

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



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Implementation Analysis
of Rights in Europe

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DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission.

Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

Directive 2012/29/EU, commonly known as the Victims' Directive, establishes minimum rights to all victims of crimes and constitutes the core of the European Union's legislative package aiming to guarantee that all victims of crimes have access to information, support and protection.

Member States were required to transpose the Directive into national legislation but need to guarantee its correct implementation in practice as well. This implementation has proved to be complex and challenging. This report aims to assess the practical implementation of the Victims' Directive in Sweden.

The viewpoint of Sweden regarding the implementation of the Directive was to identify the minimum changes Sweden needed to undertake to fulfil the articles and individual rights. Sweden did not take the opportunity to review the manner in which victims are generally treated in Sweden and how services to victims are delivered by agencies, organisations and others in contact with victims. Rather, attention was given to whether there were any areas where Sweden did not quite meet the standards of the Directive. As a result, very few changes have taken place in Sweden as part of the transposition of the Directive. It should be highlighted that although this was the official viewpoint of legislators and the Government, individual organisations see the Directive as a great opportunity to ensure that improvements are made in all aspects and rights for victims of crime. Rather than just doing as little as possible, respondents in this research stresses that Sweden should aim to provide the best support and care for victims of crime in Europe.

Since the adoption of the Directive, a number of actors have made a point of highlighting shortcomings that affect crime victims in Sweden, but very few of them have connected the shortcoming to the Victim Directive. From professionals themselves, there has been limited interest in the Directive and no regular analysis of progress with respect to implementation of the Directive has been conducted.

The research identified many areas and outcomes that impacts on Sweden's ability to fulfil victims' rights in practice. As part of the research, organisations and agencies with key responsibilities and regular contact with victims of crime were contacted, including Police, Prosecution Authority, Swedish Courts, Social Services and a range of generic and specialised victim support service organisations. Many of the professionals contacted were familiar with what the legislation and theoretical guidelines said, but did not know how rights were implemented in practice. They therefore felt unable to answer the questions, as there is little information flow regarding practical access to rights in the different agencies working with victims of crime. One respondent who

has worked over 20 years in policy making regarding victims of crime stated that she has never visited a victim support office, so has limited knowledge on how services function in practice. In addition, while respondents felt more comfortable to answer questions regarding their specific area of work, few respondents had a holistic overview over the entire range of rights affecting victims of crime. It is clear that agencies and organisations in contact with victims of crime in Sweden work very independently.

By working in isolation without any links between theory and practice, there is a risk that decision makers are unaware of what the situation is really like for victims, so fail to identify areas that need improvements. Another risk is that if new legislation or policies are developed, they don't fully accommodate for the gap or challenges experienced by victims, so fail to have the desired impact in practice. There is also a risk of duplication, with more than one agency working to address a particular concern, or the opposite that no one is working to provide a particular service and that victims fall between the chairs as agencies expect someone else to deal with it. Based on this research finding, a recommendation is to establish more coordination between theory and practice, and improved coordination and communication between agencies and organisations working with victims of crime. Joint aims and targets can for instance be developed to meet all the rights from the Directive in practice, with roles and responsibilities identified between the different agencies and organisations.

Another clear outcome from the research, which is likely to come from the lack of coordination and communication, is that there is no unified way to view victim and their ability to access their rights in practice. Each question posed in this research received big variations in responses. While some respondents felt that Sweden fulfills a specific right in every case, other respondents said that Sweden never fulfils the specific right, and some respondents stated that Sweden fulfils the right in only certain cases. There are no clear trends and certainly no unified view on victims of crime and what the situation looks for them in practice, even from respondents from the same agency. It is clear that more and wider research is needed to identify the scenario for victims of crime in practice. A recommendation from this research is therefore to establish a nationwide User Feedback Survey, where victims themselves are asked to describe and rate their experience after having been involved in the criminal justice system. This would help clarify what victims' experiences are and hopefully provide a more objective and evidence-based view of their ability to access their rights in practice.

Sweden has not adopted a unified legislation regarding victims of crime. Instead, rights for victims of crime are scattered across a range of legislations, both in relation to criminal justice and social justice. The research identified that one of the strengths regarding victims' ability to access their rights in contact with the Social Services is that there is a unified law that covers the whole area, Law of Social Services (Socialtjänstlagen). Respondents felt that this ensured that professionals

working with victims knew where to find the rights for victims, and training and practical guidelines could be developed which supported the implementation of the rights in practice. Given the varied knowledge and understanding of victims' rights and their implementation in practice, a unified legislation would provide professionals working with victims with an overview over the range of rights to which victims are entitled, and grasp the scope of agencies and organisations involved in their fulfilment, with whom cooperation and referral arrangements may be suitable.

Another challenge identified through the research is the manner in which victims are referred to access support. Support services taking part in the study highlighted referral arrangements as one of the biggest challenges in their ability to provide services and meet the support needs of individual victims. Police referrals have fallen significantly since 2012. Sweden operates an "opt-in" referral system, whereby the Police is to ask each victim reporting a crime if they wish to be referred to a victim support service. In practice, a range of challenges arise in this model, for instance the ability of the Police to ask the question and explain the benefit of the different support services to fulfil the needs of victims of crime. Another practical challenge is that most Police referrals in Sweden are administered manually, with the Police having to email/fax the victim's details to a victim support service, which is both time consuming and challenging in cases where the victim lives outside of the Police's jurisdiction since referrals only go to support services in the specific Police Region. To ensure that all victims who need support are able to access such support in a timely manner, improvements must be made in both the manner in which victims are referred and in the scope of referrals to victim support services.

There are also several areas where Sweden has developed good practices regarding the manner in which victims are treated and supported in the aftermath of crime. One of these examples is victims' right to a legal representative. Swedish legislation stipulates that a legal representative can be appointed for the victim to act for the interest of victim (injured party) and to provide them support and assistance. As the Prosecution is a representative for the State and not directly representing the victim, the legal representative for the victim (målsägandebiträde) helps to ensure that the victim's interests are raised and represented during the trial. It should be highlighted that legal representatives are only available for certain groups of victims and is not a universal right.

The research highlights the efforts made in Sweden in relation to provision of interpretation and translation to ensure all victims who do not speak Swedish are able to understand and make their voices heard throughout the process. Interpretation and, if needed, translations of documents are provided to victims of crime free of charge in their contact with agencies such as the Police, Prosecution, Court and Social Services. This helps to implement the right to information, the right to understand and to be understood as well as the ability for the victim to engage and participate fully in the criminal justice process. Regarding the ability to receive support, Victim Support

Sweden has also acknowledged the need to provide support services in different languages. Victim Support Sweden can today offer support service in over 20 different languages. As people born outside of Sweden are likely to have limited knowledge of the Swedish criminal justice system, the ability to receive information and support in their own language is vital for them to fully understand and engage in the process.

The research has identified that the City Councils across Sweden have developed particular knowledge and skills regarding working with violence against women. Legislation, policies and working practices are in place to ensure that the needs of women experiencing violence are met in a more holistic manner. There are dedicated shelters across Sweden, emotional support is offered, and financial support is available for women who are unable to continue working as a result of the violence or as a result of their need to move into sheltered housing far away from her place of work. Respondents felt that, although there are challenges in individual cases, both legislation and practice in most cases fulfil the needs of women experiencing domestic violence. The establishment of ""Barnahus"" (children houses) has been a major reform in Sweden. It is based on the one-stop-shop format, where all agencies working with child victims come to a single location that is set-up with the welfare of the child as the key priority. This includes the Police, Prosecution, Social Services and Health care. The environment is child-friendly and enables investigations, interviews, medical examinations and support services to be conducted and delivered in a child-friendly setting.

Children who witness violence in their homes are in Sweden defined as victims of crime and have a right to compensation from the State. This is to acknowledge the harm that children suffer as a result of witnessing violence, and to ensure that they receive acknowledgement from the State. It also sends a clear signal to the parents in the family that society does not tolerate domestic violence, and that all forms of violence impacts on their children's wellbeing.

Overall, there are many areas where Sweden provides support and services that greatly reduces the impact of crime and meet the needs of victims in Sweden. There are however areas where Sweden needs to pay more attention to ensure that treatment and support of victims is improved and in particular that the practical access to the individual rights is reviewed to ensure that the measures are as successful and effective as they can be to help victims in the aftermath of crime.

INTRODUCTION

The present national report aims at assessing the practical implementation of the Victims' Directive in Sweden in the context of project VOciare - Victims of Crime Implementation Analysis of Rights in Europe.

For this purpose, an adequate methodology was created and adopted. The first two steps taken in order to begin this report were a legislative analysis and a mapping of competent authorities and organisations. In order to assess how the Victims' Directive has been implemented, it is vital to know more about national legislation, to know how the Directive was transposed into national law in order to further analyse if such legislation is being implemented, how and by whom. Mapping competent authorities and organisations is essential to guarantee that detailed answers will be provided by the competent authorities and organisations which relate to victims. To support the work presented in this report, three research tools were developed in order to obtain the desired information: a desk research, an online survey, and interviews.

The desk research was the first stage of national research. It included research of legal and policy instruments, literature and existing studies, opinions, discussions and other sources which are related to victims' rights. It collected and systematized existing quantitative and qualitative information on the research topic, covering, for example, statistics on the situation of victims, academic literature on the topic of victims' rights implementation, media reports on the topic, relevant NGO researches and government reports to Intergovernmental Organisations.

The national online survey consisted of closed-ended questions directed at organisations and practitioners having contact with victims (Police, Prosecutors, judges and Court staff, policy makers and victim support organisations).

The third instrument, the interviews, served as an addition to desk research. Any questions to which desk research could not respond, or where findings were inconclusive, the researchers identified a stakeholder/key informant with whom to discuss such specific questions, in addition to the list of questions which were provided via the research tools.

Regarding its structure, this report first provides a basic overview of the legal framework, an important element to take into account in a first approach in order to understand the transposition status of the Directive into national law. Subsequently, an evaluation of the practical implementation of the Directive will be presented. This document will explain if and how articles and rights provided by the Directive are transposed into Swedish law. Each right will be briefly described and explained, as well as its transposition and practical implementation.

Finally, after a thorough analysis of each article, a chapter on good practices will be presented, as well as a chapter identifying gaps, challenges and recommendations. These are very important chapters in this report, since they provide practices which can serve as inspiration for other Member States in their implementation of the Directive, and they also provide information on what is lacking or failing in the practical implementation and can be improved.

The final chapter provides a conclusion of this report.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

Following the adoption of the Directive, an inquiry was commissioned by the Swedish Government in 2013 to assess what steps Sweden needed to take to fulfil its obligations according to Directive 2012/29 EU. The assignment was led by a magistrate, completed in 2014 and presented in a public memorandum.ⁱ It should be stated from the start that the inquiry acknowledged that the Directive was a set of minimum standards and that it would be possible, and in some areas encouraged and even required, for Sweden to further develop rights and services beyond the minimum standards in the Directive. However, this was not part of the inquiry and therefore not further explored; focus of the inquiry was only given to what Sweden needed to do to fulfil the minimum standards in the Directive.ⁱⁱ As a result, Sweden did not, as many other countries did, take the opportunity to provide a more substantial review of existing rights and services to improve current ability to meet the needs of victims of crime.

A key issue of the inquiry was how the Directive should be transposed into Swedish law. In order to gain a better understanding of the current situation in Sweden, the investigator held deliberations with actors such as the Crime Victim Compensation and Support Authority, the Swedish Police and the Prosecution Authority. A starting-point was that the assignment was limited to legal changes and that the inquiry would not be able to consider comprehensive practical measures that could contribute to the implementation of the Directive.

It was concluded that Swedish law fulfilled the majority of the demands in the Directive, for example regarding the right of injured persons to benefit from support services. The overall assessment was that only a few legal amendments were deemed necessary to fulfil Sweden's obligations. The inquiry proposed that the Police should as soon as possible and in every individual case carry out a structured individual assessment of victims' needs during pre-trial investigation and trial. The proposals for legal amendments concerned primarily the right to interpretation and translation. The economic consequences of the proposals in the memorandum were estimated to be limited. The overview was submitted in May 2014 as a memorandum in Swedish only.ⁱⁱⁱ

The memorandum was circulated for consultation, and most agencies and authorities approved on the major points without any major objections to the general content. There were some recurring remarks. One of them concerned the way in which the analysis had been conducted. Swedish Courts found that some problems ought to have been further analysed.^{iv} Save the Children regretted that the inquiry did not further investigate improvements that were necessary to match the standards of the Directive.^v The Crime Victim Compensation and Support Authority

pointed out that a major objective behind the adoption of the Directive was to give the rights in the Framework Decision a more concrete implication. It stressed the necessity of looking into the practical implications of the Directive.^{vi} Other comments were concerned with the differences in support throughout the country,^{vii} training for legal practitioners as well as improved knowledge about children subjected to crime.^{viii}

Victim Support Sweden pointed out that Sweden should have the ambition to be in the forefront instead of keeping to the minimum obligations of the Directive. The organisation stressed that the application of the legislation into practice presented the biggest challenges, and that the new regulations would not be able to solve these practical problems. According to Victim Support Sweden, training was a key component and should be developed further.

The Swedish Disability Rights Federation highlighted that in order to claim that Sweden fulfilled its obligations, it was insufficient to refer to written material and measures from authorities. The rights of the Directive should, in their opinion, be incorporated in legislation and followed up continuously with practical assessments from a victim perspective, in particular from the perspective of persons with cognitive and special needs.^{ix}

The Bill on the implementation of the Victim Directive presented by the Government corresponded with the original assessment and supported the view that only a few changes were necessary in order for Sweden to fulfil the demands of the Directive.^x In the subsequent Parliamentary discussions about the Victim Directive, it was even argued that Sweden was in the forefront with respect to victim policies in the European Union and that the Directive would have its major effects in other member states.^{xi}

As a result of this process, the national criminal code in Sweden does not provide any reference to the Directive. Instead, only three minor legislative changes were made to implement the Directive in Sweden. The first amendment concerned a strengthening of the right of an injured party, who do not understand or speak the language of the criminal proceedings, to receive interpretation free of charge. Secondly, the Court was given a duty to, at the request of the injured party, provide translations of a document or the most important parts of a document, if the document is of significance for the injured party to exercise his/her rights. Finally, a new legal provision was set in place regulating the right of the injured party to be informed of the time and place of Court hearings. When the Bill on the Victim Directive was submitted, the Parliamentary debate questioned whether the proposals were sufficient to comply with the obligations in the Directive.^{xii} Nonetheless, the suggested legal amendments were agreed and can be found in the Decree on Preliminary Investigation and the Code of Judicial Procedure.^{xiii} The amendments entered into force on 1 November 2015.^{xiv}

Regarding the use of the Victim Directive by the Swedish judicial system, it should be noted that judgements in Swedish appeal Courts and in the Supreme Court have rarely addressed aspects related to international human rights or constitutional rights. There has been a hesitation towards international obligations and how they should be treated in Swedish law.^{xv} Swedish Courts rarely refer to case law from the European Court of Human Rights and would rather use Swedish legislative history as sources.^{xvi} The Victim Directive has however been highlighted by authorities in the criminal justice system in several contexts^{xvii} as well as by other actors involved with victims of crime.^{xviii} It has been stressed that the victims' right to information, support and protection have been strengthened by means of the Directive, as well as the right of victims to have information in a language which they understand.^{xix} The increased demand on providing information to victims, which stems from the Directive, has also been highlighted in the legislative history of the new sexual offence legislation.^{xx}

The implementation and compliance of the Victim Directive has not been a matter of great interest among Swedish victimologists and it is not possible to find Swedish research particularly directed at this topic. Instead, several studies have brought up the Directive in their descriptions of victim policies and as a point of departure for their analysis.^{xxi}

As highlighted in this chapter, Sweden has taken a very relaxed approach to the transposition of the Directive, with only minor legislative changes taken place to support the implementation of the Directive in Sweden. The fact that the review of Sweden's fulfilment and need for change did not take account of the ability of victims to access their rights in practice weakens the ability to determine whether sufficient amendments were made to fully transpose the Directive in practice. Further study is needed to assess the practical ability of victims to reach the individual rights contained in the Directive. Overall, it can however be stated that it is unfortunate that Sweden did not take the opportunity to provide a more extensive review over the manner in which victims are treated, as this would have been a good opportunity to ensure that the needs of victims are met across the whole of Sweden irrespective of where the victim lives or where the crime took place.

EVALUATION OF PRACTICAL IMPLEMENTATION

Sweden did not use the adoption of the Directive as a way to review the overall manner in which victims are treated and supported in Sweden. Instead, the review into transposition focused merely on the minimum level of amendments that Sweden needed to undertake to fulfil the Directive. It was highlighted in the debate that Sweden already has a strong and well functioning provision of rights and protection for victims of crime. It was therefore felt that only three minor changes in Swedish legislation were needed to fulfil the Directive. Firstly, a victim's right to interpretation was strengthened, stating that if a victim does not speak Swedish, the Court shall appoint an interpreter. Secondly, the Court shall, upon request from the victim, translate a document or the key parts of the document, if the translation is essential to the exercise of their rights in criminal proceedings. Thirdly, the right to information is strengthened with victims having the ability to request to be informed of time and place of trial.^{xxii} Respondents taking part in this research were disappointed in Sweden's lack of ambition in the improvement of the manner in which victims of crime are treated. Rather than merely doing the minimum possible to fulfil the Directive, respondents highlighted that Sweden should aim to do what is in the best interest for people affected by crime and to help as many victims as possible.

With no specific review over the full scope of victims' rights available in Swedish legislation, the country relies on the existing acts. In general, existing legislation is generic and provides a large scope of interpretation of what the rights mean in practice and what victims can expect to receive. This scope for interpretation provides the opportunity for variations in the practical implementation, which can unfortunately be seen in the geographical differences in victims' ability to access their rights across Sweden today.

This review have highlighted that, in addition to the three additions made, there are several other areas that may require further action for Sweden to fully be able to fulfil the Directive. For instance, there is no clear definition of a "victim" or "family member" in Sweden, with different terminologies being used in criminal justice and social justice settings. Another example is the wording regarding referrals that also needs strengthening to fulfil the Directive's request to facilitate referrals to support services to ensure all victims receive support services in accordance with their needs.

This aim of this study is to assess victims' ability to access their rights in practice. In Sweden, there is no unified way in which victims can enjoy access to their rights. All local municipalities have a responsibility to offer support services to victims, but their ability and knowledge regarding

generic victims of crime differ greatly across different parts of Sweden. While some municipalities have established dedicated Support Centres for victims, others focus almost exclusively on support to women and children suffering domestic violence with little to no attention being given to victims of violence or sexual offences outside of the home. There are also pockets of best practice in relation to certain categories of victims, for instance some municipalities have established "Barnahus" to provide a child-friendly environment where all agencies involved in the investigation and support of children suffering sexual violence can meet and provide support to the victim. However, these types of services are not available everywhere in Sweden and are not accessible to all victims of crime.

The NGO sector plays a vital role in the provision of information, support and assistance to victims of crime. However, as each local victim support service is a separate organisation with their own funding arrangements from the local municipality and/or the Swedish Crime Victim Compensation and Support Authority (Brottsoffermyndigheten), there are differences in the local victim support services' capacity to deliver services. In addition, Police referrals to victim support services vary greatly, in regards to both numbers and methods, between different parts of Sweden.

Regarding protection, victims in Sweden have the right to apply for protection orders whereby the offender cannot contact the victim or visit particular areas, such as the victims' home or place or work. There are however challenges in the practical application of the legislation, with only a small percentage of applications being granted and with large variations in approval rates between different Prosecutors. Improvements should also be made in the ability to monitor and address breaches in protection orders.

There is today no possibility for redress, whereby the victim can raise a complaint that their right in accordance with the Directive has not been fulfilled in practice. For instance, if a victim is not provided with the information that they are entitled to under the Directive to ensure that they can apply for compensation and as a result they fail to apply within the set timeframe and are denied financial compensation, there is no mechanism for redress.

With the above in mind, it is difficult to say that all victims in Sweden have equal access to all the rights contained in the Directive. Although best practices exist across Sweden, where good examples can be given regarding access to the different rights, they are not accessible to all victims across the whole of Sweden. Instead, access to individual rights largely depend on where the victim lives and the criminal justice agencies and support services available in that particular region. More detail on Sweden's fulfilment of the individual rights are given below under each article.

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Sweden uses two separate definitions for victims of crime. The term "victim" is used in social justice legislation.^{xxiii} Despite using the term "victim", there is no clear definition of who should fall within this terminology. During the development of the new Socialtjänstlagen, the legislator highlighted that the concept "victim" is a continuously changing concept and it is therefore beneficial to allow the term to develop naturally, such as for instance extending the term by including children who witness violence within the definition.^{xxiv}

Within criminal justice, the term victim isn't used. Instead, Sweden uses the term "injured party" (målsägare) who is defined as the one against whom the crime is committed or who has been injured or suffered a loss as a result of the crime.^{xxv} The inquiry into Sweden's fulfilment of the Directive provided further analysis of the different aspects of the definition.^{xxvi}

In Sweden, the Council of Legislation controls whether draft bills are compatible with the Constitution and general legal principles, before they are submitted to the Parliament. In reviewing the memorandum of the Victim Directive, the Council of Legislation expressed doubts whether the definition of the victim in the Directive agreed with the definition of "injured party" in Swedish legislation. The Council of Legislation was of the opinion that the relationship between the concepts victim and "injured party" should be subject to further consideration. It found that the preamble of the Directive could not be interpreted as if national law could allow a more restrictive definition of the victim than the definition used in the Directive.^{xxvii} Despite these comments, no amendments were made regarding definitions in Sweden during the transposition of the Directive.

There are some differences in scope between these two terms “victim” and “injured party”. The term “victim” used in the Directive covers anyone who has suffered injury as a result of crime, so the definition is applied as soon as a crime is committed. However, the term “injured party” (målsägande) is only applied once the victim has reported the crime to the Police and thereby becomes part of the criminal justice process.^{xxviii} Once the crime is reported, a range of rights become available to the victim such as information, support and compensation. This raises questions whether this more restrictive definition of “injured party” can really fulfil the definition requirements in the Directive as by default, victims of unreported crime are not included in the definition and as a result are not able to access their right of information, referral to access support and the other rights that become available from the first contact with the Police. Another example to highlight the difference between victims and injured party is a child witnessing violence, who is acknowledged as a victim but not an “injured party”.^{xxix} Additionally, companies and legal corporations can in Sweden be included in the concept “injured party” and can access compensation, which is an extension beyond the definition used in the Directive.^{xxx}

Without a clear definition of a victim, other words are sporadically used in public debate in Sweden. For instance, words such as “brottsdrabbad” and “brottsutsatt” are often used, referring to people at the receiving end of crime. However, from a legal perspective, these are not clear definitions so it is difficult to identify where they belong in the criminal justice process, which may set unrealistic expectations for victims regarding the rights and services they can access in practice. Current lack of clear definitions provide a grey zone and question whether Sweden fulfils the requirements of the Directive.^{xxxi}

Swedish legislation does not have a definition of “family members”. Instead, the term “related person” is used to include certain family members and others with a close connection to the victim. However, it is unclear who is included in the concept of a “related person”, for instance is a co-habiting partner (sambo) included? And what about a partner not living together with the victim (särbo)? In practice, the definitions used in Sweden are not likely to prevent family members from getting access to specific rights as a result of the crime,^{xxxii} for instance, family members of a victim who died as a result of a crime are entitled to receive compensation.^{xxxiii} However, the disparity between the definitions used in the Directive and Swedish legislation is still a matter of concern and confusion to individual victims as well as professionals working in the field, and should be taken into account when discussing Sweden’s implementation of the Directive.

Children are defined as all persons under the age of 18,^{xxxiv} as stated in the Directive.

Regarding restorative justice, Swedish legislation refers only to mediation. The legislator has highlighted that mediation in connection with a crime is based on the legal philosophy of restorative justice, which can be defined as a process whereby parties impacted by a crime are gathered to discuss how to address the impact of the crime and its effects on the future.^{xxxv} Mediation is in Sweden legally defined as a process whereby the offender and injured party meet to discuss the crime and its impact.^{xxxvi} Mediation should be in both parties' interests and should aim to limit the negative impact of crime.^{xxxvii} The mediator should be impartial^{xxxviii} and mediation shall be voluntary for both offender and victims.^{xxxix}

The European Parliament has a critical role in ensuring that the European Commission assesses the full and proper implementation of the Victims' Rights Directive in all EU Member States. In 2017, the transposal and practical application of the Directive was assessed in a study from the research service of the European Parliament. Sweden was among the Member States given a more in-depth assessment. The report concluded that in regards to definitions, some Member States did not use the term 'victim' but instead referred to victims as the 'injured party', which is the case in Sweden. This difference in terminology has raised many discussions and should be subject to further consideration to ensure that the full scope of the rights contained in the Directive is applied to everyone in Sweden falling within the Directive's definition of a "victim" and "family member".

ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

Sweden has during the last few decades strived to ensure that State representatives, agencies and authorities are able to communicate with the general public in a clear and suitable language. In 2009, a specific law on the use of language was adopted, which confirms this aim by declaring that language used in public services should be careful, simple and understandable.^{xi} The legislator stated that it is an obvious component for public services that the language used should be understood by those impacted by the decisions made by for instance Courts and other representatives of the State.^{xii}

In line with the new legislation from 2009, agencies, authorities and organisations in Sweden have focused a lot of attention on provision of information and aiming to ensure that all victims are able to understand the information given. As a result, Sweden has seen a significant improvement in the range, accessibility and quality of information available to victims of crime.^{xiii}

Article 3 can be seen as a portal right to the additional rights to information, and sets the expectation on all authorities that the communication will be adjusted and targeted to ensure that the victim can understand the information provided, and in addition that the victim is able to make themselves understood. This assurance towards individual victims demand that the communication needs of the individual victims are identified,^{xiiii} which in itself requires knowledge and dedication towards treating victims with respect and professionalism. Behaviours, attitudes and the manner in which victims are treated by criminal justice agencies has been a continuous debate in Sweden during the last decade, and many improvements have been made to this effect.^{xv}

Although an important area of work, collecting information from victims on their understanding and how they have been treated has not been followed up and evaluated, as suggested in the discussions during the implementation of the Directive.^{xlv}

It is the responsibility of every agency and organisation meeting a victim, to ensure that the person understands the information given. There are few formal processes for this, so it will be based on the discussions and interaction in the individual case.^{xlvi} If any communication challenges are identified, the agency/organisation will aim to overcome the challenges by using available support methods and tools. Agencies and organisations highlight that for victims that do not speak English, interpretation and translation will be provided.^{xlvii} It is acknowledged that since a lot of information to victims is provided through letters, it isn't always possible to ensure that the victim has understood the information given. This is easier when speaking to the victim in person, since you are able to have a conversation to ask whether the victim fully understands or has any further questions.^{xlviii}

Some agencies have provided a range of methods to provide information to victims, depending on the victim's age and maturity. For instance, Social Services have developed information that uses images as a way to conduct conversations with children and others with developmental challenges. Ipads and other mobile devices can be used and moved to environments suitable for the needs of the individual victim. Identifying the best way to communicate is an area where the Social Services is continuing to work, and new developments arise all the time with some Social Services having established working groups to collaborate regarding new and improved ways to coordinate and share information. For instance, working groups have in some areas been established where all units in touch with a family impacted by domestic violence can meet to collaborate and discuss developments and additional needs of the family in question. A separate working group is sometimes also set up for all the units working with the children, to ensure that the child's perspective is identified and used in all forms of interaction and communication.^{xlix}

Criminal justice agencies such as the Police, Prosecution Service and the Courts are continuously working on the wording of their communication to ensure that victims of crime understand the information provided. Crime Victim Compensation and Support Authority has provided easy-read information on their website as well as interactive films regarding the criminal justice system.¹ In practice however, much of the formal communication from the criminal justice agencies is still very formal and often difficult for victims to understand. Letters are particularly challenging, as they do not provide opportunity for questions or assurance that the victim has fully understood the information given. For example, the letters calling witnesses to trial are very formal and often seen as threatening, reminding witnesses that it is their duty to attend trial to give their witness statement and if they don't attend, they can be collected by Police and given a fine. By making the letters softer and more encouraging rather than threatening, for instance by highlighting the

important role played by witnesses in the administration of criminal justice, they would likely be better received.^{li} Letters informing victims that the Police investigation has closed is another example of communication from the criminal justice system that is often seen as confusing and unclear, with many victims unsure why the case has been closed. The research supports the criminal justice agencies continued efforts to improve their communication, to ensure that victims are able to understand information provided, before this article can be seen to be fully implemented in practice in Sweden.

Regarding the right to be understood, Sweden has recently introduced stronger rights to translation, as a result of the Directive. More details about this right is found under article 7.

There are no rules in Sweden providing a generic right for the “injured party” to be accompanied by a person of their choice in all of there contacts with competent authorities. Instead, the right to be accompanied is restricted in law to interviews during the Police investigation.^{liii} The role of the accompanying person is to provide moral support. The injured party can freely choose their support person, and this person can attend as long as it is not detrimental to the investigation. For instance, if details protected by data protection are to be discussed, it may be suitable to ask the support person to leave during that part of the interview.^{liiii} Although restricted in law to only Police interviews, in practice victims in Sweden are often accompanied by a person of their choice in all contacts with Social Servies, criminal justice agencies as well as support services. In certain cases, victims will in addition have their legal representative present to ensure that the victim’s interests are taken into account.^{liv}

Overall, respondents to the questionnaire acknowledge that authorities have made improvements in their communication with victims of crime, although there are still areas that need to improve. The most focus has so far been to improve the interpretation and translation to victims who do not speak Sweden. Additional steps are however needed, in particular to fulfil the ability of victims with mental health challenges and disabilities to understand and make themselves understood^{lv} to ensure this article is fulfilled in practice.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

The Police is responsible for providing information to victims of crime during their first contact. Legislation highlights that the Police should give all citizens advice and in particular, provide information to victims of crime.^{lvi} In 2012, the Police Authority developed Guidelines and a Handbook how and when the Police must provide information to victims regarding updates in the case.^{lvii}

Following the adoption of the Directive, legislation in Sweden was amended to declare that the injured person shall as soon as possible be informed of:^{lviii}

- The role of the injured party in the criminal justice process
- Which agencies, organisations and others who can provide support, help and care
- Possibility of getting a legal representative,^{lix} restraining order^{lx} or any specific protection measures, including European protection orders from another EU State^{lxi}
- Possibility of getting legal aid and advice^{lxii}
- Possibility of getting a support person^{lxiii}
- How and under what conditions they can receive financial compensation^{lxiv}
- The legal guardian of a child having witnessed violence should be informed of how and what conditions to receive compensation
- Right to interpretation and translation

- Possibility of and conditions of restorative justice^{lxv}
- How and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed
- Available procedures for making complaints on the handling of the case
- Where, upon request, to receive updates about their case from Police, Prosecutor or Court, as long as it brings no impediments for the investigation
- Contact details for communications about their case

The article highlights that the information should be given during the Police's first contact with the victim. In practice, the first point of contact with the Police can be through many different means. For instance, a victim can report a crime via the phone, online via the Police website or in person by visiting a local Police station or by reporting the crime to a Police patrol attending the crime scene.^{lxvi} The Police is working from a victim perspective, which means that everyone in the Police who comes into contact with a victim should be able to meet and handle the victim and their experience in a professional, respectful manner and provide them with the information they need and are entitled to. This became a core policy in terms of the Police's work with victims of crime in the early 2000, so has not changed as a result of the Directive.^{lxvii}

All victims react differently to crime, but a key aspect for the Police in their initial contact is that they handle the victim's experience with care in a respectful and professional manner. The Police works hard to ensure that all professionals in contact with victims of crime are able to provide the listed information, but time pressures and external factors will naturally impact on the manner in which information can be provided.^{lxviii} In practice, victims are given the information relevant to them at the time. With this mindset, all victims should receive information about support, but only certain victims will be informed of the opportunity to get legal representatives or protective measures, as it will not be relevant or applicable to every victim. So the Police aims to tailor information to the case.^{lxix} No formal needs assessment is made to detect the individual victim's information needs and communication capacity, so the information is provided based on the subjective evaluation of the person taking the report.

In Sweden, information is given verbally during the Police's first contact with the victim. This information is also repeated in writing in a leaflet along with the letter acknowledging the receipt of the report, which also includes additional information relevant to the victim's case. The Police investigator can also repeat or add information as required during the Police investigation. For instance, the possibility of receiving financial compensation is often not provided during the first discussion but is provided later during the contact with the victim, once it becomes relevant in their case.^{lxx} In addition to the information given directly to individual victims, there is generic information that can be found on the websites of different criminal justice agencies, Crime Victim Compensation and Support Authority, victim support organisations and other agencies which

can also be referred to and be of interest to victims. The Police highlights that in practice, verbal conversations is often the best form of communication with the victim, since the Police can then explain the individual rights and how to access them in practice in more detail.^{lxxi}

Regarding point (h) in the Directive regarding information on available procedures for making complaints when rights are not respected, there is no such formal right in Sweden whereby a victim can claim that for instance their right to information wasn't fulfilled and as a result they were unable to apply for compensation.^{lxxii} There is however a general possibility for victims to file a complaint with the Parliamentary Ombudsman (JO)^{lxxiii} or the Chancellor of Justice^{lxxiv} which oversees that public authorities and their staff comply with the laws and other statutes governing their actions. However, victims are often not informed of this opportunity, and very few victims use this forum to highlight any breach in the fulfilment of their rights.

Overall, during the last 10-20 years, there have been significant improvements in the quality and amount of information being available for victims of crime. For instance, all criminal justice agencies have their own websites with information for victims, Crime Victim Compensation and Support Authority has developed a Court Introduction, victim support services all have detailed information about victims' rights and what support they can receive. So overall, there has been a big progress in Sweden regarding the availability and accessibility of information to victims of crime^{lxxv} in addition to the specific types of information included in this article.

Following a commission from the Government, the Crime Victim Compensation and Support Authority made a study in 2017 to identify how victims perceive information about their rights during the criminal justice procedure. It was concluded that some victims obtain too much information and that sometimes the information they receive is not relevant in their individual case. The Crime Victim Compensation and Support Authority website is not structured according to different crime categories but provides a comprehensive view of the criminal justice procedure as a whole. The Authority is now developing a new website which will be adapted to the individual needs of victims so that Sweden better can fulfil its obligations according to the Victim Directive.^{lxxvi}

Overall, in practice there is today little clarity on what information the victim should receive, when and by whom.^{lxxvii} Despite legislation indicating a list of information that victims should receive, this is not always delivered in practice. Depending on the way the victim reports the crime, the Police has different ability to provide information. For instance, if the report is made online, there is no facility to provide the information listed in the Directive in person, and information will only be provided in writing as the Police acknowledges receipt of the report. Even when the victim reports the crime in person, there are differences regarding what information is provided in practice. All victims react differently to crime, and some victims may also not be able to take in all the information provided. There is however no assessments made regarding the individual

victim's information need and communication capacity, so there is no way of knowing whether the information was fully understood by the victim. With only a small percentage of victims being referred to support services where further information and support can be provided, the vast majority of victims are left to digest the information given and seek out the further information they need themselves. It is therefore suggested that further actions are needed to support victims's ability to fully understand the information provided, with focus also given to victim's ability to seek redress as stated in section (h).

ARTICLE 5 - RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

Before the adoption of the Directive, there was no legal obligation in Sweden to provide a written acknowledgement of the report, although it was almost always done in practice.^{lxxviii} Current legislation^{lxxix} states that the “injured party” should receive a written acknowledgement of the formal complaint. If the “injured party” does not speak Swedish, linguistic assistance to facilitate the reporting of the crime, and the acknowledgement letter shall be translated into a language that the person speaks.^{lxxx}

In Sweden, it is standard practice that all victims of crime receive a formal letter to acknowledge receipt of the complaint. The letter provides a short description of the reported event. If there are any inaccuracies in the letter, victims are able to phone and update their case with additional information, so the victim can ensure that their description and experience is accurately reflected in the case report held by the Police.

In the acknowledgement letter, victims are also informed of many of the key pieces of information listed in article 4. For instance, the letter informs the victim of the option of contacting victim support services to receive support following the crime. Victim Support Sweden estimates that around 20% of victims getting in touch with the organisation do so after having received this information letter from the Police, so the letter is an important tool for victims to better understand their different rights and options how to access their rights in the aftermath of crime.

A few respondents in the questionnaire highlight that there are still challenges in practice for all victims to receive their written acknowledgements, but overall the research concludes that this right is functioning quite well in practice.

ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention. The wish of victims as to whether or not to receive information shall bind the competent authority.

In 2015, legislation in Sweden was updated^{lxxxix} to include some of the rights contained in this article. As a result, Swedish legislation now states that the injured party should, as soon as possible, be asked if they would like to be kept informed about a decision not to proceed with, or to end, an investigation or to not prosecute the offender. The injured party should also be informed of the time and place for trial, as well as final verdict in the case.^{lxxxii} If a person who is arrested or remanded in custody escapes, or if the offender is released, victims should be informed as soon as possible, if needed.^{lxxxiii} As soon as a decision on whether to prosecute a suspect has been taken, the injured party should be informed of the decision. Information should include notification about the criminal charges included in the prosecution.^{lxxxiv}

In practice, victims are provided with a letter in case their investigation is closed. This letter is provided without the victim having to request it. The letter is very short and formal, with legal jargon. It follows a standard format and includes a reason and explanation to why the investigation has closed. So for instance, the reason to close the investigation may be that there was no reason to prosecute, and the explanation may be that there was insufficient evidence. This could be very confusing and aggravating for the victim, who feels that there may have been lots of evidence and witnesses available that have not yet been heard. The letter is very formal, and it is sometimes difficult for victims to understand what it means in practice.^{lxxxv} However, the decision to end an

investigation is taken on legal merits, so it is also important to not lose sight of the legal basis for the decision. In practice it is therefore a difficult balance to ensure that the letter includes the legal reasons why the investigation has closed, while still being understandable for the victim.^{lxxxvi}

In more serious crimes where there is an identified risk to the victim, the victim will be referred to the internal Police unit dealing with Crime Victim and Personal Protection (Brottsoffer och Personskydd, hereafter BOPS). The BOPS investigator will, in addition to the letter, often try to contact the victim on the phone to explain in person why the investigation is closed. Given that the BOPS investigator may have had close contact with the victim during the investigation, being able to provide a verbal acknowledgement and explanation to the victim is often important and will also enable more details to be given to the victim. Although a verbal phone call is good practice, it is not an obligatory requirement for the Police, so every victim does not receive a phone call.^{lxxxvii}

The research identified that the biggest challenge regarding practical implementation of this article is in reference to two parts of the article, namely 1(a) about providing information to end an investigation, and 2(b), regarding providing general updates in the case. These two matters address the same challenge – the Police’s ability and capacity to provide personal feedback to the victim. Therefore, the following discussion addresses both of these aspects. It is noted that after victims receive a letter with a case nr to acknowledge receipt of their report, many victims want to receive continued feedback and updates from the Police throughout the investigation. The Police acknowledges that in practice, a desired scenario would be a personal verbal feedback to all victims, where the Police can explain any updates in the case, or provide reasons why the investigation was closed. If a case is dealt with by a specialised unit, such as for instance in cases of domestic violence, violence against children, hate- and democracy crimes etc., it is more likely that the investigator may have the capacity to provide more personal updates and feedback. However, this is simply not possible in high volume crimes. In practice, a Police investigator working on high volume crime can today be involved in several hundred cases simultaneously, so it is simply not possible for the Police to provide personal updates and feedback to all victims in all cases. Instead, in practice, victims today have to ask a question to the reception and, depending on time constraints, the investigator may or may not get back to the victim. So there is an identified gap regarding the Police’s ability to provide personal updates and feedback to the victim. Although the Police would welcome the opportunity to provide this type of feedback, there simply isn’t enough resources and investigators to provide these personal updates in practice.^{lxxxviii}

Acknowledging this feedback gap, the Police is currently considering how to extend and improve their communication. The development of a more generic Customer Service function could for instance provide a single point of contact where victims could phone and provide their case nr to get generic information about the status of their case. The challenge with this set-up may

be that victims often want detailed updates on the case, which would be difficult to account for in a generic Customer Service.^{lxxxix} Another, more personalised feedback option could be to use electronic means of communication where automatic text messages/emails are sent to victims at certain stages in the process. Yet another suggestion is that victims could receive a personal login and then be able to follow their case online themselves. The benefits of this system is that the victim can read the information at a time suitable to them.^{xc} The Police is currently exploring many of these options, but it is important that the information is relevant and does not set unrealistic expectation for the victim, so fulfilling this right in practice is currently a real practical challenge in Sweden.^{xci}

In the more unusual scenario that a prosecution has been initiated but for some reason a decision is made to end the prosecution, the Prosecutor will phone the victim and explain the reasons for the decision. This gives the victim a chance to ask questions. In cases where the victim has their own legal representative, (målsägandebiträde) they can also be involved at this stage to inform the victim and and answer any questions.^{xcii}

Overall, Sweden does provide the information listed in the article, so can be seen to fulfil the requirements. However, as indicated above, there are many practical challenges in ensuring that the victim fully understands the information given, where further attention is needed across Sweden.

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

Right to interpretation and translation is one of the areas where Sweden amended its legislation following the adoption of the Directive. Original legislation stated that an interpreter may be used if a party to the proceedings, or a witness giving a statement in Court, does not speak Swedish.^{xciii} The same rule was applicable during the Police investigation, and it is the investigator in the individual case that approves the use of an interpreter.^{xciv} It was a possibility rather than a legislative requirement, but in practice, as a rule, Police and Court would always use interpretation when needed. There was no formal assessment of language needs, instead the decision was made based on the Authority's valuation of the victims' language skills.

In 2015, legislation regarding translation and interpretation was updated^{xcv} to state that if a party, witness or anyone else are to be heard in Court and do not speak Swedish, the Court may use an interpreter. If a suspect of an injured party in a criminal case does not speak Swedish, the Court shall provide an interpreter.^{xcvi}

This right is also applicable if interpretation is needed as a result of hearing deficiencies or speech impediments. If suitable, technical tools and assistance can be used instead of an interpreter.^{xcvii} A person who has such connection to the matter at hand or to either party that it could impact on their reliability may not be used as interpreter.^{xcviii}

Regarding translations, the Court may, when needed, translate documents relating to a case. In a criminal case, the Court has a duty to translate a document, or a relevant part of the document, if the document will be sent to another State or there is reason to believe that the person doesn't understand the original language of the document.^{xcix}

There is no right for the victim to appeal a decision not to provide interpretation. However, the decision to use interpreter/translation during a trial can be appealed at the same time as the verdict itself is appealed.^c Case law has shown that if the Court uses an interpreter with lacking qualifications during a trial, it could disqualify the trial and merit a re-trial.^{ci} The same is likely to apply for translations.^{cii}

In the European Parliament study from 2017 regarding the transposal and practical application of the Directive, language barriers regarding lesser known languages and dialects were perceived as potential obstacles in Sweden, despite the rights to interpretation and translation being well established in Sweden as a whole. Yet access to interpretation and translation is the right and question that received the most unanimous responses from the research questionnaires, with the vast majority of respondents stating that Sweden provides access to interpretation and translation in practice, free of charge, when needed. Regarding challenges in the fulfilment of this right, respondents highlighted that availability and quality of interpreters are the biggest challenges to the practical implementation of this right.

Social services, criminal justice agencies and other authorities and organisations in Sweden have developed clear practices working with victims from different countries and with different language needs. All agencies involved in the study highlight that they work very regularly with interpreters to provide both verbal and written communication to victims that do not speak Swedish. Authorities cannot identify any scenario where a victim has to argue that certain documents are relevant and must therefore be translated, it is instead felt that victims receive the information they need in Sweden.^{ciii} The Police believes that the Directive itself has helped to increase the awareness of, and use of, interpreters, whenever any language needs are identified. It is acknowledged that authorities in contact with victims spend a significant part of their budget on translation and interpretation services, but it is an acknowledged right for victims that is still being well cared for in practice.^{civ}

In practice, interpretation is often provided through the phone, which is a challenging form of communication. In some of the bigger cities, where interpreters are more easily accessible, it is more common to use interpreter in person, but the format in which interpretation is provided (in person or via phone) seems to differ across authorities in different parts of Sweden.^{cv}

Overall, the research concludes that this article is well implemented in Sweden.

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

The provision of support services to victims of crime; meaning assistance to victims before, during and after criminal proceedings, including emotional and psychological support and advice relating to legal, financial and practical issues as well as to risks of further victimisation; is fundamental to achieving justice for victims and ensuring victims can claim their rights. In particular, access to victim support services is crucial for crime victims' ability to exercise their right to effective access to justice, as laid down in Article 47 of the EU Charter regarding 'right to an effective remedy and to a fair trial'.^{cvi}

Article 8 attracted the most attention and discussion during the research. It was stressed, in particular by victim support services, that current legislation in Sweden regarding referral of victims of crime to access support services is too weak to fully implement this article in practice. The Swedish translation of the EU Directive is seen to have watered down the requirements on the State regarding referrals. For instance, in the Swedish version of article 8, Member States should only "make it easier" (underlätta) to refer victims, indicating it is more focused on aiding the referrals that are taking place rather than demanding that referrals are made in the first place. Regarding the word "refer", the Swedish translation has chosen "hänvisa" which could include just letting the victim know that there are support services available rather than the stronger "förmedla" that would add an expectation that the Police takes steps to provide support services with the details of the victim, in order for them to extend an offer of support.^{cvii}

Existing Swedish legislation regarding referrals has even weaker wordings. Förundersökningskungörelsen has a list of information that victims should receive as soon as possible after they report a crime. One of these bullet points is information regarding which agencies, organisations and others who can give support, help and care.^{cviii} Respondents felt that this is a very weak wording and could technically be fulfilled by merely sending a letter, which doesn't fulfil the Directive's intention and the strict demand placed on Member States in this article to ensure that victims have access to confidential victim support services before, during and after criminal proceedings.^{cix}

Victim support services felt that the process for referrals needs to be strengthened to ensure all victims of crime are offered access to help following crime. Respondents from Victim Support Sweden suggested three stages of improvements in referral arrangements in order for Sweden to fulfil this article in practice:

1. Legislation in Sweden regarding referrals needs to be strengthened, to ensure there is a stronger duty that the Police "shall" refer victims to access support services in the aftermath of crime
2. Automatic referrals whereby the administrative process for making a referral from the Police is minimised, and there is an automatic, electronic, referral made once the Police has ticked the box to refer the victim to access support. Today, each case must be manually referred to a victim support service, whether generic or specific, which is seen by victim support services as both time consuming and unnecessary work for the Police. Referral methods also differ greatly between Police forces in Sweden, with some using email and others still using fax to provide support services with details of victims.^{cx}

Current opt-in referral system is dependent upon the Police being able to explain what the different support functions can offer in practice and what benefit the victim may have from accessing the service, in order for the victim to be able to make an informed decision on whether they wish to be referred. The Police should have this information available, but whether they provide the information and how much details they are able to provide to the victim differs between different Police representatives.^{cxii} The Police highlights that one of the biggest practical challenge in their work with victims of crime is being able to provide the information needed and explain what the Police and other agencies and organisations are able to offer during the few minutes they speak to the victim for the first time. If the report is taken at a crime scene, there are often many external disturbing factors, and if the report is taken over the phone, victims are still often impacted by the event and may feel stressed and not able to absorb the information. So being able to communicate important information in a concise and helpful manner so that the victim

can understand the information is a real practical challenge.^{cxii}

In the current opt-in system that Sweden uses, another vital factor impacting on the victims' ability to make an informed choice to access support services is the manner in which the Police poses the question about referral. If a Police is dismissive and asks "you don't need support services, do you?", it is less likely that the victim will say yes. However, if the Police instead asks the question in a positive tone, for instance by saying "would you mind being put in contact with a support service" victims may feel more inclined to take up the offer.^{cxiii} It is acknowledged that in practice, many men in particular feel that they should be able to cope on their own without any support,^{cxiv} so a positive formulated question would open up to the possibility of accepting help at a vulnerable time in their lives. Support services are best placed to explain the services offered, so rather than expecting that the Police must know and be able to explain all types of support services, it is suggested that the referral is made to a central victim support point, and the victim support service can then themselves discuss options for support and refer to the correct generic or specialised support service to meet the needs of the victim.^{cxv}

3. A further strengthening of the right for victims to access support services could be to adopt similar legislation to the Netherlands, where specific legislation identifies which cases should be referred, and to which organisation referrals should be made. This system would then ideally function on an opt-out basis, whereby victims are informed and referred to be offered victim support services unless they state that they do not want to be referred. This is seen as the best, and most time-effective, option to ensure that support is offered to as many victims as possible in the aftermath of crime.

Support services from the State

In Sweden, each municipality has the ultimate responsibility to ensure that everyone living within their jurisdiction receives the help and support they need^{cxvi}, irrespective of the type of services needed and the reason for seeking help. In some areas, the legislation has, beyond the generic responsibility of the State, identified particular groups that are in need of help and support. In 2001, the legislation regulating Social Services (Socialtjänstlagen) was updated^{cxvii} to include a particular paragraph highlighting that victims of crime and their family members have been specifically mentioned as such a group. The "crime victim clause" states that one of the tasks of the Social Services is to ensure that crime victims and their family members receive support and assistance.^{cxviii} The term victim is not defined in the legislation, but is generally seen to refer to the person suffering as a result of crime. (For more information about definitions, please see the discussion under article 1.) The clause goes on to say that Social Services should have particular regard for women who are suffering, or have suffered, domestic violence and may need support and help to change their life situation. Social Services are also responsible for ensuring that

children, who have suffered crime, and their family members receive the support and assistance they need. Finally, the clause highlights that Social Services should also particularly ensure that a child who has witnessed violence and other forms of abuse by or against a family member is a victim of crime and that the child is able to receive the support and help they need.^{cxxix} There is no requirement that the crime has to be reported to the Police in order for the victim to receive support from Social Services. Instead, the legislator highlighted the importance of Social Services being able to provide help as soon as possible.^{cxx}

Legislation highlights that assistance from Social Services are given when needed, following an investigation into the needs of the victim, once it is established that the person cannot themselves account for these needs or have them fulfilled elsewhere.^{cxxi} In this regard, the wordings can be seen as slightly contradictory, with the legislation saying that the Social Services have the primary responsibility for everyone living in their jurisdiction,^{cxxii} including victims of crime,^{cxxiii} but that services should only be delivered by the State if there is no other way for the victim or their family members to receive the support they need^{cxxiv} indicating that the preference would be for the needs to be fulfilled by an other entity or organisation.

There are today across Sweden several good examples where Social Services have established dedicated Centres for Victims of Crime, where they offer support and assistance to victims and witnesses of crime living within their jurisdiction. For instance, Göteborg has established a Support Centre for Victims of Crime (Stödcentrum för brottsutsatta) that offers emotional and psychological support, information about the criminal justice system and support when family members have suffered crime.^{cxxv} Malmö has established a similar Support Centre for victims of crime^{cxxvi} that offers emotional and psychological support, advice, mediation and practical support such as preparing for the trial, applying for compensation and contacting other relevant agencies. Stockholm has set up a specific Support Center for Young victims of crime^{cxxvii} that in addition to support also offers mediation. Some municipalities have also set up "Barnahus" (children houses) to provide a one-stop-shop for young victims and witnesses of crime. It enables all agencies and organisations in touch with the child victim/witness to conduct their interviews and investigations in a single location, and where the environment is specifically designed to be child-friendly. "Barnahus" have been a very successful reform, but they are not available in every municipality across Sweden.^{cxxviii}

As indicated, there are pockets of great examples where municipalities and Social Services are providing a range of services to victims and witnesses of crime. However, in practice these are not available across the whole of Sweden and many Social Services have chosen to focus more or less exclusively on violence against women and children who have witnessed violence, at the expense of other groups of victims.^{cxxix} As a result, there is no single unified support structure delivered by the State that looks and functions in the same way across the whole of Sweden. Instead,

support is given through a patchwork of services, and what support a victim can access depends largely on where the victim lives and what crime they have suffered. Most Social Services have no dedicated person responsible for coordinating work with victims of crime, which is believed to impact on their knowledge in generic victim matters. Victim Support Sweden has suggested that the appointment of a position focused on generic victim matters in each Social Services across Sweden is a vital step to ensure that focus and support is offered to all victims of crime in line with the legislation, and not only women and children who experience domestic violence.^{cxxx}

Social Services and NGO organisations cooperate across different regions in Sweden. Most municipalities provide funding to victim support services, providing support to victims of crime within that specific region and who is unable or unwilling to access support from the State.^{cxxx} The work of NGOs is therefore an important addition to Social Services' responsibility to provide and account for the quality and range of support offered.^{cxxxii}

How do Police referrals function in practice?

With the NGOs taking such a large responsibility in the delivery of support services in Sweden, it would seem natural to ensure that information and referrals are provided to enable victims to access these services. The following is a description of how the referral structure looks in Sweden today.

When a victim reports a crime to the Police, one of the obligatory questions that the Police must ask the victim is whether he/she would like to be referred to a support service. The response options are "yes", "no" or "can be assumed". Victims who answer "no" are not referred and no further action is taken regarding referral discussions. Victims who answer "yes" are offered to choose between four different types of support:

1. Victim Support
2. Women's Aid
3. Social Services
4. Other

Depending on their choice, the victim would be referred to their local Victim Support/Women's Aid, Social Service department or other support agency available in that region. No further description is given of what the "other" option includes, so the assumption is that local Police will give details about further specialised support services available in their region. The "can be assumed" option is dealt with differently in different parts of Sweden. In some Police Regions, the Police will send the standard letter with information about support services, while in some regions the Police will phone and ask the victim in person what support they would like, so the process looks very different across Sweden. There is also no national guidance provided how

and where to refer victims with a “can be assumed” tick on their report; national guidance has instead focused on how to refer victims who have a clear “yes” tick.^{cxxxiii} It is also unclear how the box “can be assumed” is used. In practice, the “can be assumed” box can be ticked if the Police hasn’t asked the question whether the victim would like to be referred, if the victim doesn’t give a clear answer or if the Police taking the report feels that the victim may need support even if they say no. The box is old and the Police acknowledges that it should be removed as it doesn’t follow the legal practice in the area. It dates from the time when victims weren’t always asked and instead the person who took the report made a subjective assessment whether the person would benefit from support services. Previous referral practice consisted of a larger number of victims being referred to victim support services. When one victim complained to the Parliamentary Ombudsman (JO)^{cxxxiv} that their personal details were sent to a victim support service without their approval, the Parliamentary Ombudsman gave a statement that victims can only be referred to victim support services if they have expressed a positive desire to be referred. This altered the Police’s referral structures into a clear opt-in system and resulted in a huge drop in victims being referred to access support services.^{cxxxv}

Specialised support services in Sweden are offered by State services such as Social Services and NGOs specialising in particular groups of victims, such as young victims of crime or victims from hate crime. For instance, BRIS (Barnens Rätt i Samhället)^{cxxxvi} offers a range of support services for young victims of crime and Somaya offers support to victims of honour related crime and oppression.^{cxxxvii} As no referral statistics are available in the public domain, it is not possible to assess how many victims are referred to the generic or specialised services. It is therefore expected that victims needing specialised support services would need to identify these services themselves and self-refer to a larger extent, or be referred from the generic victim support services.

Victim Support Sweden stressed that Sweden does not satisfy the obligations in the Victim Directive because the Police fails to refer victims to support organisations.^{cxxxviii} Victim support service respondents highlighted during interviews that the biggest challenge they face in relation to working with victims of crime is to receive referrals from the Police. There is today no formal statistics available in Sweden on how many victims accept referrals and to where they are referred by the Police. In order to monitor the referral process and quality assure the services working directly with victims, the research recommends that annual statistics on this important area are produced and made publicly available, to monitor any changes in victims’ ability to access support.

Around 78% of all victims in touch with local victim support services across Sweden are referred by the Police. Around 22% of victims receiving support from a local victim support service contacted Victim Support Sweden through self-referrals after having received information about

the support service from the Police in connection with reporting the crime. Only a few percentage of victims find support services on their own, or are referred from other agencies such as City Councils or schools.^{cxvix} It is clear that the Police plays a vital role in ensuring that victims are able to access support services following crime.

The article highlights that support should be offered “in accordance with the needs of the victim”. As no structured assessment of support needs is conducted during the first contact with the Police, it is not possible to evaluate whether all victims in need of support are referred to access such services. However, given the large differences in referrals between different Police regions in Sweden, assumptions can be made that referral rates are more based on operational practices in the individual Police forces rather than the needs of the individual victims.

Police referrals in Sweden have seen some dramatic changes during the last few years. In 2012, Victim Support Sweden saw a big increase in referrals from the Police to local victim support services. This increase in Police referrals was mainly due to two factors. Firstly, the question of whether the victim wanted to be referred to support services became obligatory when recording a crime. Secondly, the Swedish Police Authority published a statement to encourage all local Police to refer victims to support services. As a result, during the first 4 months of 2012, referrals doubled overnight to a national average of 4,9% of reported crime. Although still a very low percentage looking at all reported crime, it was an increase from the 3,3% in 2011. Since then, referrals started to decline in the run-up to the re-organisation of the Swedish Police in 2014 and continued to fall after the re-organisation had taken place. Referrals hit the low-point of 2,2% of reported crime in 2017 and has since then slightly increased to a national average of 2,4% in 2018. Respondents from Victim Support stressed that during the peak of referrals in 2012, all the referred victims were in need of support. This brings the assumption that there are today victims who are in need of support services that are not being referred from the Police to access support. Comparing referring statistics from before (2014) and after (2018) the Police reorganisation, it is clear that in all except for 2 areas in Sweden, referrals have dropped significantly. In some areas, referrals have dropped with as much as 65% and 68%, with an average drop of 35% across the whole of Sweden. In only one region, Uppsala, have referrals actually increased with 20% since the re-organisation of the Police. It is very clear from Victim Support Sweden’s review into referrals that there are huge differences in referral rates across Sweden. A victim living in one part of Sweden is therefore much more likely to be referred to access support services compared to victims living in another part of the country. These large differences in referral rates across Sweden signify that the manner in which the Police deals with referrals, asks the question and conducts the referral in practice differs greatly between different Police forces. To fulfil the Directive’s right to support, it is of vital importance that all victims are given equal access to support services to deal with the impact of crime. It is therefore recommended that the referral mechanism is reviewed and national guidance distributed across all Police forces to ensure a

consistent method of referrals.

Although some form of minimum standards have been developed in many of the organisations providing services to victims, the support services taking part in this study have not yet developed separate methods for assessing and evaluating the services delivered, to ensure they fulfil the needs of victims. It is therefore recommended that a method of needs assessment is developed, supported by an evaluation system to ensure that the delivered services meet the identified needs of victims.

Unreported crime

Article 8, section 5 highlights that States have a responsibility to ensure support services are provided to victims, irrespective of whether the crime is reported to the Police. The participants in the study acknowledges that it is often difficult to identify victims of unreported crime and it can therefore be assumed that they do not receive the information and support they need following crime. Support services are working hard to increase awareness of their support services amongst the general public, through information campaigns, articles in newspapers and local events across Sweden. However, there is still a huge knowledge gap and the vast majority of general public does not know that support services can be offered to all victims of crime, irrespective of whether or not the crime is reported to the Police.^{cxl}

Family members

A final point is that article 8 highlights that Member States have a responsibility to ensure that not only victims, but also family members are given access to support, in accordance with their needs. Referral structures today are only focused on the individual victim, and few practical arrangements are made to a) assess the needs of family members; and b) refer them to victim support services. As such, Sweden can not be said to fulfil the requirement to ensure that family members can access support in accordance with their needs.

Overall, as identified above, there are several challenges in relation to victims' ability to access support services in practice. Victim support services across Sweden highlight that they feel current referral practice in Sweden does not fulfil the needs of victims, their family members, nor the intention behind, or wording of, the Directive. They also highlight their frustration that referral structures have not improved despite a lot of discussion and contact between support services and the Police.^{cxli} Respondents to the questionnaire highlight that improvements in legislation and additional funding for support services are the two key factors that would improve support services in Sweden. Victims of unreported crime often goes undetected and are therefore not offered access to support services. It is recommended that the referral structure is reviewed and that national statistics are collected to monitor and assess any changes in referral trends to improve the opportunity for victims to receive support in the aftermath of crime.

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs.

Delivered support services in Sweden are not divided and categorised into the different categories of support listed in article 9 of the Directive. Instead, support services in Sweden often offer a more holistic approach to support, where most of the listed support services are offered under the banner of “humanitarian support” (medmänskligt stöd) or “strengthening conversations” (stärkande samtal).

Generic support services

The State offers a range of services aimed at supporting the wellbeing of the general public, including people who have suffered crime. Social Services is often a first point of contact for victims of crime needing support from the State.^{cxliii} In addition, victims can also always contact their local Health Centre either in person or via the online service.^{cxliii}

Victim Support Sweden is the only NGO organisation offering generic support services to all victims of crime across the whole of Sweden. They offer the range of generic services listed in this article, but as discussed above they follow the trend in Sweden of not dividing their services into these clear categories but instead offer a holistic “humanitarian support” (medmänskligt stöd).^{cxliv} In 2018, Victim Support Sweden supported around 68.000 victims, witnesses and family members.^{cxlv}

Many generic victim support services highlight that the largest group of victims they support have suffered domestic violence and/or sexual abuse. Many generic support services also work

with young victims of crime. So overall, many of the generic support services in Sweden are also able to provide some of the specialised services listed in this article. The most common method of support delivery is through the telephone. On average, a victim chooses to have 1-2 conversations with victim support, with more serious cases including sexual violence often requiring more long-term support. Although not specifically defined, victim support services identify that it is in particular information and emotional support that is being delivered to victims of crime.^{cxlvi} In addition to the services directed at victims of crime, there are generic mental health support services that can also be accessed by individuals who have suffered crime.^{cxlvii}

Specialised support services

In addition to the generic services, there is a range of specialised support services offered to victims of crime in Sweden. Some services are offered by the State, for instance through Social Services,^{cxlviii} Health Services^{cxlix} or helplines such as Kvinnofridslinjen^{cl}. There are also many NGOs that provide specialised support services to particular groups of victims, including Women's Aid^{cli}, BRIS,^{clii} Save the Children,^{cliii} Tjejjourer,^{cliv} Mansjourer^{clv} as well as services specialised for the HBTQ communities^{clvi} and victims of honour related violence.^{clvii} As highlighted above, many of the generic victim support services also offer specialised support services to particular groups of victims. For instance, Victim Support Sweden has developed specialised knowledge and support to victims suffering democracy crimes, domestic violence and support for young victim of crime. In addition, Victim Support Sweden recently ran a project on wider communication challenges, which focused primarily on victims with neuropsychiatric diagnoses which impacted on their ability to understand information given and make themselves understood. Victim Support Sweden developed a range of Handbooks for the local support services, to ensure they are able to provide quality support to this group of victims. One example from a local victim support service in the North of Sweden highlights the importance and impact that this increased understanding had. The local victim support service received a referral in relation to a rape victim, who they quickly realised had significant developmental challenges which impacted on her ability to explain what had happened to her. Through the project, the local support service was able to identify an expert witness that was used during the trial to explain the impact of the neuropsychiatric diagnosis on the victim's understanding of the event and ability to give clear statements of what had happened. As a result of the Court's increased understanding of the impact of the victim's diagnosis, the victim was able to get a fair trial and the offender was charged and convicted of the rape. The local support service remains convinced that without this expertise, the case would have not proceeded due to the challenges in communicating with the victim.^{clviii}

In 2019, the Swedish Government announced that it would add 45 million SEK in the next budget to combat men's violence against women.^{clix} This funding is focused specifically on capacity building for support services to female victims of domestic violence. It is very encouraging that additional financial support is given to develop victim support services. It is also recommended

that similar financial support is given to organisations working with all victims of crime, including other particular categories of crime, to ensure equal access to the rights contained in the Directive across the whole of Sweden. By increasing the level of support given to all victims of crime, specialised groups of victims will also benefit from this increased level of support.^{clx}

Services from the State

Victims of crime and any “related persons” (please see article 1 for more details on definitions) are entitled to receive support from Social Services. They should especially consider women experiencing domestic violence and children having witnessed or suffered violence, to ensure that they receive the support they need.^{clxi} The legislator has highlighted that a victim of crime can always turn to the Social Services to get help and support, and that could include practical as well as psychological support.^{clxii} There is no law detailing the type of services that each Social Service should deliver to victims of crime, so services differ greatly between different parts of Sweden, but can for instance include emotional support, financial assistance and sheltered housing. The range of support services offered will depend on the size and composition of the Social Services as a whole.^{clxiii}

In 2009, Sweden adopted general advice and guidelines regarding Social Services’ work with female victims of violence and children who had witnessed violence in the home.^{clxiv} In 2011, an additional Handbook was adopted^{clxv} to give Social Services guidance to plan and deliver support services to victims, both generically and in individual cases. These materials have helped to improve the practical delivery of support services to victims of domestic violence and children witnessing violence in their homes.^{clxvi}

Respondents from Social Services felt that respectful and professional treatment of all victims of crime is a cornerstone in their work. However, the role of the Social Services sometimes makes work with victims of crime a difficult balance. For instance, in a family where the mother is being abused, while acknowledging her suffering, the Social Services also have a responsibility towards the children in the family to assess the mother’s ability to care for her children. For instance, Social Services in Sweden work with so called “stair-conversations”, which are supporting conversations aimed at helping children deal with violence. In order to start these supportive conversations with the children, one condition is that they must have left the violent situation. This places a responsibility on the abused parent to leave the violent situation for the sake of the children, or else her^{clxvii} ability to care for her children is put into question. Respondents highlighted that in no other crime scenario do we inspect victims of crime in this way, to also make them responsible to deal with their abuse and suffering in a way that doesn’t question their ability as a parent. In these types of scenarios, the victims can be very impacted by the Social Services’ questions and intrusion. This dual role of Social Services sometimes makes it difficult to fully provide the best support to the mother while protecting the interests of the children.^{clxviii}

Shelters

Regarding domestic violence, there are specific regulations to say that the Social Services must identify sheltered housing if the victim is deemed to be in need. Even if the municipality in question has no housing to offer within their own jurisdiction, they must be able to cooperate with another municipality to offer housing there.^{clxix}

Shelters are primarily offered by local municipalities or NGOs, either in properties owned by the municipality/NGOs themselves or rented from private landlords. In a recent study, 71% of the shelters were ran by an NGO, 21% by the municipality and 8% by private entities. Most of the shelters are in the big city regions. The vast majority of shelters are small, with 60% being able to offer up to 4 spaces or less. All shelters accept women, and most of them accompanying children. Only 15% of shelters accept men. In 2011, more than 4000 adults and 2700 accompanying children spent at least one night in a shelter.^{clxx}

Responses in the research vary greatly regarding whether the shelters in Sweden today meet the needs of victims, and fulfil the requirements of article 9. Some respondents feel that Sweden can offer a good range of sheltered housing to victims, and that the quality has improved during recent years.^{clxxi} According to their own assessment in 2011, virtually all municipalities claim that they could offer women suffering domestic violence and their related persons (children) access to shelter.^{clxxii} However, other respondents feel that there are considerable challenges in the availability and quality of shelters in Sweden.^{clxxiii} A study from 2013 shows that only around half of all municipalities in Sweden can offer shelters.^{clxxiv} In 2015, Women's Aid organisations had to decline 7 out of 10 requests for sheltered housing, and the number of declined requests increase every year. Most, but not all, women and children were offered safe accommodation in another shelter.^{clxxv} Respondents highlighted examples where victims in need of shelters are given housing in hotels or hostels since there is lack of shelter within that specific region or municipality. Other victims have been evicted and forced to return home since no long-term solution could be identified and the municipality could no longer sustain the cost of their shelter.^{clxxvi} Given the current lack of housing in many regions in Sweden, women and children are forced to stay in shelters for a long time before a more permanent accommodation can be arranged.^{clxxvii} On average, women stay around 50 nights in sheltered housing.^{clxxviii} This is challenging as it prevents the victim's ability to maintain a normal life, and it also occupies emergency housing needed by other victims.^{clxxix} These examples highlight that more shelters are required across Sweden to ensure that all victims in need can access safe housing in the aftermath of crime, in accordance with article 9 of the Directive.

There are today differences in the amount and quality of support that is offered to victims of crime across Sweden.^{clxxx} It is difficult to qualify the differences since there are no unified quality

standards in place and no follow up of delivered services. The Police supports this view, based on their practical experience as the key referral agency. They highlights that in practice, some support services are seen as very beneficial, with the Police noticing that the victim is calmer and more able to participate in the investigation after having received support services, while other services provide less visible impact. The experience is mirrored across the entire spectra of support services, delivered by the State and civil society; generic and specific. Support services themselves share the view that the range of services offered differs across different parts of Sweden. Some areas have a functioning victim support service, Women's Aid and Social Service, whereas other areas only have a limited range of services established. So although all the services listed in article 9 can be provided somewhere in Sweden, all victims may not be able to access all services, depending on where in Sweden they live.^{clxxxix} As current funding structures means that a local victim support service is often dependent upon funding from the local municipality, priorities and decisions made by the State often also determine what civil society organisations are available in a particular region.^{clxxxii}

The differences in quality and availability of support across Sweden is considered a challenge in practice.^{clxxxiii} Although some support services have developed minimum standards and initiated local quality assurance, overall there is a lack of quality standards for victim support services in Sweden, delivered both by the State and NGOs. The research therefore recommends the development of more defined, national, quality standards to ensure that support services can evidence their fulfilment of the requirements set in article 9. A more structured needs assessment would also help to define the different needs of the victim, and enable a more tailored support plan to be developed to meet the identified needs of the victim. Finally, a national and consistent User-Feedback methodology would help to assess whether the delivered services met the needs of the individual victim, and enable any amendments and improvements to be made to the service moving forward.^{clxxxiv}

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

In Sweden, there is no legislative obligation on the Police to conduct an interview with the victim of crime. However, in practice, this occurs in virtually every single case. Legislation declares that a Police investigation aims to identify whether a crime has been committed, who is suspected of the crime and collect sufficient evidence to present in the case and decide whether to prosecute the accused.^{clxxxv} Interviews should be conducted with individuals who can provide information of value for the investigation.^{clxxxvi} It can therefore be assumed that victims will be interviewed in every case as they are undoubtedly able to provide information of value to the case. In practice, the Police confirms that conducting an interview with the victim is often the first action taken after a crime has been reported to the Police.^{clxxxvii} When interviews are conducted with children under the age of 18, particular rules and practices apply, in line with the age and maturity of the child. Specific guidance and information has been developed for young victims of crime on their rights, available support services and what to expect during the criminal justice process.^{clxxxviii} More details regarding rights of children participating in the criminal justice system are given under article 24.

Legal representative for the victim

In 1988, Sweden adopted legislation to provide certain groups of victims with their own legal representative.^{clxxxix} Legislation stipulates that a legal representative can be appointed to act in the interest of victim (injured party) and to provide them support and assistance. The Prosecutor is a representative for the State and has a duty of objectivity, so cannot be seen to liaise with the victim. In contrast, the legal representative for the victim (målsägandebiträde) helps to ensure that the victim's interests are raised and represented during the trial. In practice, the Prosecution and legal representative often sit together in Court and present the case alongside each other.

A legal representative can be appointed by the Court in the following circumstances:^{cxc}

- a) In cases of sexual violence or rape, unless it is obvious that the victim doesn't need the special legal representative (so the presumption is that representation is needed)
- b) In serious cases where, due to the victims' personal relationship with the accused, the victims' personal characteristics or due to other circumstances whereby it can be assumed that the victim needs legal representative

In cases with more than one victim, separate legal representatives can be given to each victim. In practice, this has given rise to additional costs for the State. The State has therefore often looked to limit the right to legal representation as a cost-saving exercise. As a result, the right has been amended over the years. Originally, the commission of a legal representative continued throughout the appeal process. In 2018, an amendment was introduced to terminate the commission for a legal representative once the first level Court (Tingsrätten) has reached a verdict in the case. A victim then has to reapply for a legal representative in the appeal Court, and a new decision will be made whether there is a need for legal representation. This amendment was seen by many victim organisations as an attack on victims' rights and a step in the wrong direction.^{cxc}

Regarding the implementation of the Directive, the role and services provided by the legal representative facilitates the implementation of many individual articles, such as:

- a) right to information – the legal representative informs the victim of the criminal justice system, the different agencies involved, the rights of the victim in the criminal justice process, how to apply for protection measures and can answer questions that victims have during the entire process
- b) right to understand and to be understood – as the legal representative works directly with the victim, it is easier to identify any challenges in the victim's ability to understand. During the trial, the legal representative will also speak on behalf of the victim, to ensure the victim's views are expressed clearly to the Court
- c) right to be heard - the legal representative acts in the interest of victim to ensure that the victim's interests are raised and represented during the trial, for instance that the chosen evidence or witness statements are presented and that specific questions are asked during cross-examination
- d) right to support - the presence of the legal representative is often of great value to the victim throughout the process, and is often seen as a great support both in relation to the

criminal process itself as well as in answering any questions or provide moral support during the trial itself

e) right to protection – the legal representative can inform the victim of the existence of protection measures and help the victim to apply for protection measures that may be suitable in the case

The research acknowledges the importance and value played by legal representatives for victims of crime in Sweden today, especially for children and victims of serious crimes. Many victims feel it is unfair that the accused can have a legal representative if they, the injured party, cannot. Legal representatives for victims therefore serve a vital purpose, and ensures that victims feel represented during the trial and that their voices are heard throughout the process. Although a best practice, it should be noted that not all victims are able to access separate legal representation as this right is restricted to only certain categories of victims and granted by the Court on a case by case basis.^{cxcii} As an additional improvement of the right to legal representation, Victim Support Sweden highlights that they believe the victim should have the same right to change their legal representative as the accused has to change their defence lawyer.^{cxci}

ARTICLE 11 - RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

An injured party has a right to be informed of a decision not to initiate a Prosecution.^{cxciv} Although legislation highlights that a senior Prosecutor may take over tasks that have been performed by a lower Prosecutor,^{cxcv} there is no specific law regarding a right to review a decision not to prosecute a suspect. Despite the lack of legislation, a right to review a decision not to prosecute has instead developed through praxis and case law.^{cxcvi} As a result, Sweden has had the possibility to review a decision not to prosecute before the Directive, so this is not a new right.^{cxcvii} The Prosecution Authority has provided specific guidance to further regulate this important area.^{cxcviii} In practice, almost all decisions can be reviewed, including the decision to end an investigation and a decision not to prosecute a suspect. Decisions that can be appealed to a Court, for instance a decision not to grant protection orders, are however normally not subject to this type of review.

In the letter informing the victim that the Police investigation has closed or that a decision has been made not to prosecute a suspect, victims are also informed that they can ask to have this decision reviewed.^{cxcix} In practice, the review process is very easy and straightforward for victims. In cases where the Police decides to end an investigation, the victim can contact the Prosecution Authority within their Police Region. In cases where the Prosecutor has decided not to prosecute a suspect, the victim can ask for a review by a Senior Prosecutor.^{cc} In practice, victims can often contact their local Police, who will help direct their review request to the right agency.^{cci}

The letter informing victims why the investigation was closed is not always very detailed and it may therefore be challenging for victims to understand exactly why the case was closed. However, the review process is very straightforward and victims do not have to provide any

detailed descriptions regarding which aspects of the decision they wish to contest. Victims just have to state, in writing, that they disagree with the decision to close the investigation/not prosecute a suspect, and the deciding agency has the duty to review decision again.^{ccii} There is no set deadline to request this review, but a delay in submitting a request may impact on the outcome of the review.^{cciii} During 2018, Prosecution Authority received 2407 requests to review (överprövning), and the in 9% of the cases (206 cases) was the original decision changed.^{cciv} There are some noticeable differences in the percentage of overturned decisions depending on crime type. For instance, reviews regarding rape cases led to a changed decision in 16% of cases, whereas only 4% of review requests for decisions regarding slander were changed.^{ccv}

In Sweden, victims in some cases also have the option to support (biträda) the Prosecution, to become a party to the proceedings alongside the Prosecutor. In such cases, if the Prosecutor decides not to appeal a decision, the victim can do so themselves, either by representing themselves or assisted by their own legal representative (målsägandebiträde). There have been instances where victims have actually won appeals that the Prosecutor decided not to appeal.^{ccvi}

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

In 1998, the Swedish Government commissioned the National Council for Crime Prevention to promote the introduction of mediation in Sweden and to lead a pilot scheme. This scheme confirmed that mediation for young offenders could have a positive effect on both offenders and victims^{ccvii} and in 2002, legislation was introduced to govern victim-offender mediation in Sweden.^{ccviii} This Mediation Act is seen as framework legislation without any detailed provisions, which means that there is scope for assessing the circumstances in the individual cases. The legislator highlighted that it is not considered appropriate to conduct mediation in cases regarding violence in close relationships, sexual offenses, and offenses committed towards very young victims.^{ccix} Mediation in Sweden was originally initiated within the context of the young justice, focusing on young offenders.^{ccx} It has also been highlighted that mediation policies in Sweden have traditionally been dominated by crime preventive aims and a clear focus on the needs and interests of the offenders.^{ccxi}

Victim-offender mediation is a voluntary activity, which is complementary to the criminal justice process and primarily intended for young perpetrators under the age of 21. Mediation may take place during all stages of the criminal justice process^{ccxii} but the presumption is that it should be conducted during the investigation.^{ccxiii} Injured parties should as soon as possible be informed about the possibilities to participate in victim-offender mediation.^{ccxiv} The Prosecutor should take the offender's willingness to mediate into account when deciding whether to prosecute the suspect^{ccxv} and the court may consider mediation in the choice of sanctions.^{ccxvi} After completed mediation, the Prosecutor will receive an update report.^{ccxvii} If the perpetrator expressed a sincere and serious willingness to participate in the mediation and fulfil any agreements made, the prosecutor may decide to not initiate prosecution. This is an important point that may affect the parties in different ways. International research has highlighted that in order to ensure that mediation is beneficial for the victim, the mediation should not be connected to reduction

of punishment.^{ccxviii} This may for instance put the victim under pressure to participate in the mediation, or make a victim less inclined to take part since they don't want the offender to have a reduced sentence. Both viewpoints puts the voluntary requirement into question.^{ccxix}

Since 2008, all municipalities are obliged to offer mediation in all cases where the offender is less than 21 years old. The reason for making the offer obligatory was fairness: young offenders and their victims should have equal access to mediation across the whole of Sweden.^{ccxx} Mediation is also offered by some of the dedicated Support Centres for Victims of Crime, which also offers support services for victims. For example, Stödcentrum Nordväst has a dedicated mediation service for young victims of crime.^{ccxxi} Victim-offender mediation takes place through personal meetings but there are examples of indirect mediation.^{ccxxii}

In 2011, the National Board of Health and Welfare (Socialstyrelsen) conducted a review of existing mediation activities in Sweden. It confirmed that many municipalities have not adopted a process for offering mediation, and that mediation services differ across Sweden. It was also clear that too few cases are referred to access mediation services. This is believed to be caused by the fact that not all young offenders are asked whether they would like to be referred to mediation services.^{ccxxiii} This is confirmed by a responder in the research who was familiar with the mediation services offered in their municipality, but stressed the challenges they experienced in receiving referrals from the Police.^{ccxxiv} The review of existing mediation services also flagged up a lack of knowledge about the aim and purpose of mediation, and which agencies should be involved in practice. Finally, results indicated that there may be a lack of trust for the concept of mediation within the criminal justice system.^{ccxxv}

In 2013, the Prosecution Authority published a memorandum with guidance to increase awareness and knowledge among Prosecutors about mediation and to provide practical guidance on how the legislation regarding mediation should be applied in practice.^{ccxxvi} It transpired that there were clear differences how Prosecutors take the offender's willingness to participate in mediation into account when determining the sentence.^{ccxxvii}

Since legislation was introduced in 2002, the interest in mediation seems to have decreased during the last ten years.^{ccxxviii} As late as in 2018, researchers concluded that the number of mediations in Sweden are decreasing and that the interest in mediations seems to have reached a point of stagnation.^{ccxxix} According to some researchers, the reasons for this can be found in both law and practice. Firstly, the construction of the legislation as a framework has been considered problematic, as few details are given on how mediation should work in practice. It has also been claimed that the absence of formal requirements concerning the mediator is challenging.^{ccxxx} Another practical challenge with the whole mediation concept is that the focus of the mediation has differed depending on the background of the mediator.^{ccxxxi} For example, in mediation activities

where the mediator is also engaged in victim support, the victim has been in focus; whereas in mediation activities where the mediator is working with young perpetrators outside of the mediation role, the interests of the perpetrator has been emphasised.^{ccxxxii} Although in theory the National Board for Health and Welfare requests that mediation is conducted with good quality and that the staff has appropriate training and experience,^{ccxxxiii} the role of the mediator has been described as more or less unregulated and calls have been made for clarifications.^{ccxxxiv}

Looking at the demands of the Directive, it is questionable whether Sweden can be seen to fulfil the requirements of article 12. For instance, given that Swedish legislation states that all offenders under the age of 21 should be offered mediation, it is clear that focus is on the interest of the perpetrator, and whether it is in the interest of the victim (as highlighted in section a) is given less attention. It is highlighted in section (d) that all agreements should be made voluntarily. Respondents in the research have stressed the importance of this point and highlighted that challenges arise when victims enter into agreements during mediation activities. For instance, examples given include cases where victims have agreed to a lower compensation award than the court would have granted, which makes the victim suffer financial disadvantages by having engaged in the mediation process. If mediation is offered, it is therefore of vital importance that no agreements are made regarding areas covered by formal legislation.^{ccxxxv}

It is clear that although there may be mediation services in Sweden that take the needs and interests of the victim into account, mediation services are not consistent and do not look the same in practice across Sweden. As mediation services were introduced with a clear crime prevention focus, with the aim that young offenders would grasp the impact of their actions and refrain from further criminal acts, and it is not always clear what the benefit of the service is for the victims.^{ccxxxvi}

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

In Sweden, the Prosecutor will lead the prosecution during the criminal justice procedure and present the evidence against the accused. The Prosecutor will also present the victim's claim for compensation during the course of the criminal proceeding. These services are provided by the State, free of charge for the victim. In certain cases, a victim can also be given their own legal representative during the criminal justice process.^{ccxxxvii} Legislation stipulates that a legal representative can be appointed, free of charge, to act in the interest of the victim (injured party) and to provide them with support and assistance. A legal representative can be appointed by the Court in the following circumstances:^{ccxxxviii}

- a) In cases of sexual violence or rape, unless it is obvious that the victim doesn't need the special legal representative (so the presumption is that representation is needed)
- b) In serious cases where, due to the victim's personal relationship with the accused, the victim's personal characteristics or due to other circumstances whereby it can be assumed that the victim needs legal representative

Legal representatives for victims serve a vital purpose, and ensures that victims feel represented during the trial and that their voices are heard throughout the process. It should however be noted that not all victims are able to access separate legal representation as this right is restricted to only certain categories of victims and granted by the Court on a case by case basis.^{ccxxxix} Please see the response under article 10 for more information on legal representation for the victim in criminal cases.

For proceedings outside of criminal justice proceedings led by the Prosecutor, victims may be eligible for legal aid to cover part of their costs for legal disputes. This could for instance include civil proceedings or proceedings in the Swedish Labour Court regarding labour related disputes between employers and employees.^{ccxi} As article 13 is only applicable to criminal proceedings, it is likely that the legal aid offered by the State falls outwith of the scope of the article. However, it is worth mentioning its existence as many victims in practice come into contact with the civil

proceedings in public Courts as a result of crime.

Many home insurances in Sweden include costs for legal aid. Victims unable to access legal aid through their insurance may be eligible to receive legal aid through the State.^{ccxli} Legal aid from the State is administered through the Swedish Legal Aid Authority (Rättshjälpsmyndigheten)^{ccxlii} and includes:

- Part of the costs for a lawyer (up to 100 hours). A core principle is that the person in the legal dispute must themselves pay part of their legal costs
- Cost of evidence
- Investigation costs up to SEK 10.000
- Court application fee
- Copies of documents or materials
- Costs for interpretation & translation
- Cost for mediation

There are restrictions on who can access legal aid from the State, for instance regarding the maximum amount of income and reasons why the applicant did not have applicable insurance in place.^{ccxliii}

Overall, the research finds that Sweden fulfils the right to legal aid in line with article 13. In addition, the allocation of legal representatives throughout the criminal justice trial is a vital addition to ensure that the interests of the victim are raised and represented throughout the criminal justice process.

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

The Directive stipulates that the conditions under which victims may be reimbursed shall be determined by national law. The legal basis in Sweden for fulfilling this article has two parts, one focuses on remuneration during the preliminary investigation^{ccxiv} and one focuses on remuneration to witnesses taking part in the criminal justice process.^{ccxlv}

Regarding the Police interview, the officer in charge of the investigation has a responsibility to inform the injured party/witness about the right to receive reimbursement of costs. A person called to attend a Police interview as part of the investigation is often entitled to remuneration for costs incurred as a result of attending. The costs covered are for instance travel costs, accommodation and loss of earning.^{ccxvi} Exceptions may arise if the person being interviewed attempts to disrupt, interfere with, or avoid the investigation, or if it is suspected that the person is involved in the commission of the crime in question, in which case reimbursement is unlikely to be granted.^{ccxvii} The Police provides information about the application process on their website.^{ccxviii} In practice, the Police cannot provide details on how much is spent on reimbursement by the Police, as the costs for this specific purpose are not separated from other expenditure. As such, there has not been a specific follow-up regarding adherence to the provisions in this article regarding reimbursement by the Police.^{ccxlix}

Regarding the trial, a witness is entitled to reimbursement of costs for travel, accommodation, loss of earning and other costs that have arisen as a result of their attendance in Court. A witness can in some cases provide their bank details to the Court and be given reimbursement before the trial, to help them for example cover the costs of travel.^{cc}

Overall, Sweden can be seen to fulfil this article as national legislation highlights the opportunity for victims to have their costs reimbursed. As it is a requirement to attend an investigation^{ccli} and trial if called,^{cclii} there is no evidence that the arrangements for costs is impacting on victims' decision to participate in the criminal justice proceedings.

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

This article highlights that Member States shall ensure that property which has been seized during the criminal proceedings is returned to victims, without delay, when they are not longer required for the purposes of said proceedings. National law is to specify the conditions under which the property is to be returned, so the article itself focuses more on the existence of national regulations regarding the return of property than its practical application.

Swedish legislation includes provisions about seizure and confiscation of property during the course of criminal investigations. It states that the Police may seize property that can reasonably be believed to be of significance to the investigation, or obtained through criminal activity.^{ccliii}

If an injured party makes a claim on any of the confiscated property and it is obvious that the person has a superior right to the property compared to the person from whom the confiscation was made, the investigator or Prosecutor may decide to return the property to the injured party before trial.^{ccliv} If a person who is affected by a seizure is not present at the seizure, he or she must be notified of the seizure without delay.^{cclv}

An object can be kept as long as it is necessary for the investigation. Once there is no longer any reason to keep the object, it should immediately be returned. The decision to release the object is taken by the Prosecutor or Police.^{cclvi} If objects are needed in the trial, the Prosecutor must claim in the indictment that they remain confiscated until the Court verdict.^{cclvii} In connection with the decision to confiscate the property, the Court will also set a date for trial. If by this date the Prosecution hasn't yet prosecuted the suspect, a request for extension has been submitted or if there are no longer any reasons to keep the confiscated property, it should immediately be returned.^{cclviii} A victim can also appeal the Court's decision to confiscate the property to the Court of Appeals.^{cclix}

In practice, there is no specified timeframe within which seized property must be returned to the victim in Sweden. Given that legislation highlights that it should be returned immediately,

it is reasonable to expect property to be handed back to the victim within a reasonably short timeperiod once the investigation is closed or there is no longer any reason to keep the property. If the victim feels that there is no longer any reason to keep the property, the victim can raise a claim to have the decision to confiscate reviewed.^{cclx}

Regarding the state of the property, there are no specific rules in Sweden regarding the state the property should be in when it is handed back to the victim. A basic viewpoint is that the person to whom the property is to be returned should themselves be allowed to determine whether they wish to receive the property in its current state.^{cclxi} In practice, whether property stained with blood or other visible signs of the crime is returned without being cleaned seems to be dependent on the Police in question. As such, it is assumed to become an ethical consideration based on what the Police feels is an acceptable state for the property in question. Although there has been some mistakes made in this assessment regarding the return of property, for instance when a young rape victim was asked to collect the condom used during the rape which was confiscated as part of the evidence in the case,^{cclxii} Sweden can overall be seen to fulfil the requirements of article 15.

ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Sweden has a compensation system for victims of crime consisting of three separate parts.^{cclxiii}

1. Insurance

Many home insurances and accident insurances in Sweden include coverage if the person falls victim to crime. A victim who is covered by an insurance should therefore, as soon as possible, contact their insurance company and submit an insurance claim to cover the impact and injuries that has arisen as a result of crime. A requirement is that the crime must be reported to the Police and a case nr must be added to the claim.

There are many benefits with this type of compensation, arising from insurance coverage. Firstly, most people in Sweden have insurance that would provide this type of compensation. Secondly, from a time perspective, decision to grant compensation and subsequent payments to victims can be provided within very short timeframes. Finally, looking at the amounts of financial compensation provided to victims, insurance companies often provide the most generous amounts of compensation awards compared to compensation granted by the State or paid by the offender. This type of compensation, arising from insurance policies, is not covered by the Directive.^{cclxiv}

2. Compensation from the offender (Skadestånd)

The second type of compensation offered in Sweden is the compensation from the offender, which is covered by article 16 in the Directive. The Police has a duty to inform a victim about the right to receive compensation, so victims can already during the initial investigation submit a claim for compensation from the offender. In practice, the Police often submits the victim's compensation claim to the Prosecutor along with the investigation report.

Sweden uses the “Adhesion procedure” whereby the criminal case and the civil case run alongside each other, and the civil compensation claim will be raised and decided alongside the criminal case regarding the guilt of the accused.^{cclxv} So, if the accused is found guilty, the Court will also make a decision on the compensation claim. The benefit with this set-up is that the Prosecutor, and where applicable the legal representative of the victim, will present the victim’s compensation claim. Regarding timeframes, the victim have until the beginning of the Prosecution to file their compensation claim. If all costs relating to the crime have not yet arisen when the case goes to trial, the victim can file a separate claim to have these additional costs compensated by the State at a later date.

Once a Court has awarded the victim compensation from the offender, the victim will be contacted by the Enforcement Authority to ask if the victim would like assistance in collecting the money from the offender.^{cclxvi} The Enforcement Authority is a Governmental Agency who will conduct an investigation into the offender’s ability to pay. If possible, the Enforcement Authority will reclaim the money or property to cover the compensation owed by the offender to the victim. If the offender is unable to pay, the victim will be notified and can then choose to apply for State compensation, as their third and final option to receive compensation.^{cclxvii}

Regarding the financial amount, compensation from the offender consists of a subjective and an objective part. The subjective part of the compensation is based on the damage caused and the injuries sustained by the victim as a result of the crime. The objective consideration is a standardised payment depending on how violating the crime is. This is not based on the injuries sustained by the victim, so two victims who receive very different injuries from the same crime would receive the same amount of objective payment due to the same level of violation from the crime. So the total amount of compensation awarded by the Court to be paid by the offender combines both the subjective and objective factors, which provides a large degree of flexibility to tailor the compensation amount to the victim’s injuries and needs.^{cclxviii}

Victims of crime in Sweden can receive compensation both from their insurance company and from the offender for the same crime. However, the State compensation will only become applicable if neither of the other two forms of compensation has fully covered the compensation rights and needs of the victim.^{cclxix}

3. Compensation from the State (Brottsskadeersättning)

Compensation from the State is the third and final type of compensation offered to victims of crime in Sweden. It is administered by the Swedish Crime Victim Compensation and Support Authority, which is subordinate to the Ministry of Justice and led by a Director-General

appointed by the Government.^{cclxx} The reasoning behind the development of the three-tiered Swedish compensation system is based on the principle that the person who has caused the injury should be responsible to pay for the injuries through compensation. Only in cases where the offender is unable to pay, and the victim does not have an insurance to cover the costs of the crime, should the State provide the compensation. State compensation can also be given to victims in cases where the offender remains unknown.^{cclxxi}

To ensure that levels of compensation are fair and equal regardless of whether compensation is paid by the offender or by the State, the Crime Victim Compensation and Support Authority are bound by previous judgements and decisions made in Court regarding levels of compensation. For instance, if a victim is awarded a set amount of compensation in Court but the offender is unable to pay, the State compensation should cover the same amount.^{cclxxii} There are however some limitations on what the State compensation covers, for instance State compensation does not cover material damages resulting from crime.^{cclxxiii}

Looking at views and experiences of how the system of compensation works in practice in Sweden, many victims say that they have not received sufficient information to ensure that they can fully access their right to compensation in practice. For instance, victims often state that they do not understand what they should claim compensation for and how to fill in the application form. Information about the right of compensation is today available in the letter from the Police acknowledging receipt of the report of the crime, in the letter from the Court delivering the verdict, in the letter from the Enforcement Authority regarding collection of the compensation from the offender as well as on individual websites for criminal justice agencies.^{cclxxiv} However, the question is whether victims are able to digest the information, and whether they feel the information is clear enough for them to understand what they have to do to receive their compensation in practice. The Swedish Crime Victim Compensation and Support Authority administers a helpline^{cclxxv} where victims can ask questions. Many of these questions relate to criminal injuries compensation, what amount of compensation victims can apply for and how the individual claims should be formulated, which highlights the need for individual support in the administration and application process for many victims of crime.

Another common complaint from victims is that they are unsure how to fill in the application form and what to ask for under the different posts. Victims highlight that they would like to receive reasonable compensation for the injuries they have suffered, so the concept of a lumpsum to cover all costs is often easier for victims to grasp rather than having to divide their claim into separate posts such as travel costs, loss of income and other related costs associated with the crime. For more information on the different posts that victims can claim for, please see.^{cclxxvi} The Crime Victim Compensation and Support Authority highlights that rather than expecting the victim to contact yet another agency before they can file their compensation claim, it would be

helpful if the Police could help answer these basic types of questions from the victim during the Police investigation.^{cclxxvii}

Finally, feedback from both victims and victim support services across Sweden stresses that the current system of several separate entities is very complex and time-consuming in practice. Today, a victim that doesn't have insurance to cover the sustained injuries first has to apply for compensation from the offender as part of the criminal proceedings, which in itself could be a time-consuming process. A victim then has to wait for a verdict, then the investigation from the Enforcement Authority whether the offender can pay, and then finally if an offender is unable to pay the victim has to submit a separate claim to apply for State compensation.^{cclxxviii} In practice, there are agencies that can help the victim with their compensation claim. For instance, the Police can help to provide information about compensation and how to submit a compensation claim during the Police investigation, victim support services can help fill in application forms, the Prosecutor can help present the compensation claim during the trial and the Enforcement Authority can help collect the compensation from the offender. The application process to claim State compensation has also been simplified, meaning victims only have to provide minimum details to enable the Crime Victim and Compensation Authority to investigate the claim on behalf of the victim. In general, the administration process for a claim of State compensation takes around 3 months.^{cclxxix}

There are regular debates in Sweden whether the State should have a more central role in providing compensation to victims of crime, which was not the intention when the current compensation system was formulated. For instance, Victim Support Sweden highlights that they believe the State should have a more central role and once the Court grants the victim compensation from the offender, it should be the responsibility of the State to pay compensation upfront and then reclaim this money from the offender, similar to the system used in Norway.^{cclxxx} In this debate, it is important to acknowledge that victims in Norway are not able to receive compensation from their insurance companies, which victims in Sweden can access, so there is a stronger need for the State to act quickly to provide compensation to victims in Norway.^{cclxxxi} From a financial perspective, estimations have shown that insurance companies in Sweden pay around 150 miljoner (SEK) to victims of crime.^{cclxxxii} This cost is today covered by the general public across Sweden as part of the cost of insurance, so will be a significant additional costs for the Swedish State if a system of upfront payments by the State was to be introduced. In addition, if the State is to be responsible for reclaiming the money from offenders, additional costs will arise to administer such an enforcement mechanism. Finally, insurance companies in Sweden are today very quick to decide and pay compensation to victims, so it is not guaranteed that the State compensation would be able to meet the same timely payments and victims may have to wait longer to receive their compensation. There are clearly many factors to consider when deciding upon the most effective and fair compensation scheme for victims of crime.^{cclxxxiii}

Overall, the research acknowledges that Sweden does have a system in place to ensure that victims are able to obtain a decision on compensation from the offender during the course of criminal proceedings, and as such fulfils the requirements of article 16.

ARTICLE 17 - RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

There is no specific legislation, rule or consistent case law praxis in Sweden to specify how interviews with victims living in another Member State should be handled in practice. This lack of consistent praxis can also be noted amongst the respondents in this research, where many answered "don't know" to the question whether victims living in another country are able to provide an account of the event immediately following the report of the crime.

According to the EU Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, if “a person is in one Member State's territory and has to be heard as a witness or expert by the judicial authorities of another Member State, the latter may, where it is not desirable or possible for the person to be heard to appear in its territory in person, request that the hearing take place by videoconference”.^{cclxxxiv} The Convention does however not demand the same right to be given to victims of crime. Parts of this Convention has been transposed into Swedish law to highlight the conditions for when phone interviews can take place with someone in Sweden.^{cclxxxv} The main rule is that interviews can take place without the involvement of a Swedish Prosecutor or Court under the condition that the person being interviewed agrees to such an arrangement. If the other State requests assistance from a Swedish Prosecutor or Court to conduct the phone interview, such assistance shall be granted.^{cclxxxvi} Corresponding rules exist when a Swedish Prosecutor would like to conduct a phone interview with a person living in another Member State.^{cclxxxvii}

According to Swedish law, assistance to conduct video conferences with someone within Swedish jurisdiction can be given during both the interview and trial stage.^{cclxxxviii} If the request to provide assistance is regarding statements during a trial, it will be administered by a Swedish Court using their technical equipment aimed for such purposes. Requests to conduct an interview during the Police investigation in another State should be administered by a Swedish Prosecutor. So the rules regarding mutual assistance to conduct telephone- and video conferences are not limited to just witnesses and experts. One vital point to note is that victims (the injured party) in Sweden do not provide their statements under oath during the criminal justice process.^{cclxxxix} This differs from many other countries, where victims are formally heard as witnesses as part of the criminal justice process, and their statements are therefore given under oath. It is therefore highly likely that the reference to witnesses in the convention, in most States, also include victims who according to Swedish law would be seen as the “injured party”. Practical challenges would therefore arise if another Member State requests that a person who is seen as an “injured party” according to Swedish law should give witness statements under oath using a video conference facility in Sweden.^{ccxc}

Regarding section 2, there is no legislation or clear routines for how to administer reports of crimes that have taken place in another Member State. The Parliamentary Ombudsman has on numerous occasions provided statements that there is a principal duty on the Swedish Police to accept and record complaints from all victims of crime. It is therefore assumed that this extends also to victims where the crime took place in another Member State.^{ccxci}

One of the core pillars of the European Union is cooperation in criminal justice matters. The EU has enabled an improved cooperation between different countries, both in relation to general information and for assistance in specific cases. Europol and Interpol are agencies that in practice

have helped to facilitate information exchange in cross-border cases. There are also different options of Joint Investigation Teams that can assist in cases where more than one country is involved.^{ccxcii}

Although far from unanimous, respondents taking part in the research believed that victims of crime would in practice be able to report a crime in Sweden irrespective of where the crime occurred. The Swedish Police Authority has an international unit that serves as a point of contact with the Police in the country where the crime took place. In practice, collection witness statements, finger prints and other key pieces of evidence are usually conducted by the Police in the country where the crime took place or where the person being interviewed lives.^{ccxciii} Given that cross-border cases are dealt with in the international unit, one practical difference may be that victims in these cases would not have the same needs assessment conducted and would therefore not come into contact with the BOPS unit who normally decides and administers protection measures for the victim.^{ccxciv} In practice, it would also be unlikely that cross-border victims would be referred to victim support services, since referrals are normally sent by the Police to the victim support service in the region of Sweden where the crime is reported.^{ccxcv}

Looking at the requirements of article 17, it is believed that Sweden does fulfil these requirements, although there are certain challenges that arise in the practical support and assistance given to victims of cross-border cases, as highlighted above. It is worth noting that Victim Support Sweden is a member of Victim Support Europe, and can through this membership facilitate cross-border referrals to ensure that victims can access support and information in their home countries regardless of where in the EU the victim lives or where the crime took place. Victim Support Sweden is also a supporting member of Victim Support Asia, the Asian network of victim support services, which provides further opportunities for victims from other parts of the world to be referred to access support services in Sweden, or vice versa.

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

In Sweden, victims of crime can under certain circumstances be granted restraining orders, which are aimed at protecting the victim and preventing threatening and dangerous situations.^{ccxcvi} Restraining orders are primarily used for victims of domestic violence, but can also be used for other types of crimes and behaviours such as stalking, threat and harassment. Restraining orders mean that a person posing the threat is no longer allowed to contact the victim in any way, not in person nor through phone, email, text messages or any other form of communication.^{ccxcvii} There are four different types of restraining orders (kontaktförbud) in Sweden.^{ccxcviii}

Restraining order – The person posing the threat is not allowed to visit, contact or follow the victim. This includes prohibition to send emails, text messages, letters or contact the victim through any other means of communication. The prohibition of contact is universally applied and is not restricted to certain places or locations.

Extended restraining order – The person posing the threat cannot visit or be in the vicinity of the victim's home, place of work or other locations where the victim tends to be.

Special extended restraining order - The person posing the threat cannot visit or be in the vicinity of a larger area around the victim's home, place of work or other locations where the victim tends to be. This type of protection order can be granted if the victim has had an extended restraining order which the offender has violated. Normally, the special extended restraining order is combined with electronic monitoring where the person posing the threat will have an electronic device that will register when the order is violated and the offender enters an area identified as prohibited in the restraining order.

Restraining order in a joint property - The person position the threat cannot visit a property that is jointly owned by the victim. This order is used if the victim is at risk of threat or assault, and is applied for a specified amount of time, maximum 2 months.

Restraining orders are granted by a Prosecutor and can be appealed to the Court. A person breaking a restraining order can be convicted to pay a fine or serve maximum 2 year in prison.^{cccix} If the restraining orders are considered insufficient to keep the victim safe, there are additional protection measures available. In order to assign the correct protection measure(s), information regarding possible threats must be collected. Sweden uses a range of standardised threat- and risk assessments. The outcome will decide what type of protection measures can be applied and what kind of support and help the victim can receive. Apart from the range of restraining orders listed above, Swedish authorities can offer increased data protection (sekretessmarkering), protected identify, protection of personal details,^{ccc} protected housing, safety package and protected phonenumber.^{ccci}

Several reviews have been undertaken into the use of protection measures in Sweden. A report from 2011 found that while the number of applications are increasing, the number of approved protection orders are decreasing. The report identified big differences between different Prosecutors regarding how many protection orders they approve. It states that whether a victim will receive a protection order is greatly dependent on where in Sweden the victim lives.^{cccii} The Prosecution Authority has conducted a separate review into the use of protection orders in Sweden. It also found large differences in the manner in which protection orders were administered between different Prosecution Authorities across Sweden. The review identified that Police and Prosecutors in Sweden lack consistent routines to administer applications of protection measures in practice.^{ccciii}

Recurring criticism regarding the administration of restraining orders is that Prosecutors do not use a structured threat- and risk assessment such as for example the SARA-model, which could be helpful in determining what level of threat is present in a case. There are however a number of challenges in using such a model. Firstly, structured threat- and risk assessments are generally very time consuming, they are built on several unknown factors and the need for speed in the administration of restraining orders^{ccciv} means there is limited time to conduct a threat- and risk assessment.^{cccv} It should also be noted that the person posing the threat always has the right to see the information that formed the basis for the decision to grant a restraining order.^{cccvii} A threat- and risk assessment often consists of sensitive information regarding the victim, which can in such a process not be kept from the person posing the threat. For these reasons, threat- and risk assessments such as the SARA has often not formed part of the Prosecutions evaluation of an application to grant a restraining order. Instead, a vital factor in the Prosecutor's review of threat has been whether or not the person posing the threat has previous convictions, and whether the

victim reported a crime at the same time as they applied for a protection order.^{cccvii} Interviews in the study confirms the same pattern, that when deciding whether to approve a protection order, the Prosecutor will pay special attention to whether the person posing the threat has previous convictions for the same type of behaviour or has committed crimes threatening someone's life, health or freedom. This is a very high threshold since the protection order is intended to stop crimes, threats and violence before they take place.^{cccviii} Respondents also highlight that Prosecutors will often want the previous conviction to be of very similar, or preferably the same, crime type in order to grant the restraining order. So for instance, if a victim reports the crime of assault and applies for a restraining order where the accused has a previous conviction for a lesser crime, the Prosecution will often not find this evidence enough to assert that the accused is likely to commit the new, more serious, crime and the restraining order will often not be granted.^{cccix} In practice, the vast majority of application for protection orders are declined, especially if the person posing the threat has not yet physically abused the victim.^{cccx} Recent figures show that only around a quarter of all applications for restraining orders are granted.^{cccxi} This is seen as a societal failure and seems to suggest that the integrity of the men causing the threat and violence is prioritised over the safety of the women.^{cccxii} The Prosecution Services explains that a restraining order brings a big restriction on the person claimed to pose the threat and can therefore only be granted if the risk of crime and violence weighs heavier than that violation of movement imposed by the restriction, in accordance with a principle of proportionality.^{cccxiii}

Regarding the obligation to protect the dignity of victims during questioning and witness statements, Swedish law has adopted the so called "hänsynsprincipen"^{cccxiv} (principle of consideration) declaring that an investigation should be conducted in such as way as to prevent anyone from suffering discomfort or inconvenience. The Swedish Prosecution Authority has also produced a Handbook clarifying what is considered appropriate treatment of victims of crime.^{cccxv} The Handbook highlights that victims of crime should be treated correctly, friendly and professionally. Professional treatment consists of showing respect and understanding, and should enable the victim to feel safe and secure while providing evidence in Court. The victim should be given the opportunity to give their open and free account of events, and questions asked should respect the victim's integrity. Swedish Courts, and in practice this power falls to the Judge presiding over the case, has the right to dismiss questions who are obviously irrelevant, confusing or in other ways inappropriate.^{cccxvi} There is nothing in Swedish law that forces a victim to answer questions. As noted above, a victim does not give their statement under oath. The victim is therefore free to answer or refuse to answer questions that they feel are demeaning, degrading or that they wish not to answer for any other reason.^{cccxvii}

As noted, Sweden has restraining orders available, but implementation is sporadic, with many challenges identified above. However, since article 18 stresses that measures should be in place rather than providing any demands or assessments of their effectiveness in practice, Sweden can be seen as fulfilling this article.

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

Article 19 of the Directive is not fully transposed in Sweden. There are many premises where the victim has to be as part of the criminal justice process where little or no efforts have been made to avoid contact between the victim and the offender. For instance, although some Courts have provided separate waiting rooms, this is not the case in all Courts across Sweden.

Swedish Courts have expressed that they feel separate waiting rooms is something that victims and accused should be able to expect in all Swedish Courts. However, in a questionnaire from Swedish Courts on how to increase trust in the Court system, only 35% of respondents who had another party in the trial (such as victim or accused) felt that they had the possibility to avoid contact with the opposite party while waiting in the Court.^{cccxviii} With so few separate waiting facilities, victims and their family members very often have to wait in the same waiting room as the accused and other witnesses taking part in the trial. In such an environment, victims and their family members are more easily confronted by the perpetrator, which poses a risk of threat and intimidation. Although Swedish Courts have expressed an ambition to ensure that planning processes for new Court buildings should always review the possibility of providing solutions to avoid contact between the victim and the accused,^{cccxix} in practice there are still challenges to ensure that victims are able to wait in separate rooms without having to run into the accused.^{cccxx}

In 2013, Swedish Courts conducted a survey with all the lower Courts in Sweden (tingsrätter). It concluded that 95% of all lower Courts reported that they are able to offer separate waiting rooms for victims and witnesses, to ensure they were not confronted by the accused. 95% of Courts also responded that they are able to provide certain additional measures to help settle witnesses who are very frightened, for instance by meeting them in the lobby, using a separate entrance into the

building, providing security guard to escort the victim/witness through public areas of the Court, providing opportunity to visit the Court before the date of trial etc. These measures are usually offered by a Witness Services, administered by Victim Support Sweden. In 4 of the Courts in Sweden, the Witness Service is administered by the Crime Victim & Compensation Authority.^{cccxix}

Given the ambivalent evidence collected, as well as differences in practices, it would appear that the right of the victim to avoid contact with the perpetrator is not uniformly fulfilled across the whole of Sweden.

ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

Swedish legislation includes two key principles regarding the investigation stage. Firstly, the so called "hänsynsprincipen"^{cccxxii} (principle of consideration) declares that an investigation should be conducted in such a way as to prevent anyone from suffering unnecessary cost, discomfort or inconvenience. Secondly, the so called "skyndsamhetsprincipen" (principle of timeliness) states that the investigation shall be conducted as quickly as the circumstances allow.^{cccxxiii} This is in line with the first two requirements of article 20. In practice, the length of time it takes before a victim is contacted and interviewed by the Police will differ depending on the crime category. Police working in more specialised crime units are often able to contact the victims in their cases sooner compared with Police units working with generic, high volume crime. For instance, investigators in the regional hate- and democracy crime unit in Stockholm Police District aim to contact a victim of hate or democracy crime within 24 hours of the crime having been referred to their unit. It should be acknowledged that a case may travel between different units before it reaches the correct specialty unit, which may add additional time, but overall the Police has a high ambition to contact all victims as soon as possible.^{cccxxiv}

Legislation ensures that interviews shall be conducted at a time and place that causes the least amount of inconvenience for the person being interviewed, as long as that doesn't delay or complicate the investigation or the work of the Police and Prosecution.^{cccxxv} Unnecessary and unjustified waste of time shall be avoided, interviews shall take place as soon as possible and the person being interviewed should not suffer unnecessary cost or inconvenience. Regarding who to interview, legislation confirms that interviews can be held with everyone who is assumed to have information of importance to the investigation.^{cccxxvi} A person being interviewed should be

heard as thoroughly as possible. To request that a person takes part in more than one interview, if circumstances allow for a complete and exhaustive interview to be taken place the first time, could potentially be seen as a breach of the principle of consideration.^{cccxxvii} In practice, interviews with victims are often a vital part of gathering evidence during the investigation. The number of interviews are always kept to a minimum, but the total amount of interviews will depend upon the investigation itself. For instance, a new witness statement or new pieces of evidence may require further interviews with a victim to clarify certain details or events.^{cccxxviii}

An “injured party” (which is the term used for the victim in the criminal justice process) has a right to be accompanied by their legal representative,^{cccxxix} support person or a person of choice,^{cccxxx} as long as their presence is not detrimental to the investigation. In practice, many victims choose to be accompanied by a person of their choice or their legal representative, where applicable.^{cccxxxi}

The final part of the article addresses medical examinations. Swedish legislation states that all medical care shall fulfil the requirements of good care.^{cccxxxii} This includes having high quality care that fulfils the patient’s need for safety throughout the care and treatment. Health care should be tailored around respect for the person’s selfdetermination and integrity, create good connections between the patient and the health care staff and account for the patient’s need for continuation and safety throughout the health care system. Medical examinations aimed at providing a certificate following crime cannot be undertaken without the consent of the victim.^{cccxxxiii}

The National Center for Knowledge on Men’s Violence Against Women (NCK) is a knowledge and resource center based at Uppsala University.^{cccxxxiv} On request from the Government, NCK has developed a national Handbook for health care professionals working with victims of sexual violence. The Handbook highlights that each health care professional must act professionally to ensure that victims of sexual offences receive dignified, competent and correct care throughout the process. It is of vital importance that the health care does not revictimise the victim, but help to maintain their personal integrity. Health care professionals must also inform the patient and receive approval for any medical examinations^{cccxxxv}

Based on the information identified and discussed during this research, Sweden fulfils the requirements of this article.

ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

Member States shall encourage the media to take self-regulatory measures.

Sweden was the first country in the world to introduce laws regarding freedom of speech, with the first Freedom of the Press Act (Tryckfrihetsförordning) dating back to 1766.^{cccxxxvi} Freedom of speech and Freedom of the press are two of the four laws included in the Swedish Constitution.^{cccxxxvii} Sweden applies a basic principle of openness, whereby everyone is entitled to access public documents and public information.^{cccxxxviii} This right has however been restricted through separate legislation.^{cccxxxix} The principle "förundersökningssekreteress" provides for restrictions to the public's access to information contained in Police investigations and other forms of crime prevention activities.^{cccxl}

There is also restriction on access to information relating to individuals' personal and financial circumstances, which are sought and obtained during Police investigations, crime prevention activities and other forms of activities.^{cccxli} These personal details can only be shared if it is clear that the individual in question or their family members would not suffer any harm or impediment as a result of the information becoming public. So this rule provides a very strong protection of victims' information and privacy during the Police investigation.

To ensure that justice is seen to be done, Sweden has adopted legislation to ensure that the general public can attend and observe trials without giving their name or having their identity confirmed.^{cccxlii} Only in special circumstances^{cccxliii} can access to observe a trial be limited. A Court can for instance decide to conduct the trial "behind closed doors" (bakom lyckta dörrar).^{cccxliv} This ensures that only the parties themselves and professionals working with the specific case are allowed entrance to the Court room. A trial can for instance be held behind closed doors to protect information relating to individuals' personal and financial circumstances in cases of sexual violence, trafficking, or in cases where either or both of the parties are very young.^{cccxlv}

Generally, notification of verdict shall take place in public. However, in cases where the verdict includes sensitive information,^{cccxlvi} the notification of verdict shall take place behind closed doors.

^{cccxlvii}

Even if the privacy of the victim is protected by the rules relating to protection of information during the investigation (förundersökningssekretess) mentioned above, it usually only applies to the professionals and public servants working on the case, which means that for instances witnesses can share information about their Police interviews and questions asked with the media. "Yppandeförbud" extends the right to protection of a victims' privacy. It is a ban on anyone, including witnesses and interpreters, who have been present during a trial or taken part in a Police interview, to share any details of what was said or took place during the interview or trial. It is the judge (in case of trial) or the Prosecutor (in case of Police interviews) that decides to adopt an "Yppandeförbud". Breaking the ban is punishable by law. In cases where an "Yppandeförbud" is adopted, the public cannot attend the trial. This type of ban can be used in addition to the measure of holding the trial behind closed doors.^{cccxlviii}

The Swedish Freedom of the press and Freedom of speech guarantee the independence of the media from the State. Sweden has a long tradition of encouraging self-regulation of the media. For instance, a number of media institutes have jointly developed a Code of Ethics for Press, Radio and Television in Sweden.^{cccclix} The Code highlights that a journalist should carefully consider publicity that can violate the secret sphere of personal life, and that such information should not be published unless it is in the obvious public interest. The Code of Ethics includes specific references to victims of crime, highlighting that the media should "always show the greatest possible consideration for victims of crime" and carefully consider whether to publish names and pictures out of respect for the victims and their relatives.^{ccccl}

In practice, Sweden has seen an improved cooperation between the criminal justice sector and the media. Proving comments to the media helps to create trust in the criminal justice system, which is a vital aspect of ensuring that justice is seen to be done. Trust in the rule of law and the impartiality of the Courts is one of the core reasons why most citizens follow law and public order, so is a founding principle of our democratic society.^{ccccli} Although discussions have been raised regarding increasing the media's presence in the Court room, Sweden is very restrictive regarding taking photos and filming inside the Court room. It is today not allowed for the media to film or take photographs in the Court room itself, however in practice nothing has prevented the media from standing outside of the Court room and taking pictures into the room once the door opens.^{ccccli} New legislation proposals are now aiming to close this loop hole and ban photos being taken into the Court room from the outside.^{ccccliii}

In practice, the respondents feel that there is sufficient ability to protect details relating to victims of crime in the media. And given the abilities available in Sweden to adopt measure aimed at protecting the privacy of victims, Sweden can be seen to fulfil this article.

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

There is today no legal obligation for the Police, or any other public authority, to conduct a formal assessment of a victim's need for information, help or support at any point before, during or after a criminal justice process. Instead, focus is placed on protection needs and several authorities use different instruments to assess the nature of risk and threat posed to the victim, and the level of protection that the authority should provide as a result of that risk.

The Swedish Police Authority has developed Guidelines for conducting risk analysis for individual victims of violence^{cccliv} to contribute to more unified, professional and structured ways of working with risk analysis within the Swedish Police.^{ccclv} The risk analysis aims to describe and minimise the risk for repeat victimisation, and to support crime prevention measures by identifying individuals who are at high risk of experiencing repeat victimisation or serious harassment. The assessment then forms the basis for deciding on appropriate protection measures. Part of the risk analysis consists of describing what steps will be taken to decrease vulnerability and threat, i.e. risk management.^{ccclvi} The concept "vulnerability" is defined as a measurement for how much and serious a person under threat would be affected if the threat was realised. Vulnerability can change over time and place, and includes many factors. "Risk" is defined as a qualitative assessment of how likely it is that an identified threat – aimed at a specific individual – will be realised, taking account of the vulnerability around the person under threat and the consequences of a realised threat. The "risk analysis" is a wide concept that includes identifying threat, assessing the risk of the threat being realised, and identifying consequences of a realised threat. The Police risk analysis for an individual victim should be reviewed and updated regularly, when the situation changes or new circumstances arise in the case.^{ccclvii}

Risk assessments within the Police are split into three levels; initial assessments, structured assessments and extended assessments. These three levels take place at different times during the investigation.^{ccclviii} The first, initial assessment, is conducted during the victim's first contact with the Police, which is often when the crime is reported. At this initial stage, the Police has very

little information to base their assessments and decisions on. They may for instance only know crime category, if the crime has happened before, if the victim is very frightened, but no further details of the relationship or the dynamics between the victim and offender are usually known at this time.^{ccclix} The initial assessment will consider the victim's need for information, support and protection in that moment. The initial assessment is not dependent upon crime category. Instead, regardless of what crime is being reported, the professional in the Police who comes into contact with victims of crime shall always conduct an initial assessment whether there is an immediate risk that the victim will suffer violence or threat of violence.^{ccclx} The Police recording system includes a question about whether the person that receives the report feels that the victim is in need of protection. So the Police receiving the report can highlight a need of protection when the victim reports the crime, and short-term protection measures can immediately be put in place, such as for instance shelters to enable a victim of domestic violence to be removed from the person causing the threat.^{ccclxi}

If the initial assessment flags up a risk of threat or violence, a structured risk assessment should be conducted as soon as possible. Sweden today uses different risk assessment tools depending on the crime type in question, including:^{ccclxii}

- SARA (Spousal Assault Risk Assessment: Screening Version) is used in cases of domestic and partner violence
- SAM (Stalking Assessment and Management) is used for people victimised by repeat harassment, i.e. stalking
- PATRIARK is a checklist used for honour related crimes
- General Check 10 is used for generic violent and organised crime^{ccclxiii}

The second, structured risk assessment will provide more information for long-term planning and decision making. The assessment is conducted by the Police unit specialised in crime victim and personal protection matters (Brottsoffer och Personskydd, hereafter BOPS). Although the unit will also help the victim address previous victimisation, the primary purpose of BOPS is to keep the victim safe from further victimisation. In practice, the structured risk assessment may identify a need for protection measures to prevent further victimisation, or it may be that BOPS concludes that the victim is not in need of the protection measures that was offered following the initial assessment. Protection measures are not easy and often require the victim to make many changes in their lives, so the aim is to use the minimum amount and scope of protection measures needed to keep the victim safe.^{ccclxiv} As such, there is no assumption of vulnerability in Sweden, every case is assessed on its individual merits. Although circumstances around the case and the personal characteristics of the victim are taken into account, much attention is given to the crime type and the individual triggers that pose risk factors in particular crime categories.^{ccclxv}

In particularly complicated cases, for instance in cases of serious organised crime, honour related violence or cross-border crime, further extended assessments may be needed. Guidelines have been developed to support this third, extended assessment, which forms the basis for deciding on further protection measures.^{ccclxvi}

The views of the victim are taken into account during the risk assessment, including factors such as fear, vulnerability and available social networks. The assessment can be reviewed if needed as victims' needs are likely to change during the criminal justice process. For instance, a victim may feel very impacted by the crime or frightened in the beginning of the process, but then start to feel more confident as time passes and the process continues. Alternatively, some victims become more nervous and fearful as a trial approaches, so in practice it is important that the Police maintains an open dialogue with the victim to follow up any changes. This happens in practice on a case by case basis, with some victims only requiring one or two conversations, while others may require very regular contacts with the Police.^{ccclxvii}

Many of the protection measures available in Sweden today are applied to the victim, and limit the victim's freedom and ability to continue with their lives as before. For instance, victims may have to move to a new location, and may no longer stay in touch with friends and family members, as a way to ensure that the person posing the threat does not find out where they are. Apart from arresting the accused, there is very little that can be done regarding the person who is posing a threat in cases where restraining orders are not granted or considered insufficient to keep the victim safe. This is challenging in practice, and feels unfair in many cases where the victim's life is changed significantly but the person posing the threat continues with their normal life.^{ccclxviii}

During the drafting and negotiation of the Directive, victim support representatives across Europe highlighted that the individual assessment in article 22 should be extended beyond protection needs to at least also take account of victims' need for support. This view was also expressed by professionals across Sweden taking part in the research, who feel that the current needs assessment is too narrow. A wider needs assessment during the initial contact with the Police would ensure a more consistent and appropriate referral to support services to meet the identified need for support.^{ccclxix}

Social Services do not use a presumption of vulnerability when working with victims of crime.^{ccclxx} Instead, an individual investigation/assessment into the situation as a whole is conducted before any services can be offered to a victim.^{ccclxxi} Assessments within Social Services are not regulated in law, so they look different across Sweden. The National Board of Health and Welfare (Socialstyrelsen) has developed guidance, for instance the FREDAs assessment method and manual used in cases of domestic violence, which also includes recommendations of what should be taken into account during the assessments.^{ccclxxii} FREDAs uses three instruments to support

professionals working with victims of domestic violence;^{ccclxxiii} a short form giving guidance to professionals in asking the victim about previous instances of violence, description of the extent and character of the violence that the victim has suffered, and an estimation of risk for further violence.^{ccclxxiv} To fulfil needs identified through the assessments, Social Services can offer both general and specially tailored services.^{ccclxxv} Generally, as previously highlighted in this report, the Social Services have developed well-functioning tools and practical guidelines for working with victims of domestic violence, however their work and knowledge is less focused on generic crime. As such, a generic victim of violence may not have their needs taken into account and support measures adopted in such a tailored way as if the violence had taken place in a domestic setting.

Article 22 requests that Member States conduct an individual assessment to identify specific protection needs and to identify whether the victim is in need of protection measures, primarily due to their vulnerability of secondary or repeat victimisation, intimidation or retaliation. As highlighted above, the needs assessments conducted in Sweden are primarily aimed at risk and threat, and as such could be seen to fulfil the requirements of the article. The research has however identified that with an extended needs assessment, also taking into account the support needs of the victim, a far more holistic approach would be taken and victims of crime would be more likely to receive support to address the harm they have already suffered as a result of crime, and not merely prevent further victimisation from taking place.

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

Victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the Courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

There are a number of protection and support measures available for victims taking place in the criminal justice process as an "injured party" (målsägande). Most of these are offered based on each separate authority's assessment at the given time, and are not based on centralised and/or generic risk- and needs assessment. NGOs have highlighted that the fact that Courts make their own decision about a victim's vulnerability and need for protection measures without conducting

any assessments or even taking account of the assessments made by the Police or Prosecution, is very challenging.^{ccclxxvi}

It is important to realise that everyone does not have the same opportunity and possibility to access their rights. For instance, children, elderly victims or victims with mental health or developmental challenges may not be able to express themselves as clearly and put words on their fears. It is vital that criminal justice professionals understand these different conditions and how they may impact on victims, to ensure they don't make assumptions regarding the victim's reliability based on personal characteristics or limitations. All victims of crime must be given sufficient protection measures to enable them to attend the trial and give their best possible evidence. Therefore, ensuring that their needs are identified and cared for throughout the criminal justice process is a key factor in fulfilling article 23.^{ccclxxvii}

Swedish legislation states that if an "injured party" is viewed to need specific protection measures,^{ccclxxviii} and if it isn't detrimental to the investigation or the work of the Police and Prosecution, the following measures should be offered:^{ccclxxix}

1. Interview with the "injured party" should take place in premises designed or adapted for that purpose;
2. Additional interviews with the "injured party" should be carried out by the same person; and
3. The "injured party" should be able to choose the gender of the person conducting the interview in crimes relating to peace and freedom, domestic violence, sexual offences, female genital mutilation and in circumstances where the victim has an interest in the interview being conducted by a person of a certain gender^{ccclxxx}

When the Directive was adopted, the Police provided detailed information regarding the specific protection measures listed in this article. Two years later, the Police conducted a follow-up and an internal evaluation of all Police Regions across Sweden to confirm whether they had improved their practice in line with the Directive. All Police Regions highlighted that they are working on these matters and are fulfilling the new rules regarding protection measures. Fulfilment of these measures is now considered an important part of the Police's work with victims of crime.^{ccclxxxi}

Regarding the premises, the vast majority of interviews in Sweden are conducted in interview rooms at local Police stations. If suitable, the Police can also hold a first interview with the victim at the crime scene when the initial report is taken. Many Police stations in Sweden are old. As a result, Police in Sweden are not always able to offer interviews to take place in premises designed or adapted for that purpose, in accordance with article 23. The need to provide suitable premises for conducting interviews is however considered when new Police buildings are designed.^{ccclxxxii}

In particular crime categories, authorities and organisations in Sweden have improved their cooperation to ensure that purpose-built environments are offered. For instance, some municipalities have developed "Barnahus", where the criminal justice agencies as well as health agencies and organisations working with the child as a result of the crime can meet in one location. Within the facilities of "Barnahus", interviews can take place in an environment specifically built for the purpose and with the best interest of the child as a primary consideration. Several Support Centres for Young Victims of Crime exist across Sweden, and they often involve cooperation between the Police and Social Services. As another example, the Malmö based project Concept Karin^{ccclxxxiii} enables Police, Prosecutor and Social Services to meet with female victims of violence in a single location. The project has been seen as a model for co-location between agencies and organisations in contact with victims of crime.^{ccclxxxiv} Overall, there are pockets of best practice for providing purpose-built environments to conduct interviews, but they are not accessible for all victims of crime across Sweden.

The Prosecution Authority has developed a Handbook with recommendations regarding interviews with victims of sexual and domestic violence.^{ccclxxxv} It highlights the importance of providing a calm environment for the interview, and that the choice of location should take the victim's preferences into account. Flexibility should be used to enable interviews to be conducted in the "injured party's" home, place of work or at another location which the injured person perceives as calm and easily accessible.^{ccclxxxvi}

Standard practice is that the lead Police investigator in the case conducts the interview(s) with the victim. The lead investigator is also responsible for ensuring that the victim's communication needs are met and should involve an interpreter or any other communication support where needed, to ensure that the victim understands and can make themselves understood. The victim can request that a specific person conducts the interview, for instance a person of a specific gender, but it isn't always possible for the Police to meet these requests in practice.^{ccclxxxvii}

The Police aims to ensure that it is the same person that conducts all interviews, but in practice this may not always be possible. If a new person conducts an interview with the victim, it is desirable that the new person is informed of the details of the case so that the victim doesn't have to repeat their story several times.^{ccclxxxviii}

The Prosecution Authority has highlighted that the personal characteristics of the person conducting the interview is more important than their gender. However, the desire of the "injured person" to be interviewed by a person of specific gender should be met as far as possible.^{ccclxxxix}

Regarding the possibility to limit visual contact between the victim and the accused during a trial, legislation allows for the use of video- and telephone conferencing.^{ccccxc} In order for the Court to

grant such measures, the person providing the statements must feel considerable fear of being present in the Court room. The Court will assess the presence of fear by using a holistic approach and view of the situation. The fear should therefore not be too abstract or unqualified.^{cccxcxi} Legislation also offers the option of excluding certain individuals from the Court room when a witness or an "injured party" gives their statements.^{cccxcii} Finally, the concept of "medhörning" allows the Court the option of excluding one of the parties or certain individuals from the Court room if it can be assumed that the presence of the individual is likely to impact on the witness's ability to freely tell the truth.^{cccxciii} The excluded party/individual shall in such cases, if possible, be allowed to listen to the witness statement through sound- or tv-link. An excluded party shall also be offered the opportunity to ask questions to the witness.

Regarding avoidance of unnecessary questions, the Court can dismiss questions who are obviously unrelated, confusing or otherwise inappropriate.^{cccxciv} This protection measure can be applied to questions to the "injured party".^{cccxcv} Victims in Sweden do not give their statements under oath and there is nothing in Swedish law that forces a victim to answer questions. In practice, a victim is therefore free to refuse to answer questions that they feel are demeaning, degrading or that they simply wish not to answer.^{cccxcvi}

Although the general principle in Sweden is that everyone can attend and observe trials to see justice dispatched, as highlighted under article 21, a Court can decide to conduct the trial "behind closed doors" (bakom lyckta dörrar).^{cccxcvii} This ensures that only the parties themselves and professionals working with the specific case are allowed entrance to the Court room. A trial can for instance be held behind closed doors to protect information relating to individuals' personal and financial circumstances in cases of sexual abuse or in cases where one or both of the parties are very young.

NGOs have highlighted that although there are options to protect victims in their role as an "injured party" in the criminal justice process, these possibilities are not used enough in practice. For instance, the possibility of allowing an "injured party" or witness to give their statements from another Court via video link is not used enough.^{cccxcviii} The criminal justice system is dependent upon the trust and participation from victims and witnesses. Respondents in the research have therefore highlighted the vital importance of providing witnesses with the best possible conditions for giving evidence.^{cccxcix} Sweden is currently considering extending protective measures to allow more witnesses to give evidence statements from another Court.^{cd} This is supported by stakeholders who are keen to improve witnesses' ability to give evidence in a safe environment without the risk of threat or influence from the accused or others. Rather than merely providing this option to witnesses who are particularly frightened and vulnerable, Victim Support Sweden suggests that this right should be extended to all witnesses in particular serious crimes to ensure that witnesses are given the best conditions to give their evidence and fulfil the required level

of trust and harmony in the criminal justice process (processharmoni).^{cdi} Traditionally, Swedish judges wanted all evidence, including witness statements, to be presented in person “before their eyes” in Court. Many judges were therefore sceptical when new rules were introduced to allow witness statements to be recorded. However, in practice the introduction of recorded witness statements has been a success, with very clear statements being given early in the process. From a Prosecutor’s perspective, the introduction of recorded evidence and other protective measures in Court have not been detrimental to their work. Instead, the recorded evidence has helped witnesses give their best evidence, which has created better and more consistent trials and as a result better justice overall.^{cdii}

Sweden has seen the climate in the criminal justice process becoming more threatening, with more intimidation and threats made against both witnesses and victims. There is also increased violence and threats made against Police^{cdiii} and journalists^{cdiv} reporting on criminal cases. In addition to the protection measures listed in this article, technical evidence is of crucial importance to address this challenging trend. Technical evidence cannot be intimidated to stay silent or threatened to change their description of the event. With more technical evidence being presented in a case, there is less reliance upon witness statements with the associated risk of threat and influence of witnesses. Strong technical evidence can also help ensure that witnesses are less fearful of giving their evidence. No witness wants to provide the deciding piece of evidence to convict an accused, due to fear of reprisals or revenge from the accused or associated family members or friends. With strong, supporting, technical evidence, the role of the individual witness statement is less crucial and the risk of intimidation decreases. Extended and improved crime scene investigations is therefore a crucial step to decrease violence or threats made against witnesses.^{cdv}

A related concern regarding the quality of investigation is that the quality of rape investigations has varied in different parts of the country. Since the deadline for implementation of the Victim Directive in 2015, Sweden has obtained some criticism from international bodies, for example regarding the response by law enforcement agencies in cases of violence against women and violence against children. This has led to recommendations to reinforce the investigative capabilities and to reduce the backlog of domestic violence and rape cases.^{cdvi}

Regarding further improvements of protection measures, comments have been raised regarding the need to improve identity checks in Court. Today, witnesses and parties are asked to state their name and date of birth in Court, but they are not asked to provide documents of identification. This needs to be improved to ensure that the accused and witnesses really are who they say they are.^{cdvii}

All Courts in Sweden today have security checks when entering the building. In the Court room

itself, attempts have been made to ensure that the accused never passes behind the victim and other steps have been taken to help the victim feel as safe as possible in the Court room. However, outside of the Court room, less attention has been paid to keep victims separated from the accused and associated witnesses and family members. While some Courts provide separate waiting rooms, many do not and victims are forced to wait in the same waiting rooms as the accused, family members, witnesses and general public. In addition, providing victims with separate entrances, restrooms or eating facilities have not been accounted for, even in new Court buildings, which is quite remarkable. Witness Services are available in around 50 Courts across Sweden and support over 45.000 individuals every year. The aim of the Witness Service is to provide information regarding the criminal justice process, answer questions and provide moral support to individuals called to give evidence in court.^{cdviii} The vast majority of Witness Services are ran by Victim Support Sweden,^{cdix} and 4 are run by the Swedish Crime Victim Compensation and Support Authority^{cdx}

Overall, a range of steps have been taken to improve the safety and protection of victims and witnesses taking part in the criminal justice process. Sweden has introduced goals and measures that fulfil the needs of the Directive; it is more a practical challenge to ensure that all victims in need are given access to the measures highlighted in this article.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

The situation and rights given to children subjected to crime, both within and outside the criminal justice process, has been discussed by several actors in Sweden over the last few years.^{cdxi} Whether Sweden fulfils the Directive requirements regarding children as victims of crime was also raised by respondents in this research. Children who witness violence in their homes are in Sweden defined as victims of crime and have a right to compensation from the state.^{cdxii} During the debate on the implementation of the Directive in Sweden, voices argued that the review of legislation did not have a child-oriented perspective and did not consider the best interest of the child. Comments were also made that children who witness violence in close relations should fall within the definition of victims in the Directive.^{cdxiii}

In its response to the review of legislation on crime victims, Save the Children found that the situation for child victims had not been sufficiently reviewed. The Crime Victim Compensation and Support Authority agreed and pointed to the child-oriented direction of the Directive and to children's right to legal protection as a requirement for further review. The Authority did not agree with the assessment that child victims had the same possibilities to express their views in the criminal procedure as adults.^{cdxiv} The Ombudsman for Children in Sweden,^{cdxv} which considers law proposals from the perspective of children's rights, questioned whether the proposals for legal amendments following the overview of the Victim Directive were sufficient.^{cdxvi}

In Sweden today, the majority of the rules and guidelines regarding protection measures during interviews and in Court are specifically focused on children. Similarly, most praxis amongst authorities are tailored to protect children from further harm and secondary victimisation. In that regard, children are automatically seen as vulnerable based on their age and maturity.

Regarding interviews, legislation states that Police interviews with children under the age of 18 shall be planned and conducted to ensure that the child doesn't suffer any harm, and certain care should be given if the interview regards sexual matters. Attention should be paid to avoid raising any attention, from the media or otherwise, around the interview. The interview cannot be more invasive than circumstances require. Interviews shall not be more intrusive than needed in the circumstances, and not take place more times than necessary based on the needs of the investigation and the interest of the child.^{cdxvii}

The Swedish Prosecution Authority has developed a Handbook for child abuse cases, which includes guidelines for conducting interviews with children.^{cdxviii} The Handbook highlights that interviews with children shall be planned and conducted to avoid any harm to the child. The interview shall be based on consideration for the best interest of the child and give the child the best possible opportunity to share their experiences.^{cdxix} Interviews with children should not be conducted more than two weeks after the Prosecution decides to initiate the investigation, unless in exceptional circumstances and if there are specific reasons.^{cdxx}

Authorities have paid attention to the practical arrangements and facilities where interviews are conducted, to facilitate children's participation in interviews. In practice, children are often interviewed in a child-friendly environment, such as a "Barnahus". The Police Authority, Prosecution Authority, National Board of Forensic Medicine and the National Board of Health and Welfare have developed national criteria for all "Barnahus" across Sweden.^{cdxxi} The aim of "Barnahus" is, according to this report, to ensure that cooperation during investigations involving children are conducted in an effective and safe manner, with the best interest of the child as a primary consideration. Another important aim with the cooperation within "Barnahus" is that Police and Social Services can immediately conduct a risk- and needs assessment, with the assistance of professionals within child and youth psychology. An additional key aim is to prevent the child from having to tell their story more than once, since that can bring secondary victimisation for the child.^{cdxxii} An effective way to avoid this in practice is to allow s.k. "medhörning". Medhörning within "Barnahus" means that professionals who need to take part of the child's story (such as Prosecutors, legal representatives, Social Service professionals and other professionals within child psychology) can follow the interview via videolink from an adjoining room. This method also allows all professionals the opportunity to add additional questions to the child, which facilitates assessment and tailoring of their specific support services to the child.

As highlighted in this report, “Barnahus” has been a major reform in Sweden. It is based on the premise of multidisciplinary co-operation between actors working with child victims and that investigations of serious crime should be carried out in a child-friendly setting. Both Save the Children and the National Union for women’s and young women’s empowerment shelters (today called Unizon) stressed the importance of individual services meeting the quality standards of “Barnahus”. It was argued that not all “Barnahus” could match the national criteria. It also pointed out that in more than 100 municipalities, children had no access to “Barnahus”.^{cdxxiii}

Legislation requires all interviews with children to be conducted by professionals with specific competence and training for the task.^{cdxxiv} The Police has increased recruitment of civil investigators with degrees in psychology, sociology or similar backgrounds, which makes them more suitable for conducting interviews with children.^{cdxxv} The Police also offers specialised training including interview techniques in crimes such as domestic violence and child abuse.^{cdxxvi} If the child is under the age of 15, and if it is not detrimental to the investigation, the child should be accompanied by their legal guardian/parent during the interview.^{cdxxvii}

Regarding the ability to prevent visual contact between the victim and accused during trial, praxis has developed to demand that all interviews with children under the age of 15 are video recorded. If a child under the age of 15 is called to give evidence in a trial, the Court shall decide whether the child shall be heard in Court, based on the circumstances.^{cdxxviii} In practice, this brings that children normally do not have to give evidence in Court, and instead their recorded video interview is used.^{cdxxix}

Regarding new proposals to strengthen legislation regarding children, the Convention of the Child was adopted, and has been legally binding in Sweden, since 1990. However, in June 2018 it was agreed that this wasn’t enough to ensure that the rights contained in the Convention were implemented in practice. The Swedish Government therefore decided to adopt the Convention of the Child as a Swedish Law, “to make it even more obvious that children are individuals with their own individual rights”.^{cdxxx} Although the Convention of the Child gets a higher status as a Swedish law, it doesn’t bring any new rights for children. However, it will make a difference by adding a bigger responsibility on authorities, criminal justice agencies and other decision makers to apply the rights on practice, so that they will have a bigger impact on decisions made in individual cases.^{cdxxxi} The Government highlights that adopting the Convention of the Child as a law in Sweden will serve to clarify to Courts and criminal justice agencies that they need to apply the rights contained in the Convention when they make decisions in cases involving children. It was also highlighted that incorporating the Convention of the Child in Swedish law helps to visualise children’s rights, and help to make public services adopt a more child-rights based approach.^{cdxxxii} By giving the Convention of the Child the position of a separate law, in combination with further education and training, the Swedish Government believes that a rights-based approach with

have bigger impact in its practical application.^{cdxxxiii}

A practical challenge today in Sweden is to maintain the child perspective in all cases and in all interactions with children experiencing crime and violence. For instance, in custody disputes, the Social Services often work under the premise that children should see both their parents, and the view of the child is not always taken into the account, especially if they are very young. In families involving violence and abuse, it is therefore common that children are forced to see a parent that has been abusive in the past. Respondents gave an example of a custody dispute involving three children; while the Court listened to the oldest child (12 years old at the time), it didn't take the views of the younger children into account (10 and 7 at the time), and forced them to see the father who had been violent and abusive to them in the past. Sweden needs to be better at identifying and taking the views of children into account.^{cdxxxiv}

As identified above, Sweden has taken steps to improve the protection measures given to children taking part in the criminal justice system. Their rights to recognition has been extended, for instance by acknowledging that children who witness violence are seen as victims and entitled to compensation. "Barnahus" have been developed, to ensure that investigations and support in the aftermath of crime can be coordinated and delivered in a single location, developed with the best interest of children as a primary consideration. However, these measures are not accessible to all victims of crime across Sweden, and there are still practical challenges in identifying and allowing children to have their voices heard and taken into account in all the decisions that impact children in the aftermath of crime, including custody disputes.

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as Police officers and Court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and Prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

In order to graduate from the Police Academy, each candidate must complete training consisting of 2 years, as well as a 6 months practical traineeship.^{cdxxxv} This generic Police training includes basic information regarding victims of crime. In addition, specialist training is offered to positions with more specific duties^{cdxxxvi} relating to victims of crime, such as working within the BOPS unit or being in charge of crime investigations. Professionals in the Police acknowledge that there are many areas and topics that must fit into the training, so taken as a whole the Police training provides each Police officer with a good ability to care for victims.^{cdxxxvii}

Reviewing the content of the training provided at the Police Academy, there are several parts where the needs of victims, impact of crime and how to treat victims with respect are included in the curriculum. There is also training regarding how to file a report that a crime has taken place, and what the first contact with victims should contain. This should include providing the victim with basic information about their rights and how to access them in practice, including what victim support services are available and whether the victim would like to be referred to access such service. In addition, part of the curriculum includes a task for the student to establish contact with a victim support service to learn how delivery and support to victims can look in

practice.^{cdxxxviii} So in theory, it seems that sufficient information is provided to ensure that every new Police officer is able to treat victims with respect and provide the information and referral required in accordance with the Directive. However, in practice, local victim support services across Sweden often meet Police officers, some recently graduated from the Police Academy, who have never heard of the need to ask questions regarding support needs or how to refer a victim to access support service, which should be seen as basic knowledge for any Police officer in contact with victims of crime.^{cdxxxix} It is therefore questionable if each Police Academy provides sufficient focus on victims of crime to ensure that every professional has a basic understanding of the needs of victims, the Police's responsibility during their first contact with a victim, and whether each victim is able to receive the support and information they are entitled to according to the Directive during their first contact with the Police.

Swedish Courts has during several years worked to improve the manner in which individuals coming into contact with the Court system are treated. A national strategy^{cdxli} and action plan was adopted in 2010 to help each individual Court to develop a long-term focus on improving how the general public and external actors are treated by the Court. Swedish Courts also adopted a Handbook on tips and advice how to implement the improved treatment in practice, highlighting that each individual that comes into contact with a Court has a legitimate expectation that they will be treated with respect and dignity. It also acknowledges that in order for witnesses and others to give a free, full and correct account of events, they must feel safe and secure in the knowledge that the Court is listening to their experience. The need for Courts to provide good treatment (bemötande) is therefore also a vital aspect in upholding the rule of law.^{cdxlii} Regarding training of judges, there are several courses offered and some include presentations from victim support organisations and other experts on working with victims of crime. However, it is not clear whether this addition to the theoretical training provides sufficient knowledge to ensure that they are in practice able to treat victims in an impartial, respectful and professional manner. There has also been some resistance from judges to participate in specific training on victims of crime, as this could potentially be seen as a threat to the independence and objectivity of the Court.^{cdxlii}

Training for Prosecutors and lawyers also offers a range of courses where topics relating to victims of crime feature. For instance, courses regarding sexual violence, violence against children, and the role of a legal representative includes information on how to treat victims throughout the criminal justice process.^{cdxliii} It is highlighted during interviews that it is difficult to ensure that each student is able to fully grasp the content presented. While some students are able to absorb the information, others find it challenging to apply the theoretical knowledge in their practical work with victims.^{cdxliv}

Law schools across Sweden are expected to provide generic training on victims of crime. It is in particular in the courses on criminal law and procedural law where victims will feature. Some law schools have added additional, more specialised, courses regarding victims of crime. For instance, Umeå University Law School have a specific research group focusing on victims of crime, who are able to offer both generic and specialised courses to the students in Umeå.^{cdxlv} Uppsala University includes a National Centre for Knowledge on Men's violence against Women,^{cdxlvii} so specialised knowledge on this topic is also able to be shared with students in different fields across the University.^{cdxlviii} So there are clearly pockets of best practice, but the content and scope of the education offered will depend on the University or training institute delivering the education.

In Sweden today, making the rights for victims enforceable in practice is a big challenge. For instance, if the rights of the accused are violated, he/she is often able to receive compensation or other forms of redress as a result. No such right exists for victims of crime in Sweden. It must therefore be seen as a key responsibility for professionals in contact with victims to ensure that victims' rights are accessed and enforced in practice throughout the criminal justice process and beyond. This responsibility must be stressed in training.^{cdxlviii}

Many respondents to the questionnaire generally felt that training in Sweden is sufficient, however there were great variations in responses. Overall, it has been argued that Sweden does not comply with article 25 in the Directive regarding training for practitioners.^{cdxlix} Staff in the judiciary should, according to some members of Parliament, regularly be given adequate training in order to be able to guarantee victims a respectful, professional and non-discriminatory treatment. Training on crime victims should, according to Parliamentarians, be included systematically in both theoretical and practical training in order to secure a better implementation of the Victim Directive.^{cdl}

Training is lacking both in terms of general victim issues as well as knowledge about specific groups of victims. In several contexts, various actors have emphasised the need for improved knowledge.^{cdli} In a study about violence against children with disabilities, lack of knowledge and competence among different categories of professionals was described as a problem.^{cdlii} Respondents in the research also requested more information and training for Prosecutors, judges and other professionals within the criminal justice system. If all professionals taking part in the criminal justice process were better informed about victims, the impact of crime and how different victims may react differently, all aspects of the trials would improve in practice. For instance, it was stressed during interviews that the quality of questions, witness engagements, formulation of verdicts and generic treatment and respectful behaviour towards all parties involved in the trial would improve with more training.^{cdliii}

In addition to the criminal justice professionals, respondents stress that staff within Social

Services also need additional training regarding generic victims of crime.^{cdliiv} Social Services has adopted specific legislation, guidelines and training regarding domestic violence, which has greatly improved the knowledge and work in this field. Given that Social Services are responsible for providing care and assistance to all victims of crime, and not just victims of domestic violence, it is felt that a similar focus should be given to generic victim issues to improve the knowledge amongst Social Service staff and improve their ability to meet the needs of all victims of crime within their jurisdictions.^{cdlv}

Finally, victim support organisations across Sweden have developed training materials to ensure that each person who comes into contact and provides support for victims and witnesses of crime are able to treat the person in an impartial, respectful and professional manner. Within Victim Support Sweden, there is a minimum requirement that each support person must have taken part in at least 30 hours of training, and also shadowed a more experienced supporter before they are able to meet with a victim/witness on their own. Throughout the training, the local victim support service will monitor and assess the suitability of each student, to ensure that they are able to uphold the values of the organisation and provide empathetic and professional support to people affected by crime.^{cdlvi} The concept of refresher training may be suitable to ensure that supporters who have taken a break from their role, or who would like an update on new rights and support methods, could refresh their skills how to support and treat victims of crime in the most appropriate way.

Overall, Sweden does offer both generic and specific training regarding victims of crime, in line with article 25. However, it is not clear whether each student taking part in the training is able to fully apply this knowledge in their engagements with victims of crime in practice. Most of the specialised training is voluntary, so although courses may be available, it cannot be assured that each professional has taken part.

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the Directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

There are several networks and cross-border cooperations where Swedish organisations and agencies participate to improve knowledge, support and practical access to victims' rights. Sweden is for instance involved in the European Judicial Network (EJN),^{cdlvii} aimed at improving mutual legal assistance between different countries within the EU, and combating organised crime.

The Swedish Prosecution Authority participates in the network Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, aimed at exchanging experiences and best practice in particular areas. During one of these meetings for instance, the EU Directive was discussed.

Victim Support Sweden is a member in the European network Victim Support Europe,^{cdlviii} which provides regular training, information and practical guidance how to implement victims' rights across the EU. Victim Support Europe participated in the negotiation of the EU Directive and also produced guidance regarding the practical implementation of each individual right.

The Swedish Crime Victim Compensation and Support Authority^{cdlix} has a duty to participate in international cooperations regarding victims of crime.^{cdlx} The Authority also has a responsibility

to coordinate information sharing and interactions with organisations and agencies regarding victims of crime. They for instance arrange information days and support research projects on victims of crime.^{cdlxi}

The majority of respondents to the questionnaire were unaware of any campaigns, research initiatives and other activities sponsored by the Swedish Government to support the implementation of the Directive in Sweden. This highlights that although information campaigns and research initiatives have been initiated, they have not reached all of the agencies and professionals working with victims of crime in Sweden today.

There is no agency or authority in Sweden holding an overall responsibility to follow up initiatives regarding victims of crime and to assess the practical implementation of the rights contained in the Directive across the whole of Sweden. This has potentially contributed to a restricted knowledge amongst professionals working with victims, to only cover their own area of responsibility and service to victims of crime.

Looking generally at coordination and collaboration in Sweden, it has become very evident during this research that agencies and organisations in contact with victims of crime work very independently, with limited knowledge-transfer between theory and practice. Decision makers in agencies felt unsure on many of the questions as they are often not in direct contact with victims of crime, and there is little information flow regarding practical access to rights. Many representatives of decision making bodies were therefore unwilling to participate in the research, as they felt they didn't know how rights were implemented in practice, only what the law and guidelines said. One respondent who has worked over 20 years in policy making regarding victims of crime stated that she has never visited a victim support office, so has no knowledge on how for instance support services function in practice.

In addition, while respondents felt more comfortable to answer questions regarding their own specific area of work, few respondents had an overview over the entire range of rights affecting victims of crime, so declined to respond to the questionnaire for that reason. The high percentage of "don't know" answers also signify the limited knowledge regarding the practical implementation of rights in Sweden amongst professionals working in agencies and organisations with key responsibilities and regular contact with victims of crime. A recommendation from the study is therefore that further, in-depth research is conducted involving practitioners in direct contact with victims of crime across the whole of Sweden and all different sectors, to provide a clear overview over victim's ability to reach their rights in practice.

In theory, there is a responsibility on Social Services to cooperate, both internally and externally with other organisations and agencies, to better support a victim and ensure that the different

actors are not competing with each other.^{cdlxii} However, in practice, cooperation between support services looks very different in different parts of Sweden. In some parts, State services such as Social Services cooperate with NGOs like women's aid and victim support, whereas in other areas there is no contact at all between different support services.^{cdlxiii} If each Social Services had a dedicated post responsible for generic victims matters, that would be the natural person with whom to collaborate and cooperate regarding victims of crime. It is therefore recommended that each agency clarify who has the overall responsibility to ensure that the rights and services provided by each agency are accessible in practice to all victims of crime.^{cdlxiv}

Respondents from the Police also highlighted better cooperation between different agencies and organisations is a key improvement in the work with victims of crime. At the moment, all agencies and organisations have their own specific tasks and they are all focused to fulfil internal goals and targets. Data protection is also making discussions in individual cases more challenging. However, being able to meet different agencies to confirm who does what in individual cases would ensure that no victims is forgotten, and also avoid that agencies do the same task twice, which is confusing and exhausting for the individual victim and a waste of resources for the agencies involved. So an important task moving forward is to identify a lead agency to initiate and lead the collaboration, as there is great potential for improved cooperation in the field of victims of crime.^{cdlxv}

Victim assistance does not exist in a vacuum; instead many actors such as health services, criminal justice agencies, victim support services, insurance providers and other social welfare organisations have more or less overlapping goals in relation to victims of crime.^{cdlxvi} By working in isolation without any links between theory and practice, there is a risk that decision makers are unaware of what the situation is really like for victims, so fail to identify areas that need improvements. Another risk is that if new legislation or policies are developed, they don't fully cover the gap or challenges experienced by victims, so fail to have the desired impact in practice. There is also a risk of duplication, with more than one agency working to address a particular concern, or the opposite that no one is working to provide a particular service and that victims fall between the chairs as agencies expect someone else to deal with it.

This research has identified a clear gap in coordination and cooperation between different agencies and organisations working with victims of crime in Sweden. While professionals may be familiar with the rules and regulations in their specific area of work, few are aware of the full extent of victims' rights and the wide range of agencies and organisations interacting with victims of crime. In particular, professionals within the criminal justice process are unfamiliar with support services and how the delivery of support is today coordinated and delivered in practice. Many of the professionals taking part in the study were also unfamiliar with the Directive as a whole and all of the contained rights. So this is a key area of development and improvement in Sweden.^{cdlxvii}

Based on this outcome, a recommendation from this research is more coordination between theory and practice, and communication between agencies and organisations working with victims of crime. Joint aims and targets can for instance be developed to meet all the rights from the Directive in practice, with roles and responsibilities being identified between the different agencies and organisations. Further responsibility should also be given to assessing the practical implementation of the Directive, to ensure that victims across Sweden are able to access their rights in practice irrespective of where they live or where the crime took place. Finally, more focus and attention must be given to the Directive as a whole, to ensure that all professionals working with victims of crime are aware of the individual rights and how to implement them in practice. It is therefore recommended that Sweden considers the adoption of a single piece of legislation for victims of crime. This will give a better overview over all the rights for victims, and not just the few rights included in the legislation applicable to certain groups of professionals, Similar to the Convention on the Rights of the Child, a final recommendation is that specific training and awareness raising is used to highlight the Directive and the need for a rights based approach when making decisions regarding victims of crime and in applying these rights across the whole of Sweden.

GOOD PRACTICES

Several good practices regarding work with victims of crime have been identified in Sweden. As legislative reform has been very limited following the entering into force of the Directive, it is not necessarily the Directive itself that has given rise to these good practices. However, the existence of the rights and agencies listed below have facilitated a successful implementation of the Directive in Sweden, and can therefore serve as examples of good practices how to implement the rights of the Directive in other Member States.

Legal representative for the victim

In Sweden, certain groups of victims can be provided with a legal representative (målsägandebiträde), who will act in the interest of the victim (injured party) and provide support and assistance.^{cdlxviii} As the Prosecution is a representative for the State and not directly representing the victim, the legal representative helps to ensure that the victim's interests are raised and represented during the trial.

A legal representative can be appointed by the Court in the following circumstances:^{cdlxix}

- a) In cases of sexual violence or rape, unless it is obvious that the victim doesn't need the special legal representative (so the presumption is that a representative is needed)
- b) In serious cases where, due to the victim's personal relationship with the accused, the victim's personal characteristics or due to other circumstances, it can be assumed that the victim needs legal representative

Regarding the implementation of the Directive, the role and services provided by the legal representative facilitates the implementation of many individual articles, such as:

- a) right to information – the legal representative informs the victim of the criminal justice system, the different agencies involved, the rights of the victim in the criminal justice process, how to apply for protection measures and can answer questions that victims have during the entire process
- b) right to understand and to be understood – as the legal representative works directly with the victim, it is easier to identify any challenges in the victim's ability to understand. During the trial, the legal representative will also speak on behalf of the victim, to ensure the victim's views are expressed clearly to the Court

c) right to be heard - the legal representative acts in the interest of victim to ensure that the victim's interests are raised and represented during the trial, for instance that specific evidence or witness statements are presented and that specific questions are raised during cross-examinations

d) right to support - the presence of the legal representative is often of great value to the victim throughout the criminal justice process, and is often seen as a great support both in relation to answering any questions or provide moral support during the trial itself

e) right to protection – the legal representative can inform the victim of the existence of protection measures and help the victim to apply for protection measures that may be suitable in the case

It should however be noted that although the legal representative is a great practice, it is not accessible to all victims of crime.

Respectful treatment

Rights for victims of crime to be recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner is a fundamental principle of the EU Directive. In Sweden, the right to respectful and non-discriminatory treatment is a core principle for all agencies in contact with the victim. The Swedish Government has in many contexts stressed that representatives of the criminal justice system must act in a professional and respectful way towards victims. What is described as treatment (bemötande) has become a major feature of Swedish victim policies.^{cdlxx} For example, the Crime Victim Compensation and Support Authority has received governmental commissions to prevent secondary victimisation of vulnerable groups of victims.^{cdlxxi} The Police has focused a lot of attention and training to ensure that everyone (not just victims) that comes into contact with the Police are treated with respect and dignity at all times. Police respondents in the research feel confident that overall, the Police is able to meet and deal with the individual needs of a victim in a respectful manner. The vast majority of respondents in this research agree and feel that the Police is able to treat the victim with respect during interviews and during the investigation of the case. Similarly, the vast majority of respondents also feel that the victim is treated with respect by the Prosecution and Judges during the trial and throughout the criminal justice process.

Right to interpretation and translation

All respondents highlight Sweden's continued efforts and success regarding the provision of interpretation and translation, to ensure that all victims of crime are able to understand and make themselves understood throughout the criminal justice process, as well as in contact with support services including both NGOs and Social Services. Of all the groups identified in question three

who may need additional support to understand and make themselves understood, victims who do not speak Swedish was the group identified as most likely to receive communication support, such as interpretation and translation. Interpretation and translations are provided to victims of crime, free of charge, during their contacts with agencies such as the Police, Prosecution, Court and Social Services. This helps to implement other rights such as the right to information, the right to understand and to be understood, right to support as well as the ability for the victim to engage and participate fully in the criminal justice process regarding their case.

Regarding the ability to receive support, Victim Support Sweden also acknowledged the need to provide support services in different languages. Today, Victim Support Sweden offers support service in over 20 different languages across Sweden. As people born outside of Sweden are likely to have limited knowledge of the Swedish criminal justice system, the ability to receive information and support in their own language is vital for them to fully understand and engage in the process, which also helps to reduce fear and anxiety.^{cdlxxii}

Violence against women

In Sweden, City Councils have the ultimate responsibility to ensure that individuals within their region receive the help and support they need.^{cdlxxiii} This provision also includes a responsibility to provide support and help to victims of crime.^{cdlxxiv}

The research has identified that the City Councils across Sweden have developed particular knowledge and skills regarding working with violence against women. Legislation, policies and working practices are in place to ensure that the needs of the women are met in a more holistic approach. For instance, in 2014, detailed guidance was adopted^{cdlxxv} to support City Councils in their work with domestic violence, which has helped to improve both the knowledge as well as practical service delivery in these type of cases. There are dedicated shelters across Sweden, emotional support as well as financial support available for women who are unable to continue working as a result of the violence or as a result of their need to move into sheltered housing.^{cdlxxvi} Respondents felt that both legislation and practice, in most cases, fulfil the needs of women experiencing violence.^{cdlxxvii} A European Parliament study from 2017 regarding the transposal and practical application of the Directive noted that in Sweden, the added value of the Directive was limited because good practices and effective support networks for victims of domestic violence already existed.^{cdlxxviii}

Support Centers for Victims of Crime

Some City Councils in Sweden have developed specific competence regarding victims of crime, and set up dedicated Support Centers for Victims of Crime. For instance, Göteborg has established a Support Centre for Victims of Crime (Stödcentrum för brottsutsatta) that offers emotional and psychological support, information about the criminal justice system and support when family

members have suffered crime.^{cdlxxxix} Malmö has established a similar Support Centre for victims of crime^{cdlxxx} that offers emotional and psychological support, advice, mediation and practical support such as preparing for the trial, applying for compensation and contacting other relevant agencies. Stockholm has set up a specific Support Center for Young victims of crime^{cdlxxxi} that in addition to support also offers mediation.

Children as victims of crime

The establishment of "Barnahus" (children houses) has been a major reform in Sweden. It is based on the one-stop-shop format, where all agencies working with child victims, such as Police, Prosecution, Social Services and Health Care, come to a single location that is set-up with the welfare and interest of the child as the key priority. The environment is child-friendly and enables investigations, interviews, medical examinations and support services to be conducted and delivered in a child-friendly setting.^{cdlxxxii}

Children who witness violence in their homes are in Sweden defined as victims of crime and have a right to compensation from the State.^{cdlxxxiii} This is to acknowledge the harm that children suffer as a result of witnessing violence. It also sends a clear signal to the parents that society does not tolerate violence in homes where children are present. Based on this mind-set, it was debated whether children who witness violence in close relations should fall under the definition of victims in the Directive.^{cdlxxxiv}

Creating trust in the criminal justice system

The criminal justice system is completely dependent upon the involvement of victims and witnesses of crime. Victims must feel comfortable to report a crime to the Police, and similarly witnesses must feel safe to come forward and share the accounts of what they have seen. Without these two factors, criminal justice systems would not function and the rule of law could not be upheld.

Media is an important avenue to make the criminal justice system seem more open, transparent and fair. If criminal justice agencies maintain closed and dismissive to external scrutiny, this creates a distance between the public and the secret club of the criminal justice system, where all decisions are made behind closed doors in their perceived own interest. Justice must be seen to be done, or else it will lead to mistrust which discourages victims and witnesses from coming forward. Sweden is today more open, with more transparency and the hope is that this atmosphere of openness will help victims and witnesses feel more comfortable participating in the criminal justice system, which is a core factor in a functioning, democratic society.

GAPS, CHALLENGES AND RECOMMENDATIONS

The study identified a range of challenges or areas where work with victims of crime has potential for improvements. Below follows an overview over the key areas identified.

No unified view on victims of crime

This research posed questions regarding victims' ability to reach their rights in practice. The questionnaires were sent to organisations and agencies with key responsibilities and regular contact with victims of crime, such as Police Authority, Prosecution Authority, Swedish Courts, Social Services, National Board for Health and Welfare and a range of both generic and specialised support service organisations across Sweden. It is surprising to see that the answers to each question vary greatly. On each question, some respondents felt that Sweden fulfills individual rights in every single case, other respondents answered the same question by stating that Sweden never fulfills the right, and some respondents stated something in between. There are no clear trends and certainly no unified view on victims of crime and what the situation looks for them in practice. Even responses from the same agency varied greatly. It is clear that more and wider research is needed to identify what the situation is for victims of crime and whether they can access their rights in practice. A recommendation from this research is therefore to conduct further in-depth research by including practitioners working directly with victims across the whole of Sweden. Another recommendation is to establish a nation-wide User Feedback Survey, with victims themselves being asked to describe and rate their experience after having been involved in the criminal justice system. This would help to clarify what victims' experiences are and hopefully provide a more objective and evidence-based view of their ability to reach their rights in practice.

No coordination of agencies in contact with victims of crime

Agencies and organisations in contact with victims of crime in Sweden work very independently, which means there is limited knowledge-transfer between theory and practice. Decision makers in agencies felt unsure on many of the questions as they are often not in direct contact with victims of crime, and there is little information flow regarding practical access to rights. Many representatives of decision making bodies therefore felt unable to participate in the research, as they didn't know how rights were implemented in practice, only what the law and guidelines said. One respondent who has worked over 20 years in policy making regarding victims of crime stated that she has never visited a victim support office, so has limited knowledge on how for instance support services function in practice. In addition, while respondents felt more comfortable to answer questions regarding their specific area of work, few respondents had an overview over

the entire range of rights affecting victims of crime and the agencies involved in fulfilling each right.

By working in isolation without any links between theory and practice, there is a risk that decision makers are unaware of what the situation is really like for victims, so fail to identify areas that need improvements. Another risk is that if new legislation or policies are developed, they don't fully cover the gap or challenges experienced by victims, so fail to have the desired impact in practice. There is also a risk of duplication, with more than one agency working to address a particular concern, or the opposite that no one is working to provide a particular service and that victims fall between the chairs as agencies expect someone else to deal with their specific need.

All respondents that took part in interviews highlighted that better cooperation between different agencies and organisations is a key component to improve work with victims of crime in practice. At the moment, all agencies and organisations have their own specific tasks and they are all focused to fulfil internal goals and targets. Data protection is also making discussions in individual cases more challenging. However, being able to meet different agencies to confirm who does what in individual cases would ensure that no victim is forgotten, and also avoid agencies doing the same task twice, which is confusing and exhausting for the individual victim and a waste of resources for the agencies involved. With this realisation, there is great potential for improved cooperation in the field of victims of crime.^{cdlxxxv}

Based on this outcome, a recommendation from this research is more coordination between theory and practice, and communication between agencies and organisations working with victims of crime. Joint aims and targets can for instance be developed to meet all the rights from the Directive in practice, with roles and responsibilities being identified between the different agencies and organisations.

No unified victim legislation

In interviews with the Social Services in Sweden, it was made clear that one of the strengths regarding victims' ability to access their rights in contact with the Social Services is that there is a single law that covers the whole area of work, namely Law of Social Services (Socialtjänstlagen). Respondents felt that the single, unified, legislative framework ensured that professionals working with victims knew where to find the individual rights, and it also supported them in implementing the rights in practice in their contacts with victims. No such unified legislation exists in Sweden today for all rights for victims of crime contained in the Directive. With a single piece of legislation, it would be easier for professionals working with victims to get an overview over the range of rights to which victims are entitled, grasp the scope of agencies and organisations involved in their fulfilment and with whom cooperation and referral arrangements may be suitable.

As described in this report, the Swedish Government felt that only minor changes were needed, in separate pieces of legislation, to implement the Directive in Sweden. Yet, this study shows that professionals in contact with victims have very limited overview and knowledge over the Directive and the wide range of rights and services offered to victims of crime in practice.

Using the 1989 UN Convention of the Child as a comparison, the Convention of the Child was adopted and has been legally binding in Sweden since 1990. However, in June 2018 it was agreed that this wasn't enough to ensure that the rights contained in the Convention were implemented in practice. The Swedish Government therefore decided to adopt the Convention of the Child as a Swedish Law, "to make it even more obvious that children are individuals with their own individual rights".^{cdlxxxvi} Although the Convention of the Child gets a higher status as a Swedish law, it doesn't bring any new rights for children. However, it will make a difference by adding a bigger responsibility on authorities, criminal justice system and other decision makers to apply the rights on practice, so that they will have a bigger impact for decisions made in individual cases.^{cdlxxxvii} The Government highlights that adopting the Convention of the Child as a law in Sweden will serve to clarify to Courts and criminal justice agencies that they need to apply the rights contained in the Convention when they make decisions in cases which involve children. It was also highlighted that incorporating the Convention of the Child in Swedish law helps to visualise children's rights, and help to make public services adopt a more child-rights based approach.^{cdlxxxviii} By giving the Convention of the Child the position of a separate law, in combination with further education and training, the Swedish Government believes that a rights-based approach will have bigger impact in its practical application.^{cdlxxxix}

Similarly, respondents from Social Services highlighted that their knowledge of victims' rights is often limited to Socialtjänstlagen (SoL) which covers their own work, but any awareness of additional rights or victim legislation is very limited. In order to improve knowledge, specific legislation has been adopted, for instance in relation to domestic violence and the rights to the child. Enacting these separate pieces of legislations and guiding principles has highlighted the need for Social Service professionals to identify what the new law means for their work with victims of crime and how to incorporate the rights into their decision making regarding people affected by crime.

If a single piece of legislation helps professionals to get a better overview over all the contained rights, and also help to ensure that criminal justice agencies apply a more rights-based approach in their practical application and decision making, it is strongly recommended that a similar approach is taken regarding the EU Directive. It is therefore recommended that Sweden adopts a single victim law, to implement the Directive into Swedish law and also incorporate all the other individual rights for victims that are currently scattered across different pieces of legislation. Similar to the impact of the legislation regarding domestic violence^{cdxc} and the Rights of the

Child,^{cdxci} it is hoped that a generic crime victim law in Sweden would help spread knowledge of all the rights contained, help professionals get a broader view of victims' rights, not limited to the area in which they work, and help victims' ability to reach their rights in practice irrespective of where in Sweden the victim lives or where the crime took place.

Referral arrangements from the Police

Victim support service respondents highlighted that the biggest challenge they face in relation to working with victims of crime is to receive referrals from the Police. Without referrals, most victims will never access support services. In previous statements, Victim Support Sweden has stressed that Sweden does not satisfy the obligations in the Victim Directive because the Police fails to refer victims with support needs to access support.^{cdxcii}

Police referrals in Sweden have seen some dramatic changes during the last few years. In 2012, Victim Support Sweden saw a big increase in referrals from the Police to local victim support services. This increase in Police referrals was mainly due to two factors. Firstly, the question of whether the victim wanted support services became obligatory when recording a crime. Secondly, the Swedish Police Authority published a statement to encourage all local Police to refer victims to support services. So during the first 4 months of 2012, referrals doubled overnight to a national average of 4,9% of reported crime. Since then, referrals started to decline in the run-up to the re-organisation of the Swedish Police in 2014 and continued to fall after the re-organisation had taken place. Referrals hit the low-point of 2,2% of reported crime in 2017 and has since then slightly increased to a national average of 2,4% in 2018. Respondents from Victim Support stressed that during 2012 at the highest referral rates, they received no irrelevant cases, and that all referred victims were in need of support. This brings the assumption that there are today victims who are in need of support services that are not being referred by the Police to access support.

Comparing referring statistics from before (2014) and after (2018) the Police reorganisation, it is clear that in all except for 2 areas in Sweden, referrals have dropped significantly. In some areas, referrals have dropped with as much as 65% and 68%, with an average drop of 35% across the whole of Sweden. In only one region, Uppsala, have referrals actually increased with 20% since the re-organisation of the Police. It is very clear from Victim Support Sweden's review into referrals that there are huge differences in referral rates across Sweden. A victim living in one part of Sweden is therefore much more likely to be referred to access support services compared to victims living in another part of the country. There are also big differences regarding the manner in which the Police sends referrals to victim support services. Given the big differences across Sweden, it is recommended that the referral mechanism is reviewed and national guidance distributed across all Police forces to adopt a more consistent method of referrals. It is also strongly recommended that an electronic referral system is adopted, whereby all victims who

have said yes to the question of receiving support are automatically referred to a victim support services, without the need of the Police to manually review and send referrals. This will save a lot of time within the Police and help ensure that victims are referred in an equal and timely manner across Sweden.

A final comment regarding referrals is that existing Swedish legislation is very weak. Förundersökningskungörelsen has a list of information that victims should receive after they report a crime. One of these bullet points is information regarding which agencies, organisations and others who can give support, help and care.^{cdxciii} Respondents stated that this wording is too weak and could technically be fulfilled by merely informing the victim that there are victim support services available, which isn't seen to fulfil the Directive's demand on States to facilitate referrals to support organisations. It is therefore recommended that legislation regarding referrals is strengthened to ensure a requirement on the State to actively offer equal access to support following crime.

Funding for victim support services

The economic situation for organisations providing victim support services has been a matter of discussion for many years. During interviews with victim support services, the research asked respondents to highlight what factors impact on their ability to improve delivery of quality support services to victims of crime. One key factor identified was long-term and consistent funding to victim support services across Sweden. In the current set-up, both generic and specific victim support services apply and are able to receive short-term funding from their local municipality as well as from the Crime Victim Support and Compensation Authority. With a more consistent method of funding, for instance by providing the funding to a single national point in each organisation/network, money can then be distributed equally across the local support services. More consistent resources would help to enable the development of quality standards of support across the whole country. It would also enable new support services to be established in cities where no services currently exist, rather than in the current set-up where the local municipality first has to agree to fund the establishment of a new support service.

Information to victims regarding their case

The research identified that one of the biggest challenges regarding information sharing is the Police's capacity to provide personal updates on the development of the case and to provide personal explanations why an investigation is closed.

The Police acknowledges that in practice, a desired scenario would be a personal verbal feedback to all victims, where the Police can explain any updates in the case, or provide reasons why the investigation was closed. Due to resource constraints, this type of personal feedback is simply not possible in all cases today. Instead, in practice, victims have to ask a question to the reception

and, depending on time constraints, the investigator may or may not get back to the victim. So there is an identified gap regarding the Police's capacity to provide personal updates and feedback to the victim in practice.^{cdxciv} Acknowledging this gap, the Police is currently considering how to extend and improve their communication. For instance, the Swedish Police is currently developing automatic emails or text messages that would provide automatic updates to victims at certain stages in their case. The research acknowledges the identified gap and welcomes the Police's attempts to find a solution to this challenge.

Right to protection

There are several aspects of right to protection that must be given more attention in Sweden. For instance, there are still Courts in Sweden where victims have to wait in the same waiting room as the accused, associated family members and other witnesses, which increases the risk of threat and intimidation.

Sweden offers a range of restraining orders, but in practice only around a quarter of all applications are approved. The restraining order is seen as an invasion of the integrity of the person posing the threat, so to balance up this invasion there must be a strong risk or threat of violence identified. Rather than using formal tools for risk-assessment, Prosecutors often focus on whether the person posing the threat has any previous convictions for similar crimes, which is a very high threshold, making it challenging for victims to be granted a restraining orders in practice. There are also great variations across Sweden how many restraining orders are granted, with differences seen both between different Prosecution Authorities as well as between separate Prosecutors within the same Authority, highlighting a lack of clarity in how to assess and administer restraining orders in practice. Finally, improvements should be made in the practical delivery of the restraining orders, with more electronic monitoring being used to ensure that the person posing the threat follows the restrictions of the order.

Another practical challenge regarding victims' right to protection is access and availability of shelters. Victims are today finding it challenging to access shelters, with some municipalities not being able to provide shelters within their own jurisdiction, forcing the victim to move a significant distance away from their home. Given the general shortage of housing in certain parts of Sweden, victims often also find it challenging to locate alternative accommodation when leaving the shelters. The result is that many victims stay in the shelters for a long time, preventing their integration back into a more normal way of life, while occupying a space at the shelter needed for other victims.

Training of professionals

Finally, the research demonstrated that although there is often generic mentioning of victims of crime throughout different training courses, there is no mandatory training for all professionals

working with victims of crime on issues related to impact of crime on victims, needs assessments, referral processes and support needs. Some participating professionals felt that knowledge within their own specific area of work was sufficient, but little knowledge existed regarding the full width of rights for victims contained in the Directive. It is therefore recommended that every professional working directly with victims of crimes receives regular and updated training, corresponding to the level of contact with victims and context of functions performed. This allows for better understanding and ongoing developments regarding crimes' impact on victims, the fact that different victims may react differently to the same crime, what questions and interactions are more suitable to demonstrate respect, professionalism and non-discrimination in contact with victims, how to provide information and how to refer victims to the most appropriate support service.

CONCLUSION

The present national report, completed within the context of project VOciare, aimed at assessing the practical implementation of the Victims' Directive in Sweden, through a desk research complemented by the collection of surveys and the conduction of interviews with different groups of stakeholders with key responsibilities for victims of crime. The present report analysed both the transposition of the Victims' Directive into national law as well as the practical implementation of each of the rights established in the Directive, identifying good practices and shortcomings.

As the research showed, there are some imperfections in the transposition of the Victims' Directive into Swedish law. The Swedish legislators felt that only a few minor changes were needed to transpose the Directive into existing legislation. As such, Sweden still relies on legislation existing before the Directive was adopted, with a few exceptions. The result is a patchwork legal framework instead of a consolidated and unified set of rules, which makes it more difficult for professionals to get a holistic overview and guarantee victims' rights in practice. It is therefore recommended that a unified victim legislation is considered.

As for the practical fulfilment of victims' rights, even though some improvements have been made and some efforts are being implemented in order to better accommodate victims' needs in the criminal justice system, some challenges have been identified.

There is today no unified view regarding victims of crime and their ability to reach their rights in practice. Instead, the fulfilment of victims' rights is still highly dependent on individual professionals' diligence and good will. Major gaps were also identified in communication flow between practitioners working with victims of crime and decision makers who adopt new legislation and guidelines. Without an improved knowledge transfer between theory and practice, there is a significant risk that legislation and formal guidelines will not address the key challenges for victims in practice and therefore not have the desired effect.

The research also identified a clear lack of communication between different agencies and organisations working with victims of crime. Although professionals are more knowledgeable regarding the rights within their own area of work, few were able to provide a holistic view over the practical access to the entire scope of rights available to victims of crime in Sweden. Lack of knowledge of what the rights in the Directive are provides the obvious challenge to implementing the rights in practice. However, there is also a risk that agencies duplicate each other's work by accident, or the opposite that no agency provides a specific service since they expect someone else to fulfil a particular service need. Better coordination and communication, with clearly

identified roles and responsibilities, is needed to support a more effective implementation of the Directive in practice. Further awareness raising campaigns are also required to inform both professionals and the general public about the Directive and its contained rights.

Victim support services in Sweden are offered by both the State and by a range of generic and specialised NGOs. It should be acknowledged that while some municipalities across Sweden have established generic Support Centres for Victims of Crime, most municipalities and Social Services focus primarily on victims of domestic violence and children witnessing violence in the home. There are also great practices where the needs of specific groups of victims are taken into account, for instance through the development of "Barnahus". This means in practice that victims of more generic crime often cannot access support from the State and must turn to NGOs. Victim Support Sweden is the only generic organisation providing support services across the whole of Sweden to all groups of crime victims. However, funding arrangements of victim support services are often dependent on local municipalities' priorities and financial capacity. Overall, respondents agree that although there are pockets of best practice for identifying and providing services to meet the needs of victims, these are not universally available for all victims of crime across the whole of Sweden. What services a victim is able to access is therefore very much dependent on where they live and what services are available in that jurisdiction. The outcome is, inevitably, an inconsistency in the enjoyment of victims' rights between different regions in Sweden.

Referral arrangements today also look very different across Sweden, with large variations in percentages of victims being referred to access support services in different parts of Sweden. Improvements regarding the process, and the adoption of an automatic process whereby all victims with expressed support needs are referred to access support, would help to adopt a more equal and timely access to support services in accordance with the needs of the victim. The Police has highlighted the challenge of informing the victim of support services, and what they can offer a victim, during the few minutes they have at their disposal during their first contact with a victim. It is therefore recommended that rather than expecting the Police to be able to explain the full benefit of each support service, the question about referral is turned around to ask if the victim would mind being referred to victim support services. It then becomes the responsibility of the victim support service to explain what they can offer and whether the victim could benefit from their support. This amendment would not only save time for the Police, but also ensure that victims receive more detailed and up-to-date information about the range of victim support services on offer within their jurisdiction. Referral arrangements must also be extended to include family members, to fulfil the requirements of the Directive.

Regarding protection, Sweden has adopted legislation allowing restraining orders to be provided where needed to prevent threat and violence. However, there are many challenges regarding the practical application of these restraining orders, with only around a quarter of all applications

being granted. The expectation of the person posing the threat having previous convictions for similar, or ideally the same, crime makes it very challenging for victims to be granted the protection measure in practice. Improvements should also be made in the practical delivery of the restraining orders, with more electronic monitoring being used to ensure that the person posing the threat follows the restrictions of the order.

Another practical challenge regarding victims' right to protection is access and availability of shelters. Victims are today finding it challenging to access shelters, and given the shortages of housing in some parts of Sweden, some victims also find it difficult to identify other accommodation to enable them to leave the shelters. This means that many victims stay in the shelters for a long time, preventing their integration back into a more normal way of life, and also occupies a space at the shelter needed for other victims.

The Police has identified a challenge in their capacity to provide personal feedback and updates to victims of crime, including explanations why an investigation ended. While the current procedure of sending a letter to the victim with a reason why the investigation ended in many parts fulfils the requirements of the Directive, most victims still find it challenging to read and understand the formal letter and would greatly benefit from personal feedback from the Police.

In the face of these and other challenges identified in the course of the present research, it is recommended that a more unified approach is adopted regarding practical implementation of victims' rights in Sweden, with clear roles and responsibilities being allocated to specific organisations and agencies. National quality standards should be developed, identifying what services should be delivered and by whom to meet the needs of the individual victims. It is recommended that a wider needs assessment is adopted, to assist agencies and organisations identify the holistic needs of a victim, not merely limited to protection needs. Identified communication needs, support needs and other needs can then be accommodated for by allocation of communication tools, referral arrangements and other appropriate responses to meet the identified needs and implement the right in practice. Finally, to ensure that delivered services fulfil the needs and expectations of victims, it is recommended that a unified User-Feedback model is adopted across Sweden, where victims themselves can express their views and experiences having taking part in a specific criminal justice process or accessed a generic or specialised support service.

The Directive is an established minimum level for rights and services in the EU. Rather than merely focusing on doing as little as possible to fulfil the Directive, respondents highlight that Sweden should aim to do what is in the best interest for people affected by crime and to help as many victims as possible.

There are some areas where Sweden is very successful in providing support and services in accordance with victims' rights. For instance, "Barnahus" has established a child-friendly environment where all professionals can meet to provide support and services to young victims of crime. Sweden has also successfully extended the right of victims who do not speak Swedish to translation and interpretation. A legal representative is in some cases available to act in the interest of the victim throughout the criminal justice process. Although great practices, it should be acknowledged that these services are not available for all victims of crime in Sweden. Several additional good practices were also highlighted and should be further encouraged.

In conclusion, there are several areas where Sweden cannot be seen to fully provide access in practice to all the rights contained in the Directive. The gaps and challenges identified in the practical implementation of the Directive in Sweden must be taken seriously as they impair the enjoyment of rights for people who have already suffered from crime and, not rarely, highly traumatising experiences. The adoption of the Directive should be seen as an opportunity to review the manner in which victims in Sweden are treated throughout their engagement with the criminal justice system and beyond. Therefore, this report includes recommendations that go beyond the Directive demands, but would clearly make a significant improvement in the well-being of victims in the aftermath of crime.

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- xxv Rättegångsbalken (RB) 20 kap. 8 § fjärde stycket
- xxvi Ds 2014:14 Genomförande av brottsofferdirektivet, p. 37-40
- xxvii Lagrådets yttrande, protokoll vid sammanträde 2015-02-12
- xxviii Interview 8
- xxix Brottsoffermyndigheten <https://www.brottsoffermyndigheten.se/om-oss/brottsofferkunskap/brottsoffer-och-malsagande>
- xxx Interview 7
- xxxi Interview 8
- xxxii Ds 2014:14 Genomförande av brottsofferdirektivet, p. 40
- xxxiii Interview 7
- xxxiv Föräldrabalken 6 & 11 kap. covers responsibilities of parents until the child has reached the age of 18 when a person is considered an adult.
- xxxv Proposition 2001/02:126, p. 10
- xxxvi 2 § Lag (2002:445) om medling med anledning av brott https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2002445-om-medling-med-anledning-av-brott_sfs-2002-445
- xxxvii 3 § Lag (2002:445) om medling med anledning av brott
- xxxviii 4 § Lag (2002:445) om medling med anledning av brott
- xxxix 5 § Lag (2002:445) om medling med anledning av brott
- xl 11 § Språklagen (2009:600)
- xli Proposition 2008/09:153, s. 48 ff
- xliv Interview 7
- xliv Ds 2014:14 Genomförande av brottsofferdirektivet, p. 52-53
- xliv Interview 3
- xliv Ds 2014:14 Genomförande av brottsofferdirektivet, p. 52-53
- xlvi Interview 2
- xlvi Interview 2, 4 & 6
- xlvi Interview 2
- xlvi Interview 6
- l For instance, please find Court Introduction on <http://www.rattengangsskolan.se/>
- li Interview 3
- lii 23 kap. 10 § tredje stycket RB
- liii Proposition 1993/94:143, s. 40
- liv For more information on legal representatives, please see article 10.
- lv Interview 8
- lvi 1 kap. 6 § andra stycket polisförordningen (1998:1558)
- lvii Ds 2014:14 Genomförande av brottsofferdirektivet, p. 56
- lviii Förundersökningskungörelsen 13a §
- lix In accordance with law (1988:609) om målsägandebitråde
- lx In accordance with (1988:688) om kontaktförbud
- lxi In accordance with lagen (2015:642) om europeisk skyddsorder

- lxii Rättshjälpslagen (1996:1619)
- lxiii 20 kap. 15 § och 23 kap. 10 § rättegångsbalken,
- lxiv In accordance with brottsskadelagen (2014:322)
- lxv Lagen (2002:445) om medling med anledning av brott
- lxvi Interview 1
- lxvii Interview 2
- lxviii Interview 1
- lxix Interview 2
- lxx Interview 2
- lxxi Interview 1
- lxxii Interview 7
- lxxiii Parliamentary Ombudsman (Justitieombudsmannen) <https://www.jo.se/en/>
- lxxiv Chancellor of Justice (Justitiekanslern) <https://www.jk.se/other-languages/english/>
- lxxv Interview 7
- lxxvi Interview 10
- lxxvii Interview 8
- lxxviii Ds 2014:14 Genomförande av brottsofferdirektivet, p. 68
- lxxix Transposed into Swedish legislation through Förordning (2015:477)
- lxxx Förundersökningskungörelsen 13 e § https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forundersokningskungorelse-1947948_sfs-1947-948
- lxxxi Through Förordning (2015:477)
- lxxxii 13 b § Förundersökningskungörelsen https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forundersokningskungorelse-1947948_sfs-1947-948
- lxxxiii 13 c § Förundersökningskungörelsen
- lxxxiv 13 d § Förundersökningskungörelsen
- lxxxv Interview 1
- lxxxvi Interview 2
- lxxxvii Interview 2
- lxxxviii Interview 1
- lxxxix Interview 1
- xc Interview 2
- xci Interview 1 & interview 2
- xcii Interview 3
- xciii 5 kap. 6 § första stycket RB
- xciv 23 kap. 16 § andra stycket RB
- xcv SFS 2015:429 <http://rinfor.stage.lagrummet.se//publ/sfs/2015:429/pdf,sv>
- xcvi 5 kap. 6 § RB https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/rattgangsbalk-1942740_sfs-1942-740
- xcvii 5 kap. 6 § RB

- xcviii 5 kap. 6 § RB
- xcix 33 kap. 9 § RB
- c 49 kap. 3 § andra stycket RB
- ci NJA 1974 p. 221
- cii Proposition 2012/13:132, s. 41
- ciii Interview 1, 2, 4 & 6
- civ Interview 2
- cv Interview 6
- cvi Victims of crime in the EU: the extent and nature of support for victims, Fundamental Rights Agency, p. 13 https://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf
- cvii Interview 4
- cviii Förundersökningskungörelsen 13 a §
- cix Interview 3 & 4
- cx Interview 4, 9 & 12
- cxii Interview 2 & 4
- cxiii Interview 2
- cxiii Interview 3 & 4
- cxiv Interview 7
- cxv Interview 3 & 4
- cxvi 2 kap. 1 § SoL
- cxvii <https://www.brottsoffermyndigheten.se/nyheter/socialtjanstens-ansvar-for-brottsoffer>
- cxviii 5 kap. 11 § första stycket SoL
- cxix 5 kap. 11 § SoL
- cxx Proposition 1997/98:55, s. 137
- cxxi 4 kap. 1 § SoL
- cxxii 2 kap. 1 § SoL
- cxxiii 5 kap. 11 § första stycket SoL
- cxxiv 4 kap. 1 § SoL
- cxxv Stödcentrum för Brottsoffer https://goteborg.se/wps/portal/start/social--och-familjefragor/missbruk-vald-och-brott/vald-och-hot/stodcentrum-for-brottsutsatta!/ut/p/z1/hY4xD4IwFIR_DWvfK2AfuHUiQRPjBHYxQGohoZQUtIm_XhxNNN52ue9yB-wpQUPFzGEyzDm5qxs1flLimcYG8TPnhVCQ7lDnxsyDimCNU_wC1xfhDEqEENbSWhc4yZAnFglJOaU6UiZje83Jqk8yA8vqm-vfbs7rdX_brOyz7CCEMIzDhnRs06ZyP8VundskL9Scjs6-dRV_IF_k7dfA!!/dz/d5/L2dBISEvZ0FBIS9nQSEh/#htoc-1
- cxxvi Stödcentrum i Malmö <https://malmo.se/Service/Du-och-dina-anhoriga/Brott-hot-och-vald/Stod-till-dig-som-blivit-utsatt-for-brott.html>
- cxxvii Stödcenter för Unga Stockholm <https://www.stockholm.se/Fristaende-webbplatser/Fackforvaltningssajter/Socialtjanstforvaltningen/Oppenvardsinsatser-for-barn-unga-och-familjer/Stodcentrum/>
- cxxviii Justitiedepartementet, Remissammanställning promemorian Genomförande av brottsofferdirektivet upprättad den 10 september 2014, Ju2014/3367, (2014) p. 14, 79-80
- cxxix <https://www.socialstyrelsen.se/publikationer2012/2012-3-22>
- cxxx Interview 3 & 6
- cxxxi Interview 4

- cxxxii Proposition 2006/07:38 Socialtjänstens stöd till våldsutsatta kvinnor s. 12
- cxxxiii Interview 2
- cxxxiv Parliamentary Ombudsman <https://www.jo.se/en/>
- cxxxv Interview 2 & 4
- cxxxvi BRIS <https://www.bris.se>
- cxxxvii <https://somaya.se/>
- cxxxviii Thorell, Olof, Färre brottsoffer får stöd, Mitt i Stockholm, (2017), and Victims Support Sweden Varför har 13 000 brottsoffer gått miste om stöd? Nyheter, Tidningen Brottsoffer <https://www.tidningenbrottsoffer.se/nyheter/varfor-har-13-000-brottsoffer-gatt-miste-om-stod/> accessed 2019-05-27
- cxxxix Interview 3 & 4
- cxl Interview 2, 3 & 4
- cxli Interview 3 & 4
- cxlii Interview 5
- cxliii <https://www.1177.se/>
- cxliv For more information about Victim Support Sweden, please visit <http://www.brottsofferjouren.se/brottsofferdagen/#/id/co-010-010>
- cxlv <https://www.brottsofferjouren.se/nyheter/67-984-personer-fick-stod-av-brottsofferjouren-2018/>
- cxlvi Interview 4
- cxlvii Mind provides support services and runs three separate helplines aimed at individuals considering committing suicide, parents concerned about their children, and elderly individuals who need to speak to someone <https://mind.se/hitta-hjalp/stodverksamheter/>
- cxlviii Some municipalities offer support services specialised for young victims of crime, for example in Örebro <https://www.orebro.se/omsorg--stod/stod-till-barn-unga--familj/stod-till-unga/stodcentrum-unga-brottsoffer.html>
- cxlix BUP (Barn och Ungdomspsykiatri) provides specialised psychological support for children and young people <http://www.bup.se/sv/>
- cl National helpline for women suffering violence and threats <https://kvinnofridslinjen.se/en/> Kvinnofridslinjen is run by the National Centre for Knowledge on Men's Violence Against Women (NCK), on behalf of the Swedish Government
- cli ROKS is a network of 70 women's aid organisations <https://www.roks.se/kontakta-en-jour/vad-ar-en-kvinnojour> and Unizon is a network of 130 women's aid organisations across Sweden <http://unizon.se/>
- clii BRIS (Barnens Rätt i Samhället) provides specialised support services and helpline for young victims of crime and abuse under the age of 18 <https://www.bris.se/>
- cliii Save the children provide specialised psychological support for children <https://www.raddabarnen.se/rad-och-kunskap/centrum/>
- cliv Proving support, primarily to girls aged 12-20 <https://tjejjouren.se/>
- clv Proving specialised support to men <https://www.mansjouren.se/>
- clvi Proving support services to victims from the HBTQ-community suffering threats, violence or harassment <https://www.rfsl.se/verksamhet/stod/>
- clvii <https://somaya.se/>
- clviii Interview 11
- clix <https://www.regeringen.se/pressmeddelanden/2019/03/45-miljoner-kronor-for-att-motverka-vald-i-nara-relationer/>
- clx Founding principle of the Commission during the negotiation of the EU Directive
- clxi 5 kap. 11 § SoL
- clxii Proposition 2000/01:79

- clxiii Proposition 1979/80:1, s. 529 and Interview 6
- clxiv SOSFS 2009:22
- clxv Våld, Handbok om socialnämndens ansvar för våldsutsatta kvinnor och barn som bevittnat våld, Socialstyrelsen (2011)
- clxvi Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p. 114
- clxvii It is acknowledged that both men and women can suffer domestic violence. Since the majority of domestic violence cases in Sweden costs of a violence male partner and a female victim, the example given in the text mirrors this scenario
- clxviii Interview 6
- clxix Interview 5
- clxx Kartläggning av skyddade boenden i Sverige, Socialstyrelsen, (2013), <https://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/19029/2013-4-4.pdf>
- clxxi Interview 6
- clxxii Öppna jämförelser av stöd till brottsoffer – våldsutsatta kvinnor och barn som bevittnat våld. Socialstyrelsen, (2012), <http://www.socialstyrelsen.se/oppnajokforelser/valdinararelationer>
- clxxiii Interview 13
- clxxiv Kartläggning av skyddade boenden i Sverige, Socialstyrelsen, (2013), <https://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/19029/2013-4-4.pdf>
- clxxv <http://unizon.se/mans-vald-mot-kvinnor/ratt-till-stod-och-hjalp>
- clxxvi Interview 13
- clxxvii Interview 13
- clxxviii <http://unizon.se/mans-vald-mot-kvinnor/ratt-till-stod-och-hjalp>
- clxxix Interview 13
- clxxx Interview 2, 4 & 6
- clxxxi Interview 6
- clxxxii Interview 4
- clxxxiii Interview 2
- clxxxiv These recommendations are also in line with Victim Support Europe’s quality standards for victim support services
- clxxxv 23 kap. 2 § RB
- clxxxvi 23 kap. 6 RB
- clxxxvii Interview 1 & 2
- clxxxviii Please see https://www.brottsoffermyndigheten.se/Filer/Broschyror/Svenska/Barn_och_unga_som_brottsoffer_upplag_2015.pdf
- clxxxix Act 1988:609 om målsägandebiträde
- cxc Act 1988:609 and (2018:535)
- cxci <https://sverigesradio.se/sida/artikel.aspx?programid=99&artikel=7223804>
- cxcii Interview 8
- cxciii Interview 3
- cxciv 14 § Förundersökningskungörelsen
- cxcv 7 kap. 5 § RB
- cx cvi Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p. 131
- cx cvii Interview 2

- cxcviii Överprövning och annan prövningsverksamhet som är tänkta som en samlad reglering av detta område (RåR 2013:1)
- cxcix Interview 2
- cc Överåklagare followed by Riksåklagare
- cci Interview 3
- ccii Interview 3
- cciii Prosecution Authority https://www.aklagare.se/om_rattsprocessen/fran-brott-till-atal/brottsutredningen/overprovning-av-beslut/
- cciv Åklagarmyndigheten, Årsredovisning 2018, <https://www.aklagare.se/globalassets/dokument/planering-och-uppfoljning/arsredovisningar/arsredovisning-2018.pdf>
- ccv Åklagarmyndigheten, Årsredovisning 2018, p. 44
- ccvi Interview 3
- ccvii <https://www.bra.se/publikationer/arkiv/publikationer/1999-08-03-medling-vid-brott.html>
- ccviii Lagen (2002:445) om medling med anledning av brott
- ccix Proposition 2001/02:126, s. 40
- ccx Riksåklagaren (1996:6). Medlingsverksamhet för unga lagöverträdare: en kartläggning av projekt: ett förslag till modell för medling and Socialstyrelsen (2012) Medling vid brott avseende unga lagöverträdare
- ccxi Jacobsson, M., Wahlin, L., & Andersson, T. Den svenska medlingsmodellen: till nytta för brottsoffret? Glerups Utbildning AB (2013) and Interview 10
- ccxii Prop. 2001/02:126
- ccxiii Åklagarmyndigheten (2013) Medling vid ungdomsbrott Åklagarens roll, Rättspm 2013:09
- ccxiv 13 a § Förundersökningskungörelsen
- ccxv Lag (1964:167) med särskilda bestämmelser om unga lagöverträdare
- ccxvi 29 cha 5 § 2 p 30 cha 4 §, RB
- ccxvii Lag (1964:167) med särskilda bestämmelser om unga lagöverträdare
- ccxviii Jacobsson, M., Wahlin, L., & Andersson, T. Den svenska medlingsmodellen: till nytta för brottsoffret? Glerups Utbildning AB (2013), with reference to Wemmers (2007)
- ccxix Interview 10
- ccxx Medling vid brott avseende unga lagöverträdare – uppföljning av hur kommuner arbetar med medling <https://www.socialstyrelsen.se/publikationer2012/2012-3-39>
- ccxxi <https://www.stodcentrumnordvast.se/>
- ccxxii Interview 10
- ccxxiii Medling vid brott avseende unga lagöverträdare – uppföljning av hur kommuner arbetar med medling <https://www.socialstyrelsen.se/publikationer2012/2012-3-39>
- ccxxiv Interview 6
- ccxxv Medling vid brott avseende unga lagöverträdare – uppföljning av hur kommuner arbetar med medling <https://www.socialstyrelsen.se/publikationer2012/2012-3-39>
- ccxxvi Åklagarmyndigheten (2013) Medling vid ungdomsbrott Åklagarens roll, Rättspm 2013:09
- ccxxvii Jacobsson, M., Wahlin, L., & Andersson, T. Den svenska medlingsmodellen: till nytta för brottsoffret? Glerups Utbildning AB (2013) and Socialstyrelsen (2012) Medling vid brott avseende unga lagöverträdare
- ccxxviii Jacobsson, Maritha, Wahlin, Lottie, Fromholtz, “Victim Offender Mediation in Sweden: An Activity Falling Apart?” in: Anna Nylund, Kaijus Ervasti, Lin Adrian (ed.), Nordic Mediation Research, (2018) pp. 67-79
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Anna Nylund, Kaijus Ervasti, Lin Adrian (ed.), Nordic Mediation Research, (2018)

ccxxx Ibid

ccxxxi Burcar, Veronika & Rypi, Anna, Medlingens moral, emotioner och mångfald. 1. uppl. Malmö: Bokbox (2012)

ccxxxii Jacobsson, Maritha & Wahlin, Lottie Medling vid brott [Elektronisk resurs] en enhetlig svensk modell? Stiftelsen Allmänna Barnhuset (2017)

ccxxxiii Ibid, p. 14

ccxxxiv Jacobsson, M., Wahlin, L., & Andersson, T. Den svenska medlingsmodellen: till nytta för brottsoffret? Glerups Utbildning AB (2013)

ccxxxv Interview 7

ccxxxvi Interview 7

ccxxxvii Act 1988:609 om målsägandebitråde

ccxxxviii Act 1988:609 and (2018:535)

ccxxxix Interview 8

ccxl <http://www.arbetsdomstolen.se/pages/page.asp?lngID=7&lngLangID=1>

ccxli <http://www.rattshjalp.se/Vad-ar-rattshjalp/>

ccxlii Legal Aid Authority <http://www.rattshjalp.se/>

ccxliii <http://www.rattshjalp.se/Vad-ar-rattshjalp/Har-du-ratt-till-rattshjalp/>

ccxliv Kungörelsen (1969:590) om ersättning vid förundersökning i brottmål

ccxlv Förordningen (1982:805) om ersättning av allmänna medel till vittnen

ccxlvi Metodstöd - Information till målsägare, anhöriga och vittnen, Polisen (2017)

ccxlvii 2 § Kungörelsen (1969:590) om ersättning vid förundersökning i brottmål

ccxlviii <https://polisen.se/utsatt-for-brott/ersattning-och-skadestand/>

ccxlix Interview 2

ccl <http://www.domstol.se/Till-dig-som-ar/Vittne/Ersattning/>

ccli Till dig som utsatts för brott, Brottsoffermyndigheten (2015) https://www.brottsoffermyndigheten.se/Filer/Broschyrrer/Svenska/Till_dig_som_utsatts_for_brott_uppslag_2015.pdf

cclii Till dig som är vittne, Sveriges Domstolar <http://www.domstol.se/Till-dig-som-ar/Brottsoffer/> and <http://www.domstol.se/Till-dig-som-ar/Vittne/>

ccliii 27 kap 1 § RB

ccliv 27 kap. 4 a § RB

cclv 27 kap. 11 § RB

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cclvii Åklagarmyndigheten, Beslag en handbok, (2015)

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cclxi Justitiekanslers beslut, diariennr: 5783-16-40 / Beslutsdatum: 5 feb 2018 <https://www.jk.se/beslut-och-yttran-den/2018/02/5783-16-40/>

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cclxiii <https://www.brottsoffermyndigheten.se/ersattning>

- cclxiv Interview 7
- cclxv 22 kap. 1 § RB
- cclxvi 2 kap. 3 § andra stycket utsökningsförordningen [1981:981]
- cclxvii Interview 7
- cclxviii Interview 7
- cclxix Interview 7
- cclxx <https://www.brottsoffermyndigheten.se/eng>
- cclxxi Interview 7
- cclxxii SFS 2017:1134 <http://rkrattsdb.gov.se/SFSdoc/17/171134.PDF>
- cclxxiii Interview 7
- cclxxiv Swedish Court Service https://www.aklagare.se/om_rattsprocessen/berord-av-brott/utsatt-for-brott/skadestand/, Police <https://polisen.se/Utsatt-for-brott/Ersattning-och-skadestand>, Crime Victim Compensation and Support Authority <https://www.brottsoffermyndigheten.se/ersattning/skadestand> and Enforcement Agency <https://www.kronofogden.se/Skadestand2.html>
- cclxxv Brottssoffermyndighetens Servicetelefon <https://www.brottsoffermyndigheten.se/eng/compensation/service-telephone>
- cclxxvi <https://www.brottsoffermyndigheten.se/default.aspx?id=1799>
- cclxxvii Interview 7
- cclxxviii Interview 3 & 4
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- cclxxxi Interview 7
- cclxxxii En ny brottsofferlag, SOU 2012:26 <https://www.regeringen.se/contentassets/7d2bcf42ecfb434d9789f12f3a160700/en-ny-brottsskadelag-sou-201226>
- cclxxxiii Interview 7
- cclxxxiv Article 10, EU Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:42000A0712\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:42000A0712(01))
- cclxxxv Lag (2000:562) om internationell rättslig hjälp i brottmål (LIRB)
- cclxxxvi 4 kap. 8 § LIRB
- cclxxxvii 4 kap. 10 § LIRB
- cclxxxviii 4 kap. 11 & 12 §§ LIRB
- cclxxxix 36 kap. 1 § och 46 kap. 6 § RB
- ccxc Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p. 151
- ccxci Ibid, p. 153
- ccxcii Interview 1
- ccxciii Interview 1
- ccxciv Interview 2
- ccxcv Interview 4
- ccxcvi Lagen (1988:688) om kontaktförbud
- ccxcvii <https://www.roks.se/har-finns-hjalp-stanna-eller-ga/kan-han-fa-besoksforbud>
- ccxcviii Lag (1988:688) om kontaktförbud and <https://polisen.se/utsatt-for-brott/hjalp-och-stod-fran-samhallet/kontaktforbud/>

ccxcix lag (1988:688) om kontaktförbud https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1988688-om-kontaktforbud_sfs-1988-688

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ccci <https://polisen.se/utsatt-for-brott/hjalp-och-stod-fran-samhallet/skydd-for-hotade/>

cccii Stiftelsen Tryggare Sverige <https://tryggaressverige.org/lagen-om-kontaktforbud-ett-slag-i-luften>

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ccciv 6 a § lagen om kontaktförbud

cccv Proposition 2010/11:45 s. 39

cccvi 10 § lagen om kontaktförbud

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cccviii Interview 9

cccix Interview 6 & 9

cccx Interview 9 & 12

cccxi <https://www.sydsvenskan.se/2019-04-18/fa-sokande-far-skydd-av-kontaktforbud>

cccxii According to Jenny Westerstrand, Chairperson of ROKS, National Organisation for Women's Shelters and Young Women's Shelters

cccxiii <https://www.sydsvenskan.se/2019-04-18/fa-sokande-far-skydd-av-kontaktforbud>

cccxiv 23 kap. 4 § RB

ccc xv Bemötande av brottsoffer, Utvecklingscentrum Göteborg, (2012)

cccxvi 36 kap. 17 § femte stycket & 37 kap. 1 § RB

ccc xvii Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p. 162-163

ccc xviii SOU 2008:106 – Ökat förtroende för domstolarna – strategier och förslag, p. 123 <https://data.riksdagen.se/fil/6D-C84F6C-800C-4B31-90B9-FDC83DEB7D8A>

ccc xix Ordning i domstol, Förutsättningar och arbetsformer, Domstolsverkets rapportserie 2012:2, s. 17 f.

ccc xx Interview 4

ccc xxi Interview 4

ccc xxii 23 kap. 4 § RB

ccc xxiii 23 kap. 4 § RB

ccc xxiv Interview 1

ccc xxv 5 § Förundersökningskungörelsen

ccc xxvi 23 kap. 6 § RB

ccc xxvii Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p. 171. For further debate, please see JO 1980/81 s. 124

ccc xxviii Interview 1

ccc xxix 23 kap. 10 § femte stycket RB

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ccc xxxi Interview 1

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- cccliv Riktlinjer för polisiära riskanalyser vid våld på individnivå, Rikspolisstyrelsen, (2010) <https://docplayer.se/6449207-Riktlinjer-for-polisiara-riskanalyser-vid-vald-pa-individniva.html>
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- ccclviii Ibid, p. 11
- ccclix Interview 2
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- ccclxi Interview 2
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- ccclxviii Interview 2

ccclxix Interview 4 & 7

ccclxx Interview 6 & 9

ccclxxi 4:1 SoL

ccclxxii Kap 6 & 7 Socialstyrelsen föreskrifter 2014:4 - "Våld i nära relationer"

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ccclxxv 3:1 SoL

ccclxxvi Ds 2014:14 Genomförande av brottsofferdirektivet, Justitiedepartementet, p.202

ccclxxvii Interview 3

ccclxxviii In accordance with 13f § Förundersökningskungörelsen

ccclxxix 5 b § Frundersökningskungörelsen

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cccxciv 36 kap. 17 § RB

cccxcv 36 kap. 17 § femte stycket & 37 kap. 1 § RB

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