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27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

Yerevan (12-13 October 2006)

**VICTIMS:
PLACE, RIGHTS AND ASSISTANCE**

Report presented by the Ministry of Justice of

SWEDEN

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CRIME VICTIMS IN SWEDEN

Introduction

The Ministry of Justice is responsible for the police service, prosecution authorities, prison and probation services, the National Council for Crime Prevention and the Crime Victim Compensation and Support Authority.

In order to enhance the rights of victims of crime several important measures was initiated in the middle of the 1980s. Since then, a number of actions and reforms on a wide variety of matters have been carried through as well as introducing new legislation. The judicial authorities, such as the prosecutors and the police, have adopted national programs on how to receive and meet victims of different crimes.

Legislation

As from 1988, a legal counsel can be appointed by the court with the task of providing assistance to the victim in matters of legal procedure. A counsel shall be appointed in all sexual crime cases and other cases regarding serious crimes against the person, if it is not obvious that the victim does not need assistance. A counsel may also be appointed in other cases concerning crimes that are punishable by imprisonment. The legal counsel reform has contributed to strengthening the position of victims.

In 2002 the law of mediation was introduced. This provides offenders, especially young offenders, a possibility to meet their victims in mediation. Mediation should only occur with the agreement of both parties.

Concerning men's violence against women several measures have been initiated. These measures include new legislation as well as other efforts. The act on restraining orders, which entered into force 1988, is one element in the effort to protect women exposed to persecution and harassment by men with whom they have been living with. The act makes it possible to ban an individual from visiting, following or otherwise making contact with another person. These restrictions can also be expanded. A new offence was introduced in 1998 in the penal code, gross violation of a woman's integrity. Sweden is one of the few countries that have criminalized the purchase of sexual services. This legislation has strongly affected the level of prostitution. There has been a decrease in the number of foreign women who came to Sweden to be trafficked as prostitutes.

The most recent reform is new legislation on sexual crimes, which was introduced in 2005. It aims at further strengthening and clarifying the absolute right of every individual to personal and sexual integrity and sexual self-determination, and to highlight and strengthen, in various ways, protection for children and young people from sexual violation.

Children as victims of crime

When children are victims of crime there are certain difficulties. Children are vulnerable and have special needs. Police and prosecutors must have effective tools, and judicial cooperation must be well developed. To increase children's rights and improve investigations involving children, the Prosecution Authority, the National Police Board, the National Board of Forensic Medicine and the National Board of Health and Welfare have the task of setting up joint pilot projects for children who have suffered domestic violence or sexual assault, the so called Children's House. The aim is to make sure that investigations conducted in cases of a suspected crime against a child will be child-oriented. A child should not need to have contact with the police, the prosecutor, forensic experts, the social services or child psychologists in different places, but should only need to go to one place – under one roof. Another aim is to improve the quality of investigations through developing good methods and cooperation between the different agencies such as the police and social services. This will result in a better basis for legal proceedings and for continued measures on the part of society.

The Crime Victim and the criminal proceedings

In Sweden the police and the prosecutor are obliged to provide victims with basic information concerning the investigation, for instance regarding state compensation, legal aid, the Act on Visiting Bans, victim support organizations, and the possibility of being allocated a support person or a counsellor.

The Swedish public prosecutor is – as a general principle – obliged to prosecute when there is evidence enough to expect the court to find the suspect guilty. The aggrieved person may also institute a private claim in conjunction with the prosecution of the offence. When a private claim is based upon an offence subject to public prosecution, the prosecutor, upon request of the aggrieved person, *shall* prepare and present the aggrieved person's action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit. If the aggrieved person desires to have his claim entertained together with the prosecution, he or she shall notify the investigation leader or the prosecutor of the claim and state the circumstances upon which it is based.

In Swedish procedural law there are several rules which aim to facilitate the victims' participation in court proceedings.

For instance, in several cases the aggrieved person may be entitled to a legal counsel, free of charge, who will assist with private claims and other issues concerning the prosecution and the trial. The aggrieved person is entitled to such a counsel if he or she, for example, has been sexually assaulted or sexually abused. Such a counsel may also be appointed in some other cases involving crimes against the person. If an aggrieved person is a minor, he is usually entitled to such a legal counsel.

Furthermore, if there is ground to believe that a victim will not tell the truth openly through fear or any other cause in the presence of a party or a listener, the court may order the party or a listener to be excluded from the courtroom during the examination. A party that has been excluded from the courtroom has the right to follow the court

proceedings from another location in the courthouse and listen to the proceedings through a loudspeaker.

In 2005, the Parliament decided on several reforms of the Swedish Code of Judicial Procedure. Some of these will facilitate the victim's participation in court proceedings. For instance, there will be new possibilities to participate in court hearings through video conferencing systems.

Protection of Crime Victims

Protection of victims (including minors) is, according to the Swedish legislation, a task for the Police Force. Today several of the police authorities in Sweden have special units for personal security, including protection of victims.

In July 2006, a *national system for personal security* entered into force. The system creates a uniform model for personal security work throughout Sweden and means a possibility to develop the international cooperation on the field. The system covers a narrow group of people, with a manifest risk of criminality that is directed against the threatened or a closely related person's life, health, liberty of freedom. In the first instance, it is applied regarding witnesses and other persons who participate in preliminary investigations or trials concerning serious or organized criminality. In addition to this, the system is applied concerning employees within the public legal services, for example police officers, and concerning people who regularly leave information to the police. The system is also applied concerning persons closely related to the mentioned groups. If there are special reasons, the system is applicable concerning other vulnerable groups.

The national system for personal security covers different security measures. The responsible authority is able to decide the appropriate measures in each case. The protection of threatened persons is mainly a police issue and therefore, the police has the main responsibility for the security system. However, the prison system has responsibility for persons against whom a sentence of imprisonment is being enforced.

A threatened person who has suffered financial losses due to the security work (he or she may have had to move, leave an employment or liquidate a business) can receive financial compensation from the state.

The Crime Victim Compensation and Support Authority

The Crime Victim Compensation and Support Authority, established 1994, is a governmental authority which not only processes applications for state compensation, but also has as its objective to act on behalf of crime victims in general, through education and information activities and through the Crime Victim Fund.

The Authority publishes a range of information material, folders, leaflets and reports in many languages. In its role as Information Centre, the authority holds conferences, seminars and arranges training for groups, especially within the criminal system, but also for non-governmental organizations.

Criminal injuries compensation

A person who has been subjected to a criminal act may be entitled to criminal injuries compensation, which is financed by tax revenue. One condition is that the crime must have been reported to the police; another condition is that other possibilities to receive compensation for the damage have been exhausted. Criminal injuries compensation is primarily intended for personal injuries or violation of personal integrity. When criminal injuries compensation is paid to the victim, it also means that the Authority takes over the right to claim compensation from the offender up to the sum paid by the Authority.

The Crime Victim Fund

The purpose of the Crime Victim Fund is to provide economic support to different activities aimed at improving the situation for crime victims. These activities vary from small information leaflets and educational programs to extensive research. The main aim is to improve the situation for crime victims in general through better knowledge and understanding. The Fund is mainly financed by the offenders. All offenders convicted for an offence punishable by a prison sentence are liable to pay a special fee to the fund. Also sentenced offenders employing electronic monitoring have to pay a sum every day during the time the supervision is carried out. Non-governmental organizations and researchers have been the most frequent applicants for means from the Fund.

Witness support service

The Crime Victim Compensation and Support Authority and the National Courts Administration have the assignment, to ensure that witness support is available at every district court and court of appeal in Sweden. This is a non-profit service and in most places it is carried out by the local victim support centres. The main task of the witness support service person is to help witnesses and injured parties in the waiting room and to assist with information and support before and after the trial.

The Crime Victim Compensation and Support Authority has been given the task to create a national cooperation program for crime victim issues. This is to be carried out in close collaboration with other authorities such as the National Police Board, the National Board of Health and Welfare and the National Council for Crime Prevention. The aim is to suggest how cooperation on crime victim issues could be managed on a local and national level. A special part of the cooperation program will focus on the work with victims of sexual crimes. Another assignment for the authority is to create a crime victim website. Through the website crime victims will be able to find information about their rights and how to receive help and support. The assignment also includes creating a website with information for victims of sexual crimes.

The National Council for Crime Prevention

The National Council for Crime Prevention works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime, crime victims and crime prevention work. The Council also produces Sweden's official crime statistics, evaluates reforms, conducts research to develop new knowledge and provides support to local crime prevention work.

National crime victim and security study

The National Council for Crime Prevention now elaborates the implementation of a national crime victim and security study. The first results will be presented in 2007. To complement the crime statistics there is a need for information about exposure to crime, safety etc. which will be gathered by asking a selection of the population to answer a series of questions.

The prison and probation authorities

The Prison and Probation Service has for a number of years been developing local programs aiming at the treatment of men sentenced for violence against women. In the context of National Programs, the Swedish Prison and Probation Service has developed evidence-based programs for special target groups, such as men using violence or other forms of control behaviour against their partner.

National programs focusing on sex offenders are implemented in several prison institutions in Sweden. Prison and Probation staff is educated and trained in matters relating to domestic abuse.

Non-governmental organizations

A number of non-governmental organizations offer crime victim support, such as various crime victim support centres and women's shelters. The larger centres have paid staff but the majority of the organizations use voluntary staff. Victim support centres provide help primarily to victims of assault, burglary, molesting, robbery and unlawful threatening. Women's shelters offer practical as well as psychological support to women who have been assaulted or abused by men. One of the most important kinds of assistance is sheltered accommodation. In addition there are a growing number of shelters for women with a foreign background.

