatened with violence by a boyfriend. The same study also revealed that women in this age group are most prone to be subjected to violence from men with whom they are not, and have never been, in a sexual relationship. In addition, 20 per cent of all the interviewees stated that they had suffered some form of sexual violence before the age of 15.

According to the Statistics Sweden report Welfare and Misfortune in the 1990s, young women have been increasingly subjected to violence since the early 1990s. As many as 14 per cent of the young women in the age bracket 16-24 had been threatened with violence or beaten during a one-year period (2000-2001), which is an increase of more than four percentage points compared to the 1990s. Most of this increase consists of gross acts of violence - the kind that leaves visible marks or bodily injuries. For that same year, four per cent of the young women stated that they had been the victims of "domestic violence."

Young women are also subjected to insults in schools and sexual harassment at universities. Girls and young women are threatened and subjected to unwanted sexual advances and groping by boys their own age or by teachers, tutors or other men older than themselves. This violence is also perpetrated in residential neighbourhoods, at workplaces, parties, in bars or other public places, both indoors and out in the open.<sup>80</sup> Girls are also subjected to sexual abuse and beaten in their homes.

## Summary

Many women find themselves in a situation where they may need special support if they are subjected to violence by people close to them and/or other people around them. These women are often victims of double discrimination; i.e. they are discriminated against both because of their gender and because of disabilities, ethnicity, social background, substance abuse, age or sexual orientation and sexual identity. Their special needs are seldom met, as the support and help that society can provide are often insufficient and inappropriate to their particular situation. Women who are disabled, mentally ill, alcohol and/or drug abusers, of foreign origin, potential victims of honour-related violence, asylum seekers, lesbians, elderly, as well as young women and girls all constitute groups that may be particularly vulnerable

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<sup>80</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001.

# Few reports lead to legal proceedings

## Assault against women

The number of prosecutions for assault and battery of women decreased, in general terms, in the 1990s, in spite of measures introduced to simplify and facilitate the legal process for women.<sup>42</sup> One frequently cited reason is that these violent crimes are hard to prove, as there are usually no witnesses. It is often the woman's word against the man's.

In recent years, approximately one fourth of the reported acts of assault on women have led to prosecution.<sup>43</sup> For the more serious offence of aggravated assault against a woman, almost half of the reported cases result in indictments.<sup>44</sup>

In 2003, the public prosecutor divisions in Sweden registered a total of 15,927 suspicions of assault on women.<sup>45</sup> Several suspicions can be registered against the same perpetrator, in which case the prosecutor makes a decision for each suspected incident. The Prosecutor-General's definition of violence against women includes gross violation of a woman's integrity and assault against a woman by a known perpetrator.

The Prosecutor-General's Annual Report for 2003 shows that out of 14,802 processed suspicions of acts of violence against women handled by a prosecutor, 32 per cent (4,808) resulted in some sort of legal action, either in the form of prosecution, imposition of a summary sanction or a decision to waive prosecution. According to the Prosecutor-General's Office, almost all indictments for violence against women lead to convictions.<sup>46</sup>

The concept of legal proceedings is defined differently by different authorities. The Prosecutor-General's definition covers decisions by the prosecutor to indict or to waive prosecution and accepted summary sanctions. The National Council for Crime Prevention (BRÅ) defines legal proceedings as convictions in a district court, accepted summary impositions of a fine or a decision by the prosecutor to waive prosecution.\*

The difference between the number of cases reported to the police of women abused by somebody known to them (16,780) and the number of suspected cases of abuse of women by somebody known to them (excluding cases of gross violation of a woman's integrity) registered by the public prosecution authorities in 2003 (14,132), indicates that the police sometimes handle the preliminary investigation, even though crimes of intimate violence are classified as serious criminal offences, for which the Council of the Prosecutor-General has stated that a prosecutor should lead the preliminary investigation.

It should be pointed out that it is impossible, on the basis of available crime statistics, to ascertain how many charges of assault/aggravated assault against women lead to convictions, as no statistics broken down by the gender of the victim are available in Sweden.<sup>47</sup>

## Gross violation of a woman's integrity

The National Council for Crime Prevention (BRÅ) carried out a follow-up study of how the new law was applied between July 1, 1998, and December 31, 1999.<sup>48</sup> The number of reported cases of gross violations of a woman's integrity which resulted in prosecution during this period was remarkably small, with only ten per cent of the more than 1,000 reports to the police of gross violations against a woman's integrity resulted in prosecution. The

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<sup>42</sup> BRÅ Apropå 3/2000.

<sup>43</sup> BRÅ, Crime Statistics, 2002.

<sup>44</sup> BRÅ Apropå 3/2000.

<sup>45</sup> 2,511 of the suspected crimes referred to outdoor assault and battery of a woman by a man known to her, while 10,979 of the suspected cases referred to indoor assault and battery of a woman by a man known to her. Gross assault and battery of a woman by a man known to her taking place outdoors accounted for 159 cases of suspected crime and 438 cases of suspected crime referred to gross assault and battery of a woman by a man known to her taking place indoors. Gross violation of a woman's integrity accounted for 1,840 cases of suspected crime. Information from Sara Billström, the Prosecutor-General's Office.

<sup>46</sup> Annual Report from the Prosecutor-General's Office, 2003.

\* "Accepting a summary sanction" means that the suspect agrees to pay the fine imposed upon him/her by the prosecutor without the case being taken to court. "Prosecution waiver" means that the prosecutor registers the suspect as being guilty of a crime but considers it unnecessary to prosecute, for example, because the offence is considered minor in relation to other offences committed by the suspect, because the suspect has not previously been convicted of any crime, or because of the suspect's young age. If the prosecutor institutes prosecution, the case will be taken to court. A court conviction may lead to sentences involving a fine, transfer of the suspect to care within the social services, imprisonment, forensic psychiatric treatment, or a probational sentence. Probational sentence means that the convicted party does not have to serve the sentence unless he/she commits a new offence within a probational period of two years.

<sup>47</sup> Information from Jan Ahlberg and Lotta Nilsson, BRÅ

<sup>48</sup> BRÅ report: Grov kvinnofridskränkning – en kartläggning (Gross Violation of a Woman's Integrity – A Survey), 2000:11.

prosecutor did, however, institute prosecution for other offences (mainly assault and battery) in an additional ten per cent of the cases. Some 40 per cent of the reports were dismissed, with the most frequently cited reason being lack of evidence. The remaining 40 per cent were still being investigated on December 31, 1999. There was thus a large discrepancy between the number of crimes reported to the police and the number of prosecuted cases.

When it comes to gross violation of a woman's integrity, it has been a matter of proving repeated assault and battery. The different criminal acts that have been deemed in court to constitute gross violation of a woman's integrity have consisted of repeated acts of battery, with injuries documented in hospital records.

According to the original drafting of the provision, the separate acts had to "form part of a repeated violation" of the victim's integrity and self-esteem for the perpetrator to be convicted of gross violation of a woman's integrity. The words "form part of" was construed by the Swedish Supreme Court in March, 1999, to mean that the man had to have been convicted of similar offences against the woman after the law had entered into force. As a result of the Supreme Court's decision the number of reported cases of violation of a woman's integrity was halved.

The follow-up study also showed that the men who were convicted were often sentenced for more serious offences. As a result, one of the most important aims of the provision - that it could be applied in the event of repeated offences of a less serious nature - was not achieved during the initial phase.<sup>49</sup>

A review and reform of the legal provision was then carried out in the light of the Supreme Court's interpretation. On January 1, 2000, the provision was amended so that no previous convictions would be needed for the court to convict somebody of gross violation of a woman's integrity, but the current charges would suffice in and of themselves. Following the reform, the number of police reports of violations of a woman's integrity started to increase again and since November, 2000, the number has been rising steadily.

According to crime statistics for 2002, nearly 1,600 instances of gross violation of a woman's integrity were reported. In the same year, 184 men were charged with the offence of grossly violating a woman's integrity, of whom 139 were sentenced to imprisonment.<sup>50</sup> In 2003, 1,849 police reports of gross violation of a woman's integrity were filed.<sup>51</sup>

## **Restraining orders**

In recent years, almost half of the requests for restraining orders lodged with the public prosecution authorities have been granted.

The National Council for Crime Prevention (BRÅ) has carried out a follow-up study of how the Restraining Orders Act was applied during 1999-2001.<sup>52</sup> The Extended Restraining Orders Act was not passed until September 2003, and was therefore not covered by the study.

In 1999-2001, an average of 6,600 women a year requested restraining orders. During the same period, an annual average of 3,300 breaches of existing restraining orders were reported. A little more than half of the investigated reports of breaches of restraining orders were dismissed, the most frequently cited reason being a lack of evidence. Legal action was taken against an average of 620 individuals a year for violating restraining orders.

The study, which also includes in-depth interviews, shows that the decision to grant a restraining order is initially warmly welcomed by the woman. The restraining order is often perceived as an important signal from society and the woman feels that she has been believed. At the same time, the woman's fear of being subjected to further violence seemed to persist. The women were also critical of the fact that nothing happens when they report violations of restraining orders. This has prompted many women to stop filing reports or to report only serious violations. Failure on the part of the law enforcement authorities to react has permitted the violations of women's integrity to continue.

Two fifths of the men who have had restraining orders issued against them become suspects in connection with new crimes of violence (not necessarily against the same woman) within one year of the date when the restraining order was issued. Nearly 30 per cent of the restraining orders had been violated within one year of the date of issue.

The study also shows that police are disinclined to apply the law, even though restraining orders are supposed to be used as a starting-point for preventive work. Only seven of Sweden's twenty-one police authorities have drawn up

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<sup>49</sup> Ibid.

<sup>50</sup> BRÅ, Crime statistics, 2002.

<sup>51</sup> Information from Lotta Nilsson, BRÅ.

<sup>52</sup> BRÅ report: Restraining orders – an evaluation of the law and its implementation, 2003:2.

routines for active follow-up of decisions to issue restraining orders. Such follow-ups may consist of regular contacts with both the woman and the man who has had a restraining order issued against him, to check whether the restraining order is being complied with and if needed, to take additional protective measures.

There are also vast regional differences in the number of requests for restraining orders, which indicates that different police authorities handle the obligation about restraining orders in different ways. The number of requests granted also varies strongly from one county to the next, with the rate fluctuating between 35 and 74 per cent. According to The National Council for Crime Prevention (BRÅ), the prosecutors seem to base their decision on whether the man against whom a restraining order has been requested has been accused of a criminal offence that can be substantiated. According to the legislative preparatory work, previous police reports were supposed to be one of many important indicators of a persistent risk. In practice, the prosecutor uses this as a prerequisite to grant a restraining order.

One conclusion is that improvements need to be made in the application of the law if it is to work effectively as a preventive safety measure. Police routines in connection with restraining orders have to be improved. Active and continuous follow-up by the police would enhance women's safety. The interviewed women wanted immediate police action the very first time the man infringes the restraining order. The law gives wide discretionary powers to the prosecutors who decide on restraining orders. The National Council for Crime Prevention (BRÅ) believes that common, nationwide guidelines for police and prosecutors are needed. BRÅ also underlines that an overall approach to men's violence against women and to vulnerable women's living situations must form the basis of the judiciary's assessment of individual cases. Violence against women is often recurrent and manifests itself in ways that are not always physical. It has been suggested that breaches of restraining orders should be considered to form part of a repeated aggression against a woman and thereby constitute a gross violation of a woman's integrity. The National Council for Crime Prevention (BRÅ) believes that this possibility needs to be discussed further.

According to the 2003 annual report from the Prosecutor-General, the number of reported breaches of restraining orders dropped from 5,015 in 2002 to 3,731 in 2003. The Prosecutor-General considers that one reason may be that restraining orders have become more effective. No detailed studies have been carried out, however, and there is every reason to follow up on the application of the Restraining Orders Act, as it is has now been expanded. It also needs to be verified whether the effectiveness really has increased, or if women have ceased reporting or choose only to report serious violations, as a result of the judiciary's failure to react.

Regional differences between public prosecutor divisions as to the number of requests for restraining orders that are granted are still high. In 2003, the lowest rate registered was 35 per cent (Falun/Dalarna), while the highest was 64 per cent (Växjö/Kronoberg).<sup>53</sup>

## Rape and sexual violence

According to preliminary statistics from the National Council for Crime Prevention (BRÅ) for 2003, 2,560 cases of rapes were reported. That same year, 145 individuals were convicted of rape, a total of less than 6 per cent. All 145 convictions were handed down in district courts.<sup>54</sup>

The data from the Prosecutor-General's Office are different in that only the number of suspected acts of "consummated rape" is reported. For Sweden as a whole, 1,403 such suspicions were registered by the public prosecutor divisions in 2003. Prosecutors decided to indict, impose summary sanctions or waive prosecution in 19 per cent of the cases.<sup>55</sup>

Studies carried out at the law schools in Stockholm and Uppsala show that some 95 of 100 reported cases of rape are dismissed.<sup>56</sup> The most frequently cited reason is lack of evidence. According to Christian Diesen, Professor of procedural law, the real reason is usually that no preliminary investigation is initiated because the police consider the case impossible to investigate, or that the case is closed when the suspect invokes an objection of consent, i.e. claims that the woman consented to having intercourse.<sup>57</sup>

Ten per cent of the reported cases of rape were dismissed immediately, without any investigation being initiated, with the most commonly stated reason being that several months had elapsed since the crime was committed. In 2002, only six of 89 reported rapes in central Stockholm resulted in convictions.

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<sup>53</sup> Information from Sara Billström, Prosecutor-General's Office.

<sup>54</sup> Information from Lotta Nilsson, BRÅ.

<sup>55</sup> Information from Sara Billström, Prosecutor-General's Office.

<sup>56</sup> The investigations, ongoing since 1996, involve students following up all reported sex crimes during a one-year period in a police district, with either adult or minor victims, from the report being filed to the conclusion of the case.

<sup>57</sup> Dagens Nyheter: Debatt: Helfalsk politsstatistik om våldtäkter ("Police rape statistics totally misleading"), 2004-03-10.

A study of indoor rape in Uppsala in 1999-2002, showed that seven of 125 reports led to prosecution, which is less than 6 per cent.<sup>58</sup> Only half of the known suspects had been questioned within a week of the report being filed. Between 15 and 30 per cent of the known suspects were never questioned. The quality of the investigations was described as inferior and was particularly unsatisfactory in those cases where the woman was a substance abuser, had a disability, was living with a person who abused her, or where the injured parties were teenage girls or prostitutes.<sup>59</sup> A lack of resources, insufficient knowledge and attitude problems are cited as the reasons why so few cases of rape are solved.

One criticism that is often voiced against the courts' handling of rape cases is that less attention is paid to the offence than to the character of the crime victim.<sup>60</sup> In the debate that ensued after several court decisions had been handed down in a number of widely publicised rape cases in 2003, the Minister of Justice repeatedly stressed the importance of combating outdated attitudes about men and women in the judiciary and in society at large.<sup>61</sup>

Criticism has also focused on the fact that the debate in the media has not penetrated into the legal discussions held mainly in specialised journals such as *Svensk Juristtidning* (Swedish Jurist Journal) and *Juridisk Tidskrift* (Swedish Law Review), even though sex-related crimes are often fraught with legal complications. This has been interpreted as a lack of interest in discussing and developing the law in this area.<sup>62</sup>

In its comments to the report of the 1998 Sexual Crimes Commission, the Criminal Victim Compensation and Support Authority stated that cultural, social and structural perspectives are of the utmost importance in spreading awareness of sex-related crimes and helping to combat prejudices. "The structures can be seen as the framework within which the violations are made possible and carried out, and subsequently interpreted and reacted to by the outside world. This latter phase is very important to the representatives of the law enforcement authorities. It affects the criminal investigation and the legal proceedings, including the interpretation of the legal prerequisites, the evaluation of evidence and the possibility of treating victims of sex-related crimes with greater respect."<sup>63</sup>

## The legal process

Anybody can report a crime that is subject to public prosecution, including the police officers who arrive at the scene of the alleged crime. The police are legally bound to investigate reports of assault and rape, even when the injured party objects to an investigation. Nor can the injured party withdraw a police report that he or she has filed. In most cases it is the woman herself who reports the assault to the police.<sup>64</sup>

According to the Prosecutor-General's guidelines on how to conduct preliminary investigations, crimes of intimate violence belong to the category of so-called serious crimes, where it is recommended that the prosecutor head the preliminary investigation. For crimes that are not of a "simple in nature," which include violation of a woman's integrity, the prosecutor is put in charge of the preliminary investigation as soon as there is reasonable suspicion that a crime has been committed. The prosecutor can delegate work to the police and together they can plan the investigation.<sup>65</sup>

During the preliminary investigation the police gather evidence, for example, forensic medical certificates and photographs, and carry out forensic investigations. The police also interview the injured party and question the suspect and any witnesses. When women are abused by people close to them, the violence often takes place in the home with no witnesses present. If the evidence is based on a statement by the injured woman and she is unwilling to participate, the case is almost always closed.<sup>66</sup> However, a case can be reopened if new evidence should come to light.

After the preliminary investigation, the prosecutor decides whether to prosecute or not. For prosecution to be instituted, the evidence needs to be strong enough for the prosecutor to count on a conviction. The prosecutor needs to decide whether a crime can be proved - not whether the woman is telling the truth.

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Katarina Wennstam: *Flickan och skulden* ("The guilty girl"), 2002.

<sup>61</sup> Dagens Nyheter: "Bodström kräver attitydförändring i rätten" ("Minister of Justice (Thomas Bodström) demands attitude changes in courts"), 2003-11-05, and column on the women's shelter Elinor homepage by Thomas Bodström: "Vi måste motarbeta föråldrade attityder om kvinnor och män" ("Obsolete attitudes to men and women must be combated"), December 2003.

<sup>62</sup> *Press Judicata*, no. 6/2003. "Vad är riktig juridik?" ("What is real law?").

<sup>63</sup> The Crime Victim Compensation and Support Authority: Comments to Government report on sex crime: (SOU) 2001:14.

<sup>64</sup> BRÅ report: Violence against women in intimate relationships – A survey. 2002:14.

<sup>65</sup> Lars Nylén: "Rättsväsendet – polisens roll" ("The judicial system – the role of the police") in "Abused women – the responsibility of society" in Heimer and Posse (ed.), 2003.

<sup>66</sup> Elvy Wicklund, 2003.

When charges have been brought against a suspect, the injured party, the defendant and any witnesses are summoned to the main court hearing. All the evidence, except forensic medical certificates and photographs, shall be presented orally before the court. First, the injured party is heard and both the prosecutor and counsel for the defendant can put questions to her. Next, the defendant is heard. Neither the injured party nor the defendant is questioned under oath. Finally, any witnesses are heard under oath, as well as experts, if any. The court discusses whether there is any reason to depart from the sanction normally provided for and may also decide that the defendant should undergo a forensic psychiatric examination. Finally, the prosecutor, the counsel for the defendant and the counsel for the injured party present their closing arguments.

The court consists of one legally trained presiding judge and several lay judges, who are appointed by the municipal council or the county council assembly. After the main hearing, the court deliberates behind closed doors. The decision, which is usually handed down within two weeks and which is public, includes information, i.e., about the acts that the perpetrator has been sentenced for, sanctions imposed and damages awarded, if any.

The district court's decision can be appealed within three weeks by the prosecutor, the injured party or the defendant, and, in such an event, it is referred to the Court of Appeal. To appeal a decision from the Court of Appeal, special leave to appeal must be obtained from the Supreme Court. This is granted only in exceptional cases.

## The Police

The police can be alerted to cases of men's violence against women in several different ways. In many cases, the police are summoned to the location to end an ongoing violent situation, not necessarily because the abused woman wishes to press charges against the man and have him punished for his actions. In other cases, the abused woman turns to the police to file a report to initiate the legal process.<sup>67</sup>

It is frequently claimed that the reason why it is so difficult to prove assault and other forms of violations of a woman's integrity is that there are normally no witnesses, and that, as a result, the woman's word has to be weighed against the man's word. In some 25 per cent of the cases reported to the police the woman does not want to participate in the investigation once a report has been filed. In those cases where the woman herself files a report against the perpetrator, which is the most common scenario, some 20 per cent of the women do not wish to take part in the subsequent investigation.<sup>68</sup> The abused woman may be afraid that the man will retaliate against her or others close to her, like the children. Many women blame themselves and play down the assault. Some do not believe they will receive the necessary support and protection to find the strength and courage to go through with the legal proceedings.<sup>69</sup>

For various reasons it may be difficult for the abused woman to describe what she has been through. It is therefore important that the police have the necessary training to help the woman in the best way possible. The police are obliged to inform the abused woman of what will happen after the report has been filed, of possible protective measures that may be taken, and where she can turn to for additional support and protection. The police have been criticised for not always providing crime victims with this information.<sup>70</sup>

The quality of the preliminary police investigation and the initial measures taken by the police may eventually prove decisive for whether or not charges can be filed. That is why the police have to work actively to secure evidence as soon as possible after the crime has been committed. Insufficient evidence leads to many reports of violence against women being dismissed, as the offence cannot be substantiated.<sup>71</sup>

According to a detailed study by the National Police Board and the Prosecutor-General of how the police handled reports of men's violence against women in one police district (Västmanland), several reasons were found as to why nearly half of the cases were closed: summary and sketchy interviews, a lack of documentation of possible injuries, and, in some cases, long delays in summoning the injured party for an interview, were some examples of the shortcomings. According to the inspection team, the criminal investigations could be improved by adopting fast first-step measures to secure evidence, and by having the prosecutor take over as head of the preliminary investigation at an early stage.<sup>72</sup>

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<sup>67</sup> Lars Nylén, 2003.

<sup>68</sup> BRÅ report: Violence against women in intimate relationships – A survey, 2002:14, and Press Judicata, no. 6/2003. "Vad är riktig juridik?" ("What is real law?").

<sup>69</sup> Lars Nylén, 2003.

<sup>70</sup> The National Board of Health & Welfare: Social Services Act, Chapter 5, Section 11. A follow-up of the work of the social services, 2004.

<sup>71</sup> Lars Nylén, 2003.

<sup>72</sup> Joint inspections: Scrutiny of criminal investigations regarding violence against women. The Prosecutor-General and the National Police Board 1/00.

In some parts of Sweden, for instance, in the city of Malmö, the police have set up special units to handle domestic violence. These units have focused on staff training and enhanced cooperation with the prosecutor's office and other authorities. The investigators in these units as well as the on-call detectives and patrol car officers attend a two-week course on male violence against women. The investigators are also given expert feedback once every two weeks. This has resulted in improved handling of cases of men's violence against women and the number of reports of assault and rape that have resulted in prosecution is up from some 18 per cent in 1997 to about 35 per cent in 2001.<sup>73</sup>

## The Prosecutor

The Swedish legal system claims to give high priority to crimes of violence against women. In recent years, both the police and prosecution authorities have launched training initiatives in the area of protecting women's integrity. Even though the Prosecutor-General's Office claims that considerable resources have gone into improving the prosecution rate for crimes of violence against women, only three in ten acts of violence against women (assault and gross violation of a woman's integrity by a person known to her) led to prosecution or other legal proceedings in Sweden in 2003. This can be compared to the rate of legal proceedings being instituted for crimes of violence in general, which is close to 45 per cent.<sup>74</sup>

According to the Prosecutor-General's annual report for 2003, there are large variations among the six prosecution authorities in Sweden when it comes to the number of cases of violence against women that result in prosecution. The Stockholm Prosecution Authority registered a 28 per cent prosecution rate, while the corresponding figure for the Prosecution Authorities of Linköping and Västerås was 36 per cent.

At a district level, those prosecutor districts that have introduced a so called family violence unit register the highest prosecution rates. Such units exist, for instance, in Helsingborg, Uppsala and the Söderort district of Stockholm. According to the Prosecutor-General, nearly all cases that are prosecuted result in convictions.<sup>75</sup>

In 2003, several of the prosecution authorities in Sweden considered necessary measures to improve the rate of initiation of legal proceedings for cases of violence against women. They concluded that the first-step measures taken by the police could be improved in many parts of the country and that greater efforts should be made to involve the prosecutor at an early stage of the preliminary investigation. The fact that many abused women do not want to be involved in the investigation is considered a problem by the Prosecutor-General, but the Prosecutor-General has also criticised some prosecutors for not being more active in such cases, and for dismissing them too quickly.<sup>76</sup>

The Prosecutor-General planned to address these problems by organising a number of seminars in 2004 to examine why the prosecution rate is so low for crimes of violence against women. Active measures, improved investigations, better training, specialised police and prosecutor units, enhanced cooperation among different branches of the judiciary and between law-enforcement authorities and other authorities and organisations, are some of the changes that may lead to more effective work to prevent this type of crime.

It is important to adopt a long-term perspective in state initiatives to step up training and efforts within the judiciary to focus on the problems. Sudden changes in the distribution of resources, cut-backs and reorganisations may mean that prosecutors with special competence in this area will disappear or be relocated.<sup>77</sup>

## Judges

The special competence among prosecutors referred to above is lacking among Swedish judges, but this issue has been a matter of discussion in recent years. A 2003 feasibility study carried out by the National Courts Administration and the Swedish Society of Judges to chart the interests and needs for specialised knowledge among judges concluded, i.a., that more specialised training in the area of intimate violence would lead to increased knowledge, which, in turn, might help meet citizens' demands for better quality and shorter processing times.<sup>78</sup>

The feasibility study also asked other organisations and bodies, apart from the courts themselves, whether they believed that judges need specialised training. Both the Office of Equal Opportunities Ombudsman and the Crime Victim Compensation and Support Authority emphasised the need for a basic understanding of gender theory, gender discrimination and society's gender power structure. More knowledge was also needed about sexual violence

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<sup>73</sup> BRÅ, Apropå, 5/2001.

<sup>74</sup> Annual Report from the Prosecutor-General's Office, 2003.

<sup>75</sup> Dagens Nyheter: "Få åtal väcks för våld mot kvinnor" ("Few indictments for violence against women"), 2004-12-19.

<sup>76</sup> Annual Report from the Prosecutor-General's Office, 2003.

<sup>77</sup> Information from District Public Prosecutor Ulrika Rogland Kongstad.

<sup>78</sup> Report from the Swedish National Courts Administration, 2003:3. "Specialisering – En förstudie i samarbete med Sveriges Domareförbund" ("Specialisation – A Feasibility Study in Cooperation with the Swedish Association of Judges").

as well as about the gender-based perspectives and norm system upon which investigations of sexual offences are often based.

Ninety per cent of the judges interviewed expressed an interest in some form of specialised training. Some of the judges active in general courts mentioned specialised training in the areas of intimate/domestic violence and family law as one of several areas of interest for specialisation.<sup>79</sup>

The study also provides concrete examples of using a specialised approach in this area from the Växjö district court, where cases involving minors and “threats and violence in family-type situations” have been randomly assigned to judges since March 1, 2001. According to an agreement between the police, the prosecutor and the court, such cases are to be fast-tracked, with the main hearing taking place within two weeks of the action being brought before the district court. The police carry out annual evaluations of how the law enforcement bodies (police, prosecutor and the court) have handled both cases involving minors and cases involving threats and violence in family-type situations. As a result of the new work methods, processing times for these cases have been dramatically curtailed and the quality of evidence has improved. It has also become easier to convince witnesses and injured parties to participate in the investigation and take part in the proceedings. Above all, this new approach has led to better treatment of crime victims.

It is for the courts themselves to decide whether a specialised approach should be used in the future. The National Courts Administration undertook to survey the interest level in the autumn of 2003.

### **Outdated attitudes**

The Crime Victim Compensation and Support Authority has confirmed that knowledge is the most important instrument in changing outdated attitudes and combating prejudices among law enforcement authorities. The government has instructed the National Courts Administration, the police and the Prosecutor-General to focus on training in the areas of gender equality and correct treatment of crime victims. The National Courts Administration has also been instructed to draw up an action plan for training its employees in crime-victim issues.<sup>80</sup>

In 2003 and 2004, a three-day mandatory course was organised at the request of the government for all Swedish judges. The course focused on men’s violence against women, including sexual violence, from the perspective of gender.<sup>81</sup>

### **Protection of personal data**

There are also problems in the area of data protection. This was a finding of the Commission on Personal Safety, assigned by the Government to come up with proposals on how to strengthen the protection of different groups of threatened and assaulted parties and witnesses, among them abused women.<sup>82</sup> There is no legal obligation to grant non-disclosure alerts and rejected requests for such alerts cannot be appealed. The legal provisions on confidentiality are also considered inadequate to protect those for whom non-disclosure alerts are granted. The one-year limit is sometimes perceived as too short. If the non-disclosure alert has proven effective it may also be difficult to show that a threat picture still exists after the time limit has expired. If the non-disclosure alert is removed, there is a risk that the harassment and persecution will start again.

The Tax Authorities sometimes disclose information to the “wrong” person, in spite of the non-disclosure alert. A number of authorities have problems handling the protected data in practice and changes need to be made in how authorities deal with protected personal data. When processing requests for non-disclosure alerts, the Tax Authorities and the police should cooperate to assess the risks involved.

In its preliminary report on intimate violence, the Commission on Personal Safety suggests that a new institute, a registry of protected population data, be created. In this way, people who are subjected to threats and persecution may be registered in a separate system with a higher degree of confidentiality than the normal population register. According to this proposal, the Tax Authority would be able to grant protected status for a period of three years at a time, if the individual’s needs cannot be met by a restraining order or in some other way. Protected status may also be granted for the threatened person’s accompanying family. It should be possible to appeal a negative decision. Disclosing information about a person who has been granted protected-data status should be made harder than it is

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<sup>79</sup> Ibid.

<sup>80</sup> Dagens Nyheter: “Bodström kräver attitydförändring i rätten” (“Minister of Justice (Thomas Bodström) demands attitude changes in courts”), 2003-11-05.

<sup>81</sup> Information from Ingrid Claesson, RKC.

<sup>82</sup> National Action Plan against Violence in Intimate Relationships. Interim report from the Personal Safety Commission, SOU 2002:71.

today and should only be possible when it is clear that the information can be divulged without causing any harm. Creating this new institute would therefore also help tighten security in the authorities' handling of protected personal data. The final report from the Committee on Personal Safety was submitted to the government in January of 2004.

## **Summary**

Of the reported crimes of violence against women in Sweden, which account for between one fourth and one fifth of all crimes of violence, only a fraction of the reported acts of assault and battery, gross violation of a woman's integrity, breaches of restraining orders and rape actually lead to a decision to prosecution. Even fewer lead to legal proceedings in the form of a conviction at district court level, accepted summary sanctions or a decision by the prosecutor to waive prosecution.

The prosecution rate for cases of assault against women decreased in general terms in the 1990s, in spite of measures to simplify and facilitate for the women in the legal process. One problem that is often singled out is the lack of evidence and the fact that abused women are often reluctant to take part in the police investigation.

Major shortcomings in the way the police and prosecutors handle rape investigations seem to result in a particularly low rate of legal proceedings being instituted for cases of rape. In recent years, attention has focused repeatedly on the outdated attitudes towards women and sexuality among Swedish judges. There are major flaws in the quality of rape investigations.

Experiences from different cooperation projects between the police, the prosecutors and other authorities and organisations have shown that active measures, new forms of organisation and training initiatives have resulted in higher rates of prosecution or other legal action.

A feasibility study on the possibility for judges to receive specialised training concluded that specialised training in the area of intimate violence would make judges more aware of the problems, which in turn would help meet people's demands for better quality and shorter processing times. It is up to the courts themselves to decide whether to adopt a more specialised approach in the future.

## Local authorities' efforts to combat men's violence against women

The recovery process of women who have survived acts of violence is largely dependent on the reactions of family and friends. Abused women need support and understanding from those close to them, as well as from any authorities or support groups with which they may come into contact.

Studies have shown that one third of all women who are living with or have lived with men who have subjected them to violence have turned to other agencies than the police for help. Most women contact hospitals or psychiatric clinics. Some seek out lawyers, while others contact women's shelters\*, crime-victim centres, the social services or emergency social services. A higher percentage of those women who turn to services focusing on protecting the woman's interests, such as hospitals, lawyers, women's shelters or crime-victim centres, state that they are satisfied with the help they receive, whereas women who contact the social services or the emergency social services report a lower level of satisfaction.<sup>83</sup>

Many authorities, organisations and agencies at the municipal and county levels also come into contact with abused women who may not primarily be seeking help for the abuse they have been subjected to. These include local health clinics, planned parenthood clinics, reception centres for young people, dentists, family law centres, family counselling centres, pre and post natal care clinics, old people's homes, organisations for the disabled, psychiatric clinics, substance abuse centres, churches, etc. The extent to which the people working in these places are aware of men's violence against women and of the specific problems affecting abused women is decisive for the early detection of acts of aggression and for handling these women with competence and referring them on for further help and care.

It is essential that different authorities, on the one hand, and authorities and organisations, on the other hand, cooperate and interact to provide the abused woman with the help and support she needs. Cooperation is also needed for effective coordination of all the different measures taken by different actors. Out-reach activities and measures aimed at changing attitudes are an important part of the work carried out locally to prevent men's violence against women. Explicit strategies drawn up at a political level to stem men's violence against women are needed.

Unfortunately, many women live in municipalities that choose to ignore the problem. Politicians do not believe that the question falls within their remit. The level of awareness of men's violence against women varies in different municipalities and the cooperation among different actors is frequently unsatisfactory or even non-existent. Non-profit women's shelters are still the most important actors in providing help, support and protection to women who survive violence - even though the municipal authorities and the social services bear the ultimate responsibility.<sup>84</sup>

There seems to be a big gap between the political work carried out at national level to combat men's violence against women and the work carried out locally. Many municipalities completely fail to address the issue of men's violence against women from a political perspective, even though this is ultimately a question of democracy and human rights.

### **The responsibility of municipalities and social services**

In its final report, the Commission on Violence against Women highlighted shortcomings in the social services' work with women who have been abused by men with whom they are in an intimate relationship. The Commission concluded that this matter seemed to be given low priority and that a lack of knowledge in several local social services administrations had resulted in a tendency to ignore the problem. Abused women are only too rarely offered any type of help at all, and many do not even request any such services, as abused women do not want to acknowledge that they have been beaten for a number of reasons. The Commission therefore recommended that the responsibilities of the social services be defined more clearly in the Social Services Act, and that special Action Plans be drawn up in the social service administrations. It also proposed that municipalities put together specific Action Programmes for the social services to refer to when handling cases of men's violence against women. One important prerequisite is that the social services need to be aware of and cooperate with other authorities and non-profit organisations at the local level. The Committee on violence against women also concluded that local citizens should be informed of the resources that are available at local level for abused women. In addition, abused women should be handled by clearly identified welfare officers. The bottom-line is that society must take its responsibility and that municipalities can no longer rely on the volunteer work carried out mainly by the women's shelters.<sup>85</sup>

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<sup>83</sup> Eva Lundgren, Gun Heimer, Jenny Westerstrand, Anne-Marie Kalliokoski, 2001.

<sup>84</sup> The National Council for the Protection of Women's Integrity: *Kommuner som blundar för mäns våld mot kvinnor* ("Municipalities that close their eyes to men's violence against women"), 2001.

<sup>85</sup> *Ibid.*

However, the government decided that it would be up to the local authorities to decide whether to follow the Committee's proposals to implement special Action Plans in the social services and to adopt municipal Action plans. In this way, the autonomy enjoyed by municipalities and their right to organise activities on the basis of local conditions should be safeguarded. The National Board of Health and Welfare was put in charge of a project to address the problem of violence against women in order to create increased competence and develop new methods within the social services and the health care sector.

The Committee's recommendations were further modified in the government's Protection of Women's Integrity Reform. The Social Services Act was amended to include a new provision, which reads: "The Social Welfare Committees should strive to ensure that women who are or have been the victims of violence or other acts of aggression in the home receive help and support to change their situation."<sup>86</sup> (The Commission had proposed: "The Social welfare Committees shall strive to ensure"). The law was amended in 2001 to read: "The Social Welfare Committees should strive to ensure that victims of crime are given help and support and that his or her family members also receive help and support. In so doing, the Social Welfare Committee should take into account that women who are or have been abused or subjected to other forms of aggression in their homes may need help and support to change their situation" (SoL, Chapter 5, Section 11). Hence, it is the municipalities that are ultimately responsible for providing help, support and protection to abused women.

### **Follow-up of local authorities' work to implement the Protection of Women's Integrity Reform**

In a presentation of the results that had been achieved some two years after the Protection of Women's Integrity Bill was passed, it emerged that no major changes had been made in the work to help abused women.<sup>87</sup> The initiatives that have been carried out focused mainly on planning, coordination and some limited training.

The County Administrative Boards, which have been instructed by the government to oversee the implementation of the aims in the Women's Integrity Bill at local level, have charted the work being done by municipalities to help abused women. The reports from the County Administrative Boards show that most municipalities have failed to take any special measures, preferring instead to continue to rely on the women's shelters to provide help and support for abused women.

### **The local political dialogue that never happened**

Researchers Carin Holmberg and Christine Bender have studied the local political discussion about men's violence against women in municipalities that lack women's shelters.<sup>88</sup> In 1997, there were 138 women's shelters in the 286 municipalities in Sweden at that time. Since the three largest urban municipalities usually had more than one women's shelter, this means that a little over half of Sweden's municipalities lacked a women's shelter in 1997.<sup>89</sup>

The point of departure for the study was the fact that there are certain interpretations at a political level of what the problem looks like, what kind of needs abused women have, and of what should be done locally to meet the needs that have been identified. Because it is assumed that there is a consensus across party lines regarding men's violence against women, the question has not been discussed publicly. Men's violence against women has simply not been perceived as a political issue or as a question of democracy and human rights. Instead it has been seen as a health and social services problem. Even though there have been no discussions, it has been assumed that everybody is in agreement as to what needs to be done and how. Abused women have been perceived as having well-defined problems that the medical and social services are best placed to handle. In this way, men's violence against women has been "de-politicised" and reduced to something that concerns only individual women rather than a social scourge that should be combated on a wide front and through a number of measures and initiatives.

"You're not supposed to disturb people's privacy and I can think of a hundred reasons why not to get involved. But if somebody is really in trouble, I imagine that any normal person would step in to try and help out."

A Social Welfare Committee member in a Swedish municipality. From: "Det är något speciellt med den här frågan" - Om det lokalpolitiska samtalet om mäns våld mot kvinnor. ("There is something special about this question" - On the local political dialogue on men's violence against women.)

<sup>86</sup> Ibid.

<sup>87</sup> Fact sheet from the Ministry of Trade and Industry, 2001: A follow-up of the Protection of Women's Integrity reform.

<sup>88</sup> Carin Holmberg and Christine Bender: "Det är något speciellt med den här frågan". Om det lokalpolitiska samtalet om mäns våld mot kvinnor ("There is something special about this question" - On the local political dialogue on men's violence against women), 2003.

<sup>89</sup> Christine Bender and Carin Holmberg: From: När var och en sköter sitt...Hur ser stöd och hjälp ut till misshandlade kvinnor i kommuner utan kvinnojour? ("When everybody minds their own business... What kind of support and help is offered to abused women in municipalities without women's shelters?"), 2001.

In municipalities where the municipal council or the social welfare committee had launched an open discussion, new resources were made available or new municipal women's shelters were opened. Proposals to draw up special action programmes to combat men's violence against women were discussed. The initiative to put the question on the political agenda usually came from individual local government officers, rather than from the politicians themselves.

Some politicians maintain that there is no public interest in the issue of men's violence against women and that this lack of interest in itself is proof that violence against women is an insignificant problem in their particular municipality. The politicians did not believe that it was up to them to shape public opinion in this area. Only a few of the politicians interviewed had any knowledge of the contents of the government's Protection of Women's Integrity bill.

In general, the politicians in charge at local level did not believe that men's violence against women fell within their remit. Instead, they referred to the politicians on the social welfare committee, who, in their turn, believed that it was up to the people working in the social services to bring it to the committee's attention if the number of abused women were to increase dramatically or if they lacked adequate resources. If no such signals are forthcoming, the politicians assume that the social services that have been instructed to provide support and protection to abused women are doing their job and that no political instructions or political objectives need to be laid down for the activities. Politicians seem to assume that abused women are already clients of the social services.

Most of the municipalities lacked a political handle on the situation and there were no action plans to combat men's violence against women. This meant that the social services, having received no instructions from the social welfare committee, did not change their way of working in order better to be able to meet the needs of abused women.

It should be added that differing views and opinions were expressed by individual respondents and that the above information is based on general conclusions that are nevertheless valid.

### **Activities in municipalities without a women's shelter**

In a 2001 report, Christine Bender and Carin Holmberg describe the help and support that are available to abused women in municipalities that lack a women's shelter.<sup>90</sup> It is an analysis of surveys carried out in 127 municipalities and in-depth interviews from ten selected municipalities. The results of the study show that:

- Only one third of the municipalities had drawn up or started to draw up an action plan.
- Men's violence against women was perceived more as a health or social issue than a political question.
- The authorities or organisations perceived to be relevant actors in dealing with men's violence against women varied from place to place.
- In most municipalities the cooperation among different actors was unsatisfactory, which meant that the police, medical staff, etc., did not know where to send the women for additional help and support or in emergency situations.
- Only 28 of 127 municipalities had created a formal coordination group. There was informal cooperation in 45 municipalities. Cooperation between authorities involved mainly the police and the social services, but in some places the health services also participated. As many as 77 municipalities lacked all forms of formal and informal cooperation.
- Many municipalities lacked a consistent approach for dealing with men's violence against women and providing help to abused women at an organisational level. Instead the personal commitment and knowledge of individual staff members/volunteers determined the outcome.
- There was often a lack of information material about the help available for abused women. Information in languages other than Swedish was all but non-existent.
- The social services indicated that few abused women turn to the authorities and that vulnerable groups with higher visibility are given priority.
- Counselling is available, but only two of the municipal social service offices used material that focused specifically on abused women.

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<sup>90</sup> Christine Bender and Carin Holmberg, 2001.

- Few social service offices can offer sheltered accommodation. Instead, they rely on women’s shelters in neighbouring municipalities. In some cases, women in need of protection were referred to hotels, youth hostels or friends and relatives’ houses.
- 111 of 127 of the social service employees interviewed stated that they rely on women’s shelters in neighbouring municipalities to provide support and protection for abused women.
- Only 30 municipalities gave annual contributions to finance the activities in the women’s shelters in neighbouring municipalities.

## Follow-up by the National Board of Health and Welfare

The National Board of Health and Welfare has a remit to further the understanding among the social services of crime victims in general, not just women who have been abused. To that end it carried out a first follow-up study of the work done to help crime victims by the social services in 29 municipalities.<sup>91</sup> The follow-up study was based on interviews with 28 directors of individual and family care units in the same number of randomly selected municipalities, and on interviews with 15 welfare officers. One central question was whether the employees were aware of the amendment of the Social Services Act introduced in 2001 (SoL, Chapter 5, Section 11), according to which municipalities are responsible for providing support to crime victims and especially to abused women. The study also examined whether the legal amendment had led to any changes in work routines for the social services, and what kind of support the social services offer abused women and their children.

The follow-up showed that a majority of those interviewed were aware of the reform of the Social Services Act, but close to one fourth were not or were unsure. Close to half of the 28 directors and some of the welfare officers stated that the work had not been affected as a result of the reform. Nearly half of the welfare officers were unable to determine whether the work had been affected or not.

One fifth of the respondents believed that the work had been affected and that more attention is now being paid to abused women and that there is more interest in the whole issue. Some claimed that they had already been working with crime victim issues, especially abused women.

As to concrete measures that have been taken, less than half, or 20 of 43 people interviewed, stated that the social services had taken such measures as a result of the legal reform. Among the measures cited were new action programmes within the social services and discussions on educational material.

According to the respondents, the most common types of support that the social services can make available to crime victims are: counselling to provide support and guidance, information about and help to contact people in the volunteer crime victim centres and women’s shelters, the church and psychiatric services for children and adults. Almost all of the people interviewed (40 out of 43) stated either that they knew about crime victim centres or women’s shelters and many also indicated that they were cooperating with them.

When asked which crime victims should receive help, less than half of the respondents (20 out of 43) singled out abused women as a high-priority group. More than half believed that crime victims should receive help and support of a kind that is currently not available through the social services. Better assistance in the emergency phase, help to field costs and contact lawyers and psychologists were some of the support measures mentioned.

When asked to identify obstacles for providing crime victims with the help that the respondents thought should be available, they mentioned a lack of time, material and human resources. Several interviewees also indicated other obstacles in the form of inferior methods, a lack of knowledge and inadequate cooperation with other actors.

In the summary of its follow-up study, the National Board of Health and Welfare concluded that: “the review shows clearly that the social services have now started to focus on this group” [abused women] and that these women are given a high priority in many municipalities. At the same time, the Board notes that the second most common reply to the question as to what kind of support and help the social services can offer these women was to refer them on to volunteer organisations and county councils. It is very rare for the social services to be able to offer their own sheltered accommodation solutions. Some of the social services directors believe that the financial

“I think it’s better if they get help from one of those associations that are so good at those things. Maybe it feels better for people to receive help from an association than from the social services.”

The director of a family and individual care unit in a Swedish municipality. From: Lågesbeskrivning (An account of the situation), Social Services Act, Chapter 5, Section 11.

<sup>91</sup> The National Board of Health and Welfare: An Account of the Situation: Social Services Act, Chapter 5, Section 11. A follow-up of the work of the social services, 2004.

contributions paid by the municipalities to the volunteer shelters are a kind of support for crime victims. It was claimed that the public at large ignores the possible forms of help and support that exist for crime victims within the social services and that the police fail in their duty to inform crime victims of these possibilities.

### **Volunteer women's shelters**

Some 25 years ago, in 1978, Sweden's first women's shelters opened their doors in Stockholm and Gothenburg. Today there are non-profit women's shelters in nearly 150 of Sweden's 290 municipalities. The women's shelters are organised in two different national associations. The largest, the National Organisation for Women's Shelters and Young Women's Shelters (ROKS), has 160 affiliated organisations and local women's shelters in 115 municipalities. At its peak, ROKS counted 10,000 members.<sup>92</sup> The Swedish Association of Women's Shelters (SKR) has 32 affiliated organisations. There are also so-called county women's shelters in almost all counties. They function as cooperation units for the local shelters in the municipalities.

Over and above the practical work, most women's shelters carry out extensive political work to highlight men's violence against women from a feminist perspective. The Swedish women's shelter movement has cooperated with its counterparts in the other Nordic countries since 1994.<sup>93</sup>

Not all organisations and women's shelters that belong to SKR and ROKS can offer sheltered accommodation. Activities vary from shelter to shelter, but one common denominator is that women - not experts - deal with the women who turn to women's shelters. Most women's shelters have no paid staff but are run entirely by volunteer women.

In 1998, the Systerjouren Somaya women's shelter, which is run by Muslim women for Muslim women and girls, was founded. This shelter can offer support counselling, a 24-hour help line, and sheltered accommodation.<sup>94</sup>

In 2000, Terrafem, a shelter for immigrant women, was created. Terrafem runs a nation-wide hotline with the possibility of seeking help in 35 languages for women and girls from other countries. Terrafem also runs a young women's shelter.<sup>95</sup>

In the year 2000, at least 42,000 women turned to one of the women's shelters affiliated to ROKS or SKR for support. In the same year 1,500 women were given protected accommodation in shelters. Many of these women brought their children.<sup>96</sup> The number of women who seek out women's shelters is on the rise, as is the number of women and children who are given protected accommodation in shelters. In 2002, SKR member organisations were contacted by 12,630 women in need of help. The shelters provided 367 women and 316 children with sheltered accommodation.<sup>97</sup> The ROKS statistics from the same year are based on data from 67 of 130 shelters. They registered a total of 54,675 contacts/requests for help, which resulted in 48,467 actions to help. The number of women and children provided with sheltered accommodation totalled 2,246. In addition, 1,216 women were referred to other places because there were no vacancies.<sup>98</sup> In 2001, Systerjouren Somaya received some 3,000 incoming calls (1,000 from women and girls in distress and 2,000 from government agencies, etc.). In 2001, fifteen women, ten children and nine girls were given with protected accommodation at this shelter.<sup>99</sup>

The women who turn to non-profit women's shelters are guaranteed confidentiality. Many of the women who turn to shelters have not reported the acts of violence to the police and have not had, nor wish to have, contact with the social services. Since the municipalities, with very few exceptions, lack their own facilities to provide sheltered accommodation, the women's shelters also accept women who are referred to them, for example, by the social services, social emergency centres, the health services, the police, and neighbouring municipalities who lack their own women's shelters. At the same time as the demand for women's shelters' services increases, their activities come under the axe from municipal budget authorities. In the year 2000, the municipalities contributed a total of SEK 24 million to women's shelters. There was a large variation in the size of the financial contributions from one municipality to another. As many as 68 municipalities did not contribute at all.<sup>100</sup>

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<sup>92</sup> Maud Eduards: *Förbjuden handling. Om kvinnors organisering och feministisk teori* ("Forbidden acts: On the organisation of women and feminist theory"), 2002.

<sup>93</sup> *Ibid.*

<sup>94</sup> The Systerjouren Somaya women's shelter webpage: <http://www.somaya.nu>.

<sup>95</sup> The Terrafem webpage: <http://www.terrafem.org>.

<sup>96</sup> The National Council for the Protection of Women's Integrity: *Kommuner som blundar för mäns våld mot kvinnor* ("Municipalities that close their eyes to men's violence against women"), 2001.

<sup>97</sup> SKR\* webpage: <http://www.kvinnojour.com>.

<sup>98</sup> ROKS webpage: <http://www.roks.se>.

<sup>99</sup> The Systerjouren Somaya women's shelter webpage: <http://www.somaya.nu>.

<sup>100</sup> The National Council for the Protection of Women's Integrity: *Kommuner som blundar för mäns våld mot kvinnor* ("Municipalities that close their eyes to men's violence against women"), 2001.

## Summary

Many abused women live in municipalities that turn their backs on the problem. The politicians do not believe that they have any responsibility. There is considerable variation as to the awareness of men's violence against women in different municipalities. Cooperation amongst different actors is often insufficient or completely non-existent. Information material about the support available to abused women is often lacking and there is practically no information in languages other than Swedish. Non-profit women's shelters are still by far the most important actors in providing help, support and protection to women who have survived violence - even though the municipalities and social services are ultimately responsible. Not many social services offices can offer sheltered accommodation and municipalities that lack women's shelters rely on shelters in neighbouring municipalities. Only 30 of the 127 municipalities reviewed that lack women's shelters contribute financially to the activities in women's shelters in neighbouring municipalities.

# The knowledge of gender-based violence must be improved

Knowledge of men's violence against women, as well as the causes for and the consequences of this violence, are of decisive importance for making society's efforts and measures to suppress, intervene against and protect women against these crimes relevant and effective. Without sufficient knowledge, there is a risk that legislation in this field becomes powerless.

## The Degree Ordinance

In the Protection of Women's Integrity bill, the government emphasised the importance of including compulsory courses on issues concerning equal opportunities, the different conditions for men and women in society and in the family, and gender-based violence in the undergraduate programmes leading to professions where the practitioners will come into contact with women who have been subjected to such violence. The government hoped that this change of emphasis in the undergraduate programmes would lead to improved support for and treatment of abused women in the future.

Key groups that were identified as being of crucial importance for the treatment of abused women and who can actively combat violence include, among others, lawyers, physicians, midwives, nurses, psychologists, psychotherapists, dentists, social workers and others employed in the social services, as well as pre-school, comprehensive and upper secondary school teachers and other educational staff. The Degree Ordinance for the above university programmes was made more distinct and clarified in the Higher Education Ordinance. The National Agency for Higher Education was commissioned to follow up and evaluate, for a period of three years, the ways in which universities and university colleges observe and comply with the new requirements in the Degree Ordinance and to report annually to the government on these matters.<sup>140</sup> The educational programme of the Swedish National Police Academy, which is not covered by the Degree Ordinance, already included a course on "family violence" when the bill was prepared.

The National Agency for Higher Education published an evaluation of the Law Programmes at Swedish universities in the year 2000. The evaluation shows that the law schools lacked "courses on social and family conditions and the experiences of victims of crime, as well as the consequences of violence against women and men," despite the fact that such courses are compulsory in the degree ordinance for the law schools.<sup>141</sup> The evaluations carried out and published by the National Agency for Higher Education in the year 2000 for the Schools of Social Studies and the educational programmes at the Institutes of Health and Nursing Sciences contain no specific information or analysis of how the above requirements in the Degree Ordinance are being complied with.<sup>142</sup>

In October 2003, the government once again gave the National Agency for Higher Education the task of evaluating how issues relating to gender perspective and men's violence against women are dealt with by the law schools.<sup>143</sup> The evaluation task previously given to the Agency appears to have come to more or less nothing.

## Further education

The Protection of Women's Integrity bill also emphasised the importance of further education about men's violence against women for employees in the judicial system, the social services and the health and medical services. The National Police Board, together with the Office of the Prosecutor-General, the National Courts Administration and the National Board of Health and Welfare, were commissioned to initiate and lead a project for the further education of employees in these sectors. Special resources were also allocated for this purpose.<sup>144</sup> A joint educational material – Protection of Women's Integrity – an Educational Material about Men's Violence against Women – was produced, with contributions by several authorities, such as the Crime Victim Compensation and Support Authority, the National Board of Health and Welfare, the National Police Board, the Swedish Prison and Probation Administration, the National Courts Administration and the Public Prosecution Office. The National Centre for Battered and Raped Women in Uppsala also contributed to this educational material, and also produced its own material.<sup>145</sup>

<sup>140</sup> The Protection of Women's Integrity Bill, 1997/1998:55

<sup>141</sup> The National Agency for Higher Education Report Series 2000:1, Rätt juristutbildning? - utvärdering av juristutbildningar ("The Right Legal Education – An Evaluation of the Law Schools").

<sup>142</sup> The National Agency for Higher Education Report Series 2000:6, Utvärdering av socionomutbildningar ("An Evaluation of Social Work Education") and The National Agency for Higher Education Report Series 2000:5 Utbildningar inom vård och omsorg – en uppföljande utvärdering ("Health Science Education – A Follow-up Evaluation").

<sup>143</sup> Column on the women's shelter Ellinor's homepage by Minister of Justice Thomas Bodström: "Vi måste motarbeta föråldrade attityder om kvinnor och män" ("Obsolete attitudes to men and women must be combated"), December 2003, <http://www.ellinor.se>

<sup>144</sup> The Protection of Women's Integrity bill, 1997/98:55

<sup>145</sup> The Protection of Women's Integrity Portal: <http://www.kvinnofrid.se>. Kvinnofrid - ett utbildningsmaterial om mäns våld mot kvinnor ("Protection on Women's Integrity – Education Material on Men's Violence Against Women").

The Protection of Women's Integrity bill highlighted the importance of research in contributing to added knowledge about men's violence against women. Criminological and legal research into violence against women had been neglected, according to this bill.

### **Summary**

Knowledge of men's violence against women, as well as the causes for and the consequences of this violence, are of decisive importance for making society's efforts and measures to suppress, intervene against and protect women against these crimes relevant and effective. The Protection of Women's Integrity bill emphasised the need for further education of professionals in the legal system, the health and medical services, the social services and educational institutions that come into contact with abused women. The Degree Ordinance for lawyers, doctors, midwives, psychologists, psychotherapists, dentists, social workers and others employed in the social services, pre-school and day care centre teaching staff and comprehensive and upper secondary school teachers was clarified in the Higher Education Ordinance of 1998. Compulsory courses on equal opportunities, the different conditions for men and women in society and family life, as well as gender-based violence, were included in the undergraduate programmes listed above.

# Amnesty International's standpoints and recommendations

Violence against women constitutes serious violations that infringe upon or completely nullify women's basic rights. Amnesty International believes that the causes for gender-based violence are to be found in the prevailing gender power structure, where men as a group have more power than women as a group. The gender-based violence has certain roots in common, regardless of where it takes place or how it manifests itself. Men's violence against women does not emerge from a vacuum but gains sustenance from societal perceptions, values and attitudes, as well as explicitly or implicitly discriminatory forms of behaviour that lead to the subordination of women and the superiority of men in society and within the family. It is a question of economic, political, legal and social conditions and structures that run through history and that have created and keep creating a gender power structure, within which men as a collective have more power than women as a collective. Women are subjected to gender-based violence precisely because they are women in social structures that discriminate against and subordinate women.

Male control of women's sexuality is another source of gender-based violence, as are stereotype perceptions about what it means to be a man and a woman. Men's violence against women looks different in different countries in terms of the magnitude of the violence and its specific manifestations; however, according to Amnesty International's opinion, this is a difference in degree, rather than a difference in kind. All societies have their own ways of excusing or legitimising gender-based violence.

It is the duty of the state to prevent, investigate and punish crimes against human rights. The reluctance, failure or inability of the state to fulfil its duties will have very serious consequences for individuals whose rights are violated, but also for society as a whole. A climate of impunity increases the risk of new violations, as it sends an official message that the acts can continue without any risk of prosecution and punishment.

According to Amnesty International, violence against women may constitute torture for which the state is accountable when it is of a nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection. The injuries inflicted upon women by individuals may be as severe and as damaging as the injuries inflicted upon women subjected to torture by representatives of the state. An individual may intentionally inflict injury upon a woman through violence. The intentional nature of the violence is one of the prerequisites in the definition of torture.

The right not to be subjected to gender-based violence is ultimately a question of democracy, equal opportunities, welfare, health and basic human rights. Violence against women must never, under any circumstances, be tolerated by the state, regardless of who the perpetrator is. Crime statistics on police reports of acts of violence against women and studies of the extent of this violence carried out by researchers in women's studies and the National Council for Crime Prevention, among others, show very clearly that violence inflicted upon women by men in close relationships is a widespread and serious problem also in Sweden. Despite the positive efforts and measures taken by the Swedish government to combat gender-based violence, it has not been possible to check this violence. Amnesty International is deeply concerned about the fact that men's violence against women appears to have increased in recent years.

Amnesty International emphasises the importance of continued forceful measures to prevent, investigate and punish men's violence against women, and to protect and support women who are survivors of such violence. The responsibility for combating men's violence against women rests with the whole of society, with public authorities, legal systems and political bodies at all levels.

## Implementation of the legislation

Since the 1980s, a number of legislative measures have been taken in Sweden to prevent and punish violence against women. Among other things, the law has been changed in different ways to strengthen the legal position of abused women and sanctions have also been made more severe. Since 1982, assault and battery taking place in private, for example, in a person's home, is a crime that falls under public prosecution. The Restraining Order Act was passed in 1988. The Gross Violation of a Woman's Integrity Act was passed ten years later, in 1998, as an important part of the far-reaching Protection of Women's Integrity Reform. The Protection of Women's Integrity Act is unique, in the sense that it takes the entire life situation of the exposed woman as its point of departure, with its characteristic picture of threats, physical abuse and psychological pressure. The law has been drawn up to facilitate prosecution of perpetrators who have repeatedly violated women with whom they are in an intimate relationship. Repeated violations - considered together - now lead to more severe punishment than the individual deeds considered separately. Rape within marriage has been a crime since 1965. The government will present a new bill on sex-related crimes in 2005.

Amnesty International believes that Swedish legislation is unambiguous in terms of women's right to a life without violence. The law states clearly that men's violence against women is unacceptable, regardless of the abused woman's

relationship to the perpetrator. Men's violence against women in intimate relationships is no longer seen as a "private" family problem, but as a matter of concern for the entire society.

However, strongly worded legislation is not in itself a sufficient instrument to ensure women's right to a life without violence. Active measures must be taken to increase the number of reported violent crimes against women that lead to prosecution or other legal proceedings. Improved implementation of the existing legislation is necessary to improve the protection of women who are at risk of or who are being subjected to violence and to strengthen citizens' confidence in the ability of the judicial system to intervene and provide effective protection for abused women and put the perpetrators on trial. Improved implementation of these laws may also mean that more women who have been subjected to violence find it meaningful to report violations and initiate legal proceedings against the perpetrators.

Amnesty International believes that improvements are needed in the evaluation of the law enforcement authorities' work to prevent and punish men's violence against women and to follow up the implementation of the legislation. To this end, crime statistics should differentiate according to gender at all stages in the legal process. At present, it is impossible to see how many of the men charged with assault and battery/gross assault and battery of a woman that end up going to trial, as the crime statistics do not reflect the victim's gender.

#### Reports on violence against women

The number of unreported cases of men's violence against women in intimate relationships is very large. Most of the violent acts committed in intimate relationships go unreported and many perpetrators escape punishment for their crimes. There are several reasons why abused women choose not to report the violation to the police: some women tend to minimise the violence and consider the incident "too insignificant," other women are afraid of the consequences and fear that they will be subjected to even more violence by the perpetrator, which may indicate that the women are uncertain that they will receive the support and protection they need from society. Many women state that they choose not to report because it is "pointless." Other factors that may lead to reluctance to report a violation among particularly vulnerable women are language problems, the lack of information in foreign languages and the double discrimination suffered by certain groups of women.

Amnesty International urges the Swedish government to investigate the obstacles and shortcomings in the legal system that may prevent from reporting these violent acts to the police.

#### From police report to prosecution

Of the violent crimes committed against women in Sweden and reported to the police – which account for between 20 and 25 per cent of all acts of violence perpetrated – only a small proportion of the reports of assault and battery, gross violation of a woman's integrity, violations of restraining orders, rape and other sexual violations lead to prosecution. Even fewer lead to legal proceedings in the form of convictions in a district courts, accepted summary sanctions or decisions by the prosecutor to waive prosecution.

#### Assault and battery of women

The prosecution rate for cases of assault of women fell during the 1990s, despite measures to simplify and facilitate for the woman in the judicial process. One often cited problem is the difficulty to prove this type of violent crime as there are normally no witnesses, it is one person's word against the other's and the abused woman is often reluctant to participate in a police investigation. This does not explain, however, why the prosecution rate fell during the 1990s, as these problems existed before as well.

Amnesty International believes that the reasons why the prosecution rate for cases of male violence against women is so low should be investigated, in order to identify additional measures and efforts to prevent and punish these crimes in an effective manner. AI welcomes the initiative of the Prosecutor-General to clarify, through a number of seminars held in 2004, why so few of the cases of men's violence against women handled by Swedish prosecutors lead to prosecution.

#### Gross violation of a woman's integrity

According to follow-up studies of the legislation on gross violation of a woman's integrity, the prosecution rate for such cases was remarkably low during the first 18 months after the coming into force of the act. In total, only ten per cent of the just over 1,000 gross violations that were reported to the police led to prosecution. In another ten per cent, legal proceedings were initiated for other criminal acts, in most cases assault and battery. Around 40 per cent of the cases were dropped before reaching court. The remaining 40 per cent were still being investigated at the time of the follow-up. The interpretation of the Supreme Court, that the man must have been convicted of a similar offence against the woman since the act came into force for the current acts to be considered to form a part of repeated violations, resulted in a 50 per cent drop in the number of police reports. The evaluation also showed that the men who were eventually convicted were often convicted of more serious crimes. On January 1, 2002, this provision was amended so that no previous convictions are needed for the court to be able to convict a man of gross violation of a woman's integrity. After this amendment, the number of reported offences began increasing again. Unfortunately,

no further follow-up has been carried out of the implementation of the gross violation of a woman's integrity act since the law was amended in the year 2000.

Amnesty International believes that a new follow-up of the implementation of the legislation should be carried out. Such a follow-up should aim at evaluating whether the implementation of the law has improved and whether the purpose of the provision – to facilitate prosecution of perpetrators who have repeatedly violated women with whom they are in intimate relationships and to be applied to less severe but repeated crimes - has been achieved.

#### Restraining orders

The number of applications for restraining orders is on the rise and 3,741 applications were granted in 2003. According to the 2003 annual report of the Prosecutor-General, the number of reported violations of restraining orders fell from 5,015 in 2002 to 3,731 in 2003. One explanation, according to the Prosecutor-General, may be that restraining orders have become more effective. However, more detailed studies are lacking and there is every reason to once again follow up the implementation of the legislation on restraining orders as the scope of the law was extended in 2003 and now covers larger geographical areas than before, as well as the couple's joint residence.

Amnesty International shares the view previously expressed by the National Council for Crime Prevention in an earlier follow-up of the legislation on restraining orders that the implementation of the law needs to be improved if it is going to function as a forceful protection measure for preventive purposes. Police routines with regard to restraining orders must be improved. Active and continuous follow-up by the police may help improve the safety for the women. The police must react immediately, as soon as the man violates the restraining order for the first time. The law allows for considerable discretion by prosecutors who decide on restraining orders and there are large regional differences as to the number of applications for restraining orders that are granted. For this reason, common guidelines for the police and prosecution authorities should be developed for the country as a whole. It should also be investigated whether the effectiveness of restraining orders really has been improved or if women have stopped reporting violations or only report serious incidents, as a consequence of the judiciary's failure to react.

#### Rape

According to preliminary statistics from the National Council for Crime Prevention (BRÅ), 2,560 cases of rape were reported in 2003. During 2003, legal proceedings were initiated in 145 cases, which accounts for less than six per cent. All 145 individuals were convicted in district courts.

The data from the Prosecutor-General's Office are different in that only the number of suspected acts of "consummated rape" is reported. For Sweden as a whole, 1,403 such suspicions were registered by the public prosecutor divisions in 2003. Prosecutors decided to indict, impose summary sanctions or waive prosecution in 19 per cent of the cases.

Studies carried out at the law schools in Stockholm and Uppsala show that some 95 of 100 reported cases of rape are dismissed. The most frequently cited reason is lack of evidence.

Shortcomings in the investigations carried out by the police and the prosecution authorities in rape cases appear to result in a strikingly low rate of legal proceedings for these offences. Amnesty International believes that the judicial process needs to be developed and that the work of the judiciary must be intensified to achieve a higher prosecution rate. The quality of the investigations in rape cases must be improved considerably. Measures should be introduced to help particularly vulnerable women. Obsolete attitudes to women and sexuality within the judicial system have also been observed in recent years. Amnesty International believes that measures to enhance the knowledge about sex-related violence and rape should be taken immediately within the police organisation, the prosecution authorities and the bench.

#### Cooperation and specialisation

Experience from a number of local cooperation projects shows that specific measures and forms of organisation have resulted in a higher rate of prosecution or other legal proceedings. To this end, a number of measures need to be taken, such as:

- Active interventions and measures by the police;
- Close cooperation between the police and the prosecution authorities, as well as with other authorities and organisations;
- Education about men's violence against women for judges, lay court members, prosecutors, police officers and the health and medical services. Gender-based violence is an area of competence in its own right.

Amnesty International believes that good examples and experiences from local projects should be disseminated immediately to the authorities and cooperation groups in other municipalities. All law enforcement personnel need more training in the area of men's violence against women. Instruction in gender-related violence in undergraduate courses at law faculties and police colleges should be made obligatory. AI also believes that there is a need to introduce a specialised approach to gender-based violence in the courts to deal with matters concerning men's violence against women and calls on the courts to introduce such a specialisation.

### **The work and responsibility of the municipalities**

Although six years have passed since parliament passed the government's Protection of Women's Integrity Bill, many municipalities appear to have failed to carry out any radical changes in their work to combat men's violence against women. According to the law, Swedish municipalities have the ultimate responsibility for ensuring that people who live in the municipalities receive the support and help that they need and the municipalities should pay particular attention to the situation of women who are subjected to violence, in accordance with the Protection of Women's Integrity Reform. Amnesty International believes that men's violence against women is a widespread and serious social problem, which requires large-scale, continuous action by the municipalities.

Following a review of available reports from Swedish county administrative boards, Amnesty International notes that the issue of men's violence against women has been given low political priority, in general, in the majority of Sweden's municipalities. According to the surveys carried out by the county administrative boards, only a few of the municipalities have adopted political action plans and objectives to combat men's violence against women and to ensure adequate support, help and protection for abused women. The work to develop guidelines and routines for the processing of individual matters by the social services appears to have progressed somewhat further but is still lacking in the majority of municipalities. A heavy responsibility is handed over to the non-governmental women's shelters to provide support and sheltered accommodation and only very few municipalities provide sheltered accommodation under their own auspices. Statistics on the number of abused women who seek help appears to be lacking in almost all municipalities. Local information material about where women who are subjected to violence can seek help is typically lacking and information material in foreign languages is more or less non-existent. There is no or very poor cooperation between different authorities and organisations in the majority of municipalities. In a number of counties, the county administrative boards have recently followed up previously carried out surveys. These follow-ups show that certain improvements can be discerned in some municipalities but that the measures carried out so far are still insufficient.

The follow-up carried out by the National Board of Health and Welfare of the work done within the social services with victims of crime indicates that abused women are now being given greater priority but that the concrete measures taken still largely involve arranging contacts with non-profit organisations, such as women's shelters and shelters for crime victims.

Amnesty International emphasises that the point of departure for all work concerning men's violence against women in intimate relationships must be zero tolerance and calls on Swedish municipalities to intensify the work to stop men's violence against women and to take responsibility for dealing with this social problem. Abused women have a right to adequate support, help and protection, regardless of where in Sweden they live. The municipalities must also take special responsibility for the groups of abused women who are at risk of being dually discriminated against and whom the women's shelters are unable to help, such as the mentally ill, alcohol and/or drug abusers and disabled women. More knowledge about violence between partners in homosexual relationships and violence against particularly vulnerable women is essential.

#### Political endorsement

The right not to be subjected to gender-based violence is essentially a matter of democracy, equal opportunities, welfare and basic human rights – that is, values and objectives that should be the guiding principles for Swedish municipalities. The fact that men's violence against women has not been put in its political context must be seen as a failure of democracy.

Like the National Council for the Protection of Women's Integrity, Amnesty International is deeply concerned that the issue of men's violence against women is given such low priority at municipal level. The work to combat men's violence against women must have clear objectives and be carried out on the basis of an explicit and politically developed strategy. Politicians and officials at executive and senior level must support and espouse this issue and integrate it in the organisation of the authorities. Men's violence against women must not be an issue that is dependent upon the knowledge and personal commitment of individuals.

#### Information for decision-making, follow-up and cooperation

Most abused women never file police reports. Reliable statistics on the number of women who seek help from authorities, bodies and organisations other than the police are lacking in the municipalities.

Amnesty International believes that the municipalities should investigate the extent of the violence inflicted by men on women within their own municipalities by gathering data and statistics from all authorities, organisations, institutions, health and medical care institutions and others who come into contact with abused women. Such investigations at the local level should lead to better assessments by politicians, on the basis of exhaustive information, of the type of measures that are required in terms of preventive work and support and protection for abused women and their children. Investigations of this kind would also improve the knowledge of who the actors at local level are and what type of support and activities they can provide. This will further cooperation between different actors. The work should be evaluated continuously to ascertain whether the activities in a municipality, taken together, lead to positive changes for abused women and their children.

#### More knowledge

More knowledge about gender-based violence is needed among local authorities to enable effective preventive measures to be taken and to identify and help abused women at an early stage.

Amnesty International emphasises the need for continued education about men's violence against women for all categories of local authority staff and employees in the health and medical services who come into contact with abused women.

#### Women's shelters

Today there are non-profit women's shelters in almost 150 of Sweden's 289 municipalities. There are also a few municipal women's shelters. The non-profit women's shelters remain the most important actors in the municipalities as providers of support, help and protection to abused women. The women's shelters also play an important role when it comes to making men's violence against women visible. They possess valuable experience and competence.

Amnesty International is concerned that abused women and women under threat of violence do not receive adequate protection and that the protection provided depends on where the women live. According to AI, this constitutes a serious democratic and human rights problem.

The municipalities must therefore allocate sufficient resources, whether sheltered accommodation is organised by the municipalities themselves or in the form of non-profit women's shelters. This also applies to municipalities using the services of women's shelters in neighbouring municipalities. AI shares the view of the Personal Safety Commission that the financial resources allocated to women's shelters, both by the government and the municipalities, should be increased to allow the shelters to develop their services and strengthen their ability to carry out long-term work. Increased state and municipal funding to women's shelters must not, however, jeopardise the independence of these activities. Municipalities without women's shelters should consider opening up municipal shelters. Small municipalities that are unable to open and run their own shelters should allocate the necessary resources and actively cooperate with other municipalities to open and run joint women's shelters.

#### Information material

Information material about where abused women can seek support, help and protection and what different authorities and organisations in the municipality can be of great help to an abused woman.

Amnesty International calls on all municipalities in Sweden to produce up-to-date information material about support measures that are available to abused women and their children and where they can seek help. The information material should also be available in languages other than Swedish. The authorities should identify more effective channels for reaching out to particularly vulnerable groups with this information.

#### Out-reach activities and attitude change

Out-reach activities and measures aimed at changing attitudes are an important part of the local work to prevent men's violence against women.

Amnesty International believes that the county administrative boards and the municipalities have an important task in spreading awareness of men's violence against women. The preventive work must of course be based on an understanding of male violence against women as a social problem, with its roots in the prevailing gender power structure, rather than as a private family problem that only affects a small number of individuals.

## **Amnesty International's recommendations**

### Amnesty International's recommendations for measures at national level

- A national action plan against violence in intimate relationships

Amnesty International welcomes the proposal in the progress report submitted by the Personal Safety Commission in August, 2002, on the adoption of a national action plan against intimate violence, aimed at improving the protection for abused women. We also welcome the proposal of the commission to establish a national coordinator with the task of monitoring and evaluating the implementation of the national action plan and to ensure exchange of good practices.

- The Degree Ordinance

In the Protection of Women's Integrity Bill, the government emphasised the importance of including compulsory courses on equal opportunities, the different conditions for men and women in society and in the family and on gender-based violence in undergraduate programmes leading to professions where the practitioner will come into contact with abused women. The Degree Ordinance for lawyers, doctors, midwives, nurses, psychologists, psychotherapists, dentists, social workers and others employed in the social services, and pre-school, comprehensive and upper secondary school teachers and other educational staff, among others, was clarified in the Higher Education Ordinance of 1998. Courses on equal opportunities, the different conditions for men and women in society and family life, as well as gender-based violence, were then made mandatory in the undergraduate programmes listed above. These changes to the Degree Ordinance do not appear to have had much effect on the educational programmes listed above as yet. Amnesty International therefore calls on the government to see to it that the changes be implemented without any further delay.

### Amnesty International's recommendations on the implementation of the legislation

The implementation of existing legislation aimed at protecting women from male violence and punishing the perpetrators must be improved considerably. The measures that should be taken include:

- A detailed investigation by the government into the obstacles and shortcomings of the legal system and otherwise, which result in such low reporting rates for violent acts against women;
- Regular and improved evaluations of the work of the justice administration to prevent and punish men's violent crimes against women, as well as continuous evaluation of the implementation of legislation in this field to try to improve the rates of prosecution and other legal proceedings;
- Statistics on cases where legal proceedings are initiated should differentiate according to gender with regard to victims of assault and battery and other crimes for which no such statistics are available today;
- Active efforts and measures should be carried out by the police in connection with interventions, giving information to crime victims, questioning and gathering of evidence. The work to improve the prosecution rates in cases of men's violence against women, including rape cases, must be intensified, i.e., by improving the quality of police and prosecution-led investigations in such cases;
- Common guidelines should be adopted for the issuing of restraining orders by prosecutors. Police routines for the monitoring and follow-up of already issued restraining orders should also be harmonised;
- Close cooperation between the police, the prosecution authorities and other authorities should be established at the local level;
- Further education about men's violence against women should be provided for judges, lay court members, prosecutors, police officers and employees in the health and medical services, including the psychiatric services, with special focus on the situation and needs of particularly vulnerable women;
- The introduction of a specialised approach to gender-based violence in the courts.

### Amnesty International's recommendations to the municipalities

- Amnesty International calls on the municipalities to carry out systematic surveys of the extent of male violence against women within their own municipalities by gathering information and statistics from all authorities, organisations, the health and medical services and others who come into contact with abused women. Such surveys should be used as a basis for political decisions on measures needed to prevent violence and provide adequate support and protection for abused women and their children;
- The work of the municipalities to combat men's violence against women should have clear objectives and be carried out on the basis of an explicit and politically formulated action plan that has the support and endorsement of politicians at executive and senior official level;
- The work to combat men's violence against women should be integrated in the organisation of the respective authorities, rather than being left to the commitment, interest and knowledge of individuals;
- Continued education about men's violence against women should be made available to all local authority employees and employees in the health and medical services who come into contact with abused women;
- The municipalities should allocate greater financial resources to the work of the non-profit women's shelters to strengthen their possibilities of carrying out long-term work. This also applies to municipalities that use the services of women's shelters in neighbouring municipalities;
- Municipalities that do not operate or have access to a women's shelter should consider opening and running municipal shelters. Small municipalities that are unable to open their own shelters should allocate the necessary resources and actively cooperate with other municipalities on joint shelters;
- The municipalities must ensure that groups of abused women with special needs, such as the mentally ill, alcohol and/or drug abusing women, disabled women, women subjected to partner violence in homosexual relationships and non-Swedish women, are given access to support, help and emergency protection that is adapted to their own needs;
- The municipalities should produce up-to-date information material about the support measures available to abused women and their children and where they can seek help. This information material should also be available in other languages. The municipalities should also identify suitable channels for reaching out to particularly vulnerable groups of women with the information;
- The county administrative boards and the municipalities have an important task in increasing the awareness among local citizens of men's violence against women. The work to change attitudes must be based on an understanding of men's violence against women as a social problem with its roots in the prevailing gender power structure, rather than as a private family problem that only affects a small number of individuals.

# Annex 1: Facts about Swedish authorities, non-profit organisations and specialised centres

## National Council for Crime Prevention – BRÅ

The National Council for Crime Prevention (Brottsförebyggande Rådet, BRÅ) is an agency under the Swedish Ministry of Justice. Its principal task is to encourage crime prevention measures through evaluation, research, development and information activities within the field of criminal policy. The Council is also responsible for the official Swedish judicial statistics. There are just over 270 local councils in the municipalities and town district in Sweden. Their work, which is independent of that of the central BRÅ organisation, is carried out on a voluntary basis and organised on the basis of the specific needs of a municipality or town district. One of the main tasks of the Council is to support local crime prevention, mainly through the dissemination of knowledge and information. The local council also work as information centres and news sites for crime prevention actors at the local level.

## The Swedish Association for Victim Support (BOJ)

The Swedish Association for Victim Support (BOJ) is a non-profit organisation with just over 100 local centres covering all the police districts in Sweden. The association works to ensure that all crime victims and witnesses are treated in a dignified manner during the legal process and in contacts with the social services and representatives of the health and medical services. Crime victims can receive free advice and support from the Victim Support Centres, help with contacting authorities and guidance through the legal process.

## Crime Victim Compensation and Support Authority

The Crime Victim Compensation and Support Authority is a government agency that works to promote and protect the rights, needs and interests of crime victims. The core task of the authority is to decide on issues concerning compensation for criminal injuries and to allocate funds from the Fund for Victims of Crime. Another important task of the Authority is to serve as a knowledge centre and to disseminate information on crime victim issues. Through cooperation with other authorities, organisations and non-profit associations, the Crime Victim Compensation and Support Authority strives to draw attention to the problems and needs of crime victims.

## The National Courts Administration

The National Courts Administration (Domstolsverket - DV) is the central authority for the Swedish judiciary. This means that the National Courts Administration shall observe the independence of the courts regarding their adjudication functions and administration of the law. The National Courts Administration is headed by a Director General and a Board, appointed by the Government. Its task is to ensure that cases and matters are determined in a legally secure and efficient manner. Others tasks personnel development, service, education/training and information, preparing and communicating regulations, advice and instructions and ensuring that the work is carried out efficiently.

## Municipalities

There are 289 municipalities in Sweden. The decision-making right is exercised by elected assemblies. The municipal assembly appoints an executive board and the committees required to carry out the tasks of the municipality. Most municipal activities are carried out as administrative tasks. The municipalities are responsible, according to the law, for **the social services**, care and welfare for the elderly and functionally disabled, child care and pre-school activities, the public educational system for children and young persons, etc. Through its administrative organisation, the **Social Services Administration**, the Social Welfare Committee has responsibility for all the individual and family welfare services in the municipality. The main areas of activities are financial assistance, support measures, counselling and family law and care and treatment for persons with psychiatric illnesses.

## The Correctional Services

The ultimate objectives of the correctional services are to reduce crime and increase safety in society. The correctional services comprise detention facilities, non-institutional treatment of offenders and correctional facilities. The task of the correctional services is to manage the detention facilities in Sweden and assume responsibility for offenders sentenced to imprisonment or probation. The work of the correctional services also includes rehabilitation of prison internees.

## County Councils

Sweden has 21 county councils and regions with responsibility for activities that are shared by large geographical areas and often require extensive resources. The most important tasks of the county councils are the health and medical services and the growth and development of the regions.

## County Administrative Boards

The County Administrative Boards are responsible for implementing national objectives in the counties while considering regional conditions and opportunities. The county administrative board has the task of coordinating

different areas of public interest for which the board has responsibility, for example, the supervisory responsibility for the social services provided by the municipalities. There are 21 county administrative boards in Sweden.

#### The Police Authorities

The work of the police authorities is administered and supervised by the National Swedish Police Board. Sweden has 21 police authorities; one for each county. The police authorities have responsibility for ensuring the legal rights and equality before the law of the individual citizen. This includes the prevention and detection of crime and ensuring that offenders are identified and subjected to legal proceedings. In the work to prevent violence against women, the police authorities have cooperated with the social services, the health and medical services, the victim support centres and various other crisis and support services.

#### The National Centre for Battered and Raped Women

The National Centre for Battered and Raped Women (RKC) in Uppsala was established by the government in 1994 and is a strategic council with a specialist unit with the health and medical services for women who have been raped and abused. Among its staff, the RKC has doctors, midwives, social workers, counsellors and administrators. The centre, which has an all-female staff, is located at Uppsala University Hospital. The RKC also carried out research and serves as a national knowledge pool.\* The task given to the RKC by the government also includes providing the police, the judiciary, the health and medical services and the social services with information about men's violence against women.

#### The National Police Board

The National Police Board (RPS) is the central administrative authority of the police service, headed by the National Police Commissioner who is appointed by the government. The RPS is responsible for supervising the police service, for methodological support and planning, coordination and rationalisation. The RPS can also be charged by the government to lead police work to prevent crime and expose crime against national security. The RPS distributes the resources allocated by the government to the police authorities in the country. In recent years, the government has charged the RPS with the task of training the police and other authorities on issues concerning men's violence against women.

#### The Prosecutor-General (RÅ) and the Public Prosecution Authorities

The Office of the Prosecutor-General is an independent authority under the government with approximately 75 employees. The Prosecutor-General heads the Public Prosecution Authorities, supervises its work and acts as prosecutor in the Supreme Court for changes to and development of the legislation. The Office of the Prosecutor-General is also the central administrative authority for the public prosecution services with the task of leading and coordinating the work and ensuring that it is run efficiently.

The public prosecution service is divided into six regions, each with its own Public Prosecution Authority headed by a public prosecution director. The public prosecution authorities have their offices in Stockholm, Gothenburg, Malmö, Linköping, Västerås and Umeå. There are 42 divisions of the office of the public prosecutor, responsible for the operative work of the prosecution service. The divisions are headed by a chief district public prosecutor. The divisions normally have a geographical field of operation corresponding to a whole county, with the exception of the three counties including the largest cities in Sweden where there are several divisions.

#### The National Board of Health and Welfare

The National Board of Health and Welfare is an agency headed by a Director-General and has approximately 500 employees. The work of the National Board of Health and Welfare comprises seven areas of activity: health and medical care, support and service, care for the elderly, individual and family care, coordinated public health measures, emergency measures (in cases of accidents) and civil defence. The National Board of Health and Welfare is divided into a central department located in Stockholm and six regional units with responsibility for medical supervision. Special joint programmes have been established for three priority areas: substance abuse and child and youth issues.

#### The Swedish Association of Local Authorities

The Swedish Association of Local Authorities is a joint organisation for Swedish municipalities in cooperation with the regional municipal federations. The Association serves as the employers' organisation for the municipalities and has the task of safeguarding municipal interests, promote cooperation between municipalities and provide service. One of the most important tasks of the Association is to protect and promote municipal interests vis-à-vis the government and to safeguard municipal autonomy.

## Annex 2: Human Rights Treaties on the Internet

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<http://www.unhchr.ch/udhr/lang/eng.htm> (English)

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The International Covenant on Civil and Political Rights (1966)  
[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)(English)

The International Covenant on Economic, Social and Cultural Rights (1966)  
[http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm) (English)

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<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm> (English)

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<http://www.un.org/womenwatch/daw/cedaw/recomm.htm> (English)

Declaration on the Elimination of Violence against Women (1993)  
[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument) (English)

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<http://www.un.org/womenwatch/daw/beijing/platform/index.html> (English)

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[http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm) (English)

The Convention on the Rights of the Child (1989)  
<http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm> (English)

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<http://www.un.org/law/icc/statute/romefra.htm> (English)

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Kvinnofridsportalen: Kvinnofrid - ett utbildningsmaterial om mäns våld mot kvinnor. <http://www.kvinnofrid.se> (Protection of Women's Integrity Portal - "Protection on Women's Integrity – Education Material on Men's Violence Against Women"). In Swedish.

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The National Organisation for Women's Shelters and Young Women's Shelters (Riksorganisationen för Kvinnojourer och tjejjourer i Sverige - ROKS) <http://www.roks.se>. In Swedish and English.

Systerjourern Somaya women's shelter: <http://www.somaya.nu>. In Swedish and several other languages.

Terrafem immigrant women shelter: <http://www.terrafem.org>. In Swedish and several other languages.

## Verbal information/e-mail

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Discussion with Ann-Marie Tung, Association Secretary, The Swedish Association of Women's Shelters (SKR), 2003-12-03.

Meeting with Ingrid Claesson, social welfare officer at the National Centre for Battered and Raped Women, Uppsala (RKC), 2003-12-05.

Meeting with Ireen von Wachenfeldt, chairwoman of the National Organisation for Women's Shelters and Young Women's Shelters (ROKS), 2004-01-14.

Meeting with Jan Ahlberg, Head of Crime Development Unit, the National Council for Crime Prevention (BRÅ), 2004-01-14.

Meeting with Lotta Nilsson, Investigator at the National Council for Crime Prevention (BRÅ), 2004-01-14.

Meeting with Carin Holmberg, 2003-11-21 and 2004-01-15.

Meeting with Eva Lundgren, 2004-01-28.

Meeting with Jenny Westerstrand, 2004-01-28.

Sara Billström, statistician at the Office of the Prosecutor-General.

# Addresses

If you are or have been subjected to violence:

## ROKS - Riksorganisationen för Kvinnojourer och tjejjourer i Sverige

Hornsgatan 66, 1 tr, Stockholm  
08 - 442 99 30 (office)  
<http://www.roks.se>

The web site gives the addresses and phone numbers to all ROKS shelters in Sweden.

## SKR - Sveriges Kvinnojourers riksförbund

Bondegatan 40, 2 tr, 116 33 Stockholm  
08-642 64 01 (office)  
<http://www.kvinnojour.com>

The web site gives the addresses and phone numbers to all SKR shelters in Sweden.

## Systerjouren Somaya Women's Shelter

08-760 96 11 (women) and 08-795 95 91 (girls and young women)  
<http://www.somaya.nu>

## Terrafem

Kungsholmsgatan 8, Stockholm  
Emergency phone number: 020-52 10 10  
<http://www.terrafem.org>

## The National Centre for Battered and Raped Women, Uppsala

Emergency phone number: 018-611 40 00

## The Swedish Association for Victim Support (BOJ)

Phone centre: 0200-21 20 19  
<http://www.boj.se/>

The web site gives the addresses and phone numbers to all victim support centres in Sweden.

Municipal Social Services; see the web sites of the respective municipalities or the telephone directory.