

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Sweden
on GREVIO's first thematic evaluation:**

**Building trust by delivering support, protection and
justice**

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Comments by Sweden to GREVIO's first thematic evaluation report: Building trust by delivering support, protection and justice

1. Introduction

The Swedish Government wants to thank the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) for the First thematic evaluation report. The Government highly appreciates the efforts made by the group throughout its monitoring of Sweden 2023–2024 and welcomes this opportunity to improvement in the important work on ending violence against women and domestic violence.

The Government notes with satisfaction that, in general, the report accounts correctly for current Swedish conditions. On some points, however, the Government finds the information incomplete, unclear or partly inaccurate and would therefore, in this document, like to inform GREVIO about some recently initiated actions and make the following amendments.

2. Comments to selected paragraphs

I. Emerging trends in the areas of violence against women and domestic violence

3. [...] Furthermore, a new offence was introduced criminalising child forced marriages, with, in parallel, a prohibition to legally recognise a child marriage celebrated abroad or nationally. Under this new offence, inducing or allowing a child to enter into a marriage or a marriage-like relationship is punished with up to four years of imprisonment.

It is correct that the new offence *child marriage offence* was introduced in 2020 in the Swedish Criminal Code. However, it is notable, that the offence *coercion to marry*, was introduced in 2014. Through this, it was criminalised to,

by unlawful coercion or exploitation of another person's vulnerable position, induce a person to enter into a marriage or a relationship similar to marriage. The offence includes acts against victims of all ages, also children. In 2020 a special offence, *child marriage offence*, was introduced in the Criminal Code. However, unlike the offence forced marriage, it is not required that the perpetrator has used any illegal coercion or taken advantage of the child's vulnerable position to be held responsible for the offence.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

A. Definitions (Article 3)

8. GREVIO strongly encourages the Swedish authorities to ensure that policies and their practical implementation apply a gendered understanding of violence against women, recognising the disproportionate incidence of gender-based violence on women and its gendered nature, specificities and historical roots. (paragraph 8)

Comment (1): The Swedish government is clear that men's and boys' violence against women and girls constitutes most of the gender-based violence. The current formulation of the sub-goal that men's violence against women should cease is based on an analysis which the Government shares, e.g., that the violence is both an expression of the power structure between women and men and a means to maintain it. The goal formulation underscores that men are overrepresented among perpetrators and that women are subjected to severe, repeated, systematic, and sometimes lethal violence.

As mentioned by GREVIO in the report, the Government has emphasized in the directive for the public inquiry "Strengthened Long-term Governance of Work Against Gender-related Violence and Honour-based Violence and Oppression" (dir. 2023:117), that men's and boys' violence against women and girls constitutes most of the gender-related violence. The Inquiry is tasked to develop a proposal for one or two long term strategies to achieve the sixth sub-goal and a possible new sub-goal on honour-based violence and oppression using the Istanbul Convention, as well as the Convention on action against trafficking in human beings, as its point of reference (see also: Report submitted by Sweden 2023, p. 7).

The National Strategy 2017–2026 and the Action Program 2024–2026 follow Article 3 of the Istanbul Convention and focus on the violence that

women and girls are subjected to because of their gender. A central premise is that greater attention needs to be directed towards the vulnerability of girls and young women to violence. The Action Program 2024–2026 covers all forms of physical, psychological, and sexual violence and threats of violence directed at women and girls. The fact that gender-based violence where the victim is not a woman or the perpetrator is not a man, for example in LGBTQI-relationships, is also addressed, does not mean that less effort is made to stop men’s violence against women.

B. Comprehensive and co-ordinated policies (Article 7)

16 .GREVIO strongly encourages the Swedish authorities to ensure that:

a. the existing policies in the area of violence against women sufficiently take into consideration the specific needs of women and girl victims exposed to intersectional discrimination, notably by:

ii) developing more targeted measures within the action plan addressing the protection needs of vulnerable groups such as women with disabilities;

Comment (2): The Swedish Government does not agree that measures taken do not consider the needs of particularly vulnerable groups. In government assignments aimed at preventing and combating men’s violence against women, vulnerable groups are often particularly highlighted and LGBTQI, children’s rights, and disability perspectives are incorporated. Additionally, the Government has given several authorities assignments that specifically address vulnerable groups, some of them will be briefly described here.

The Swedish Agency for Youth and Civil Society (MUCF) is tasked with developing and disseminating information initiatives and knowledge support with the aim of preventing young people from being exploited for sexual or pornographic purposes, being exposed to sexual violence, abuse, or violations both digitally and physically (S2023/03224). MUCF’s knowledge support and information initiatives can be aimed at professionals and volunteers who meet young people, with a particular focus on reaching young people who are in a risk group for being sexually exploited, such as young LGBTQI people, young people with disabilities and children and young people in community care. The support can be intended both to be exposed and to expose someone else. The final report on the assignment shall be submitted no later than 31 March 2028 (S2024/01109).

The Swedish Agency for Participation is tasked with developing support material to prevent exposure to violence among children and young people with intellectual, cognitive, or neuropsychiatric disabilities, among other things. The assignment shall be reported no later than 15 February 2025.

As stated in the report submitted by Sweden 2023, p. 16, the Swedish Gender Equality Agency is tasked with supporting initiatives which aim at young people who have been subjected to violence in close relationships. Exposure to violence in particularly vulnerable groups, such as young LGBTIQ people and young people with disabilities, shall be taken into account (A2023/01276).

The National Board of Health and Welfare has been tasked with reviewing quality indicators for sheltered housing and following up the activities of such homes at the national level, with a particular focus on the needs of children, victims of violence with disabilities and victims of violence in the context of honour related violence.

In May 2024, the Swedish Public Employment Service, the Swedish Social Insurance Agency, the Swedish Consumer Agency, the Swedish Migration Agency, the Swedish Pensions Agency, and the Swedish State Service Centre were tasked with compiling and disseminating information about economic violence to their target groups within their areas of activity. Attention shall particularly be paid to the needs of particularly vulnerable groups, such as victims of honour related violence, the elderly, people with disabilities and women with financial assistance. Digital dimensions of economic violence must be considered throughout. The assignment shall be submitted no later than 26 February 2026.

The Swedish Gender Equality Agency has been tasked with mapping knowledge among municipalities, regions, and authorities about exposure to violence among older people aged 65 and over and identifying knowledge gaps. Older people with vulnerability to violence must be considered, such as older people with substance abuse, dementia, with different types of disabilities and older LGBTIQ people. The assignment was reported on 15 September 2024.

In March 2024, the Government tasked the Swedish Gender Equality Agency to give a status report on men's violence against women, other forms of domestic violence, honour-based violence and oppression of

children and adults belonging to the national minorities in Sweden. As part of the assignment the Gender Equality Agency is to promote measures to combat the above-mentioned forms of violence. It shall furthermore focus on the exposure of the national minorities to honour-based violence and the exposure to violence of LGBTQI-people belonging to the national minorities. (Ku2024/00383).

The Ombudsman for Children was in June 2024 assigned to map and describe the experiences of children and youth while growing up, e.g. by interviewing children and young people who are deprived of their liberty or children and young people who are placed in community care. The purpose is to identify possible connections between children's and young people's upbringing and living conditions, for example in terms of exposure to or witnessing violence in close relationships, including honour-based violence and oppression, neglect, and neglect as well as risk of being involved and exploited in crime (S2024/01208)

iv) taking the necessary policy measures to prevent violence from occurring in youth homes, including, as a minimum, strengthening their supervision, raising staff awareness about gender-based violence and developing protocols to better identify victims and refer them to the needed support services;

Comment (3): The Government has tasked the National Board of Institutional Care (SiS) to report, analyse, and assess the outcomes of the measures implemented to ensure a safe environment for those in care as well as for the agency's staff. Within this framework, the agency shall specifically report, analyse, and assess the outcomes of the measures taken to prevent and counteract sexual abuse and improper relationships within the agency. The agency shall also undertake measures to, inter alia, enhance the opportunities for children to submit complaints to someone they are not dependent on. The need for children to contact SiS is a central aspect of the assignment, and therefore, the agency shall engage in dialogue with children and consider their opinions and experiences in the execution of the assignment. The Ombudsman for Children shall assist the agency in carrying out the assignment. SiS has also been tasked to develop the agency's standardization efforts, including methodological support, to ensure a legally secure and uniform application of the agency's special authorities (S2024/01627). Other relevant assignments that can be mentioned is the assignment to the Swedish Gender Equality Agency to map the current state of knowledge on the digital dimensions of men's violence against women,

violence in close relationships, honour-based violence and oppression, as well as prostitution and human trafficking. SiS is tasked to contribute to this work (A2024/00815).

The inquiry of the enforcement of children's rights submitted its report, "Enhanced Mechanisms for Children to Enforce Their Rights under the Convention on the Rights of the Child" (SOU 2023:40), to the government in August 2023. The inquiry suggests, inter alia, a pilot program involving non-profit organizations that provide services through independent child advocates. Based on the inquiry's recommendations, the government has proposed an initiative involving a pilot program with independent child advocates who work on behalf of individual children. The government intends to allocate 20 million SEK per year until 2028 for this purpose. Funds will be distributed through state grants to non-profit organizations.

17. GREVIO welcomes the comprehensive measures taken to combat serious forms of violence against women, including cases of violence in the name of so-called honour, and strongly encourages the Swedish authorities to ensure that a gendered understanding of these forms of violence is retained in policies and in their implementation, all the while ensuring that such policies do not result in the stigmatisation of certain migrant communities. (paragraph 17)

See comment 1 (Article 3).

C. Financial resources (Article 8)

22. GREVIO urges the Swedish authorities to ensure sustainable funding levels for women's rights organisations that run specialist support services for women victims of all forms of violence, including those providing much needed psycho-social counselling and trauma support to victims of sexual violence, with a view to developing sufficient competence to provide support in cases of digital manifestations of violence against women and to provide safe premises where there are more severe safety threats. Such suitable funding opportunities should be guaranteed through dedicated, long-term grants based on transparent and clear procurement procedures that give due weight to professional and technical experience, including a comprehensive understanding of violence against women as a gendered phenomenon. (paragraph 22)

Comment (4): As noted by GREVIO in the report, the high level of government funding for measures, activities, and research to prevent and combat violence against women has been increased. For the 2024 budget year, the government has allocated approximately 250 million SEK in several

regulations. Most organizations which received funds were explicitly aimed at girls and women.

However, it should be noted that the funds available for NGOs are to support activities of the organisations running the shelters and centres, but are not meant to fund the actual shelter running costs as this responsibility by law falls on the municipalities. Support activities that can be financed by the funds include counselling, practical assistance and legal advising etc. Organisations providing other support services than shelters can thus also apply and receive these funds.

As of April 1, 2024, new rules apply to sheltered accommodation, which are now a social service housing intervention according to the Social Services Act (prop. 2023/24:31). Children accompanying a guardian seeking protection in such accommodation must have their own needs assessed and met regarding i.a. support and assistance. A specially appointed social worker is responsible for the contact with the child or the youth, whose access to health care and school attendance has also been strengthened. Running a sheltered accommodation requires permission from the Social Care Inspectorate (IVO). The purpose of the reform is i.a. to increase access to needs-based sheltered accommodation of high quality throughout the country.

The government has assigned several national agencies to support NGOs and municipalities in implementing the reform. This includes assignments to the National Board of Health and Welfare, The County Administrative Board, The National Agency for Public Procurement, and the Swedish Social Insurance Agency. The National Agency for Public Procurement has been tasked to make a guideline and carry out training and advisory efforts for municipalities and actors in the idea-driven sector in order to facilitate the application of procurement rules when the municipalities acquire the sheltered housing service from such actors. The assignment must be finalized no later than March 31, 2025.

The government has allocated increased fundings to the municipalities, specifically to enable the increased requirements for sheltered accommodation that follow from the new regulations. The Government has also provided funds for quality-enhancing measures in non-profit sheltered housing, run by specialist women's rights NGOs.

D. Data collection (Article 11)

29. *While acknowledging the progress made since the baseline evaluation report, GREVIO strongly encourages the Swedish authorities to take measures to:*

c. ensure that the data are disaggregated by sex of both the victim and the perpetrator, the age, the relationship of the perpetrator to the victim and the geographical location, as well as other factors deemed relevant;

d. systematically collect information on the number of breaches of non-contact orders and the sanctions applied;

e. ensure the collection of data related to violence against women and domestic violence, disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location, in the healthcare sector and by social services and specialist support service providers, including those managed privately. Data collected by public and private healthcare providers should encompass all contact made by victims of violence against women with primary healthcare providers, including for experiences of violence beyond physical violence. (paragraph 29)

Comment (5): Regarding the fact that data on the sex of the perpetrator in cases of intimate-partner homicide is not made public (see also para 24 in the thematic evaluation report), the Government would like to underline that the reason for this is data confidentiality regulations including GDPR. Since it is extremely rare with female perpetrators in lethal intimate-partner violence, it would be too revealing to account for the extremely few cases where women are perpetrators. Consequently, the confidentiality regulations unfortunately also affect the reporting data on male perpetrators in lethal intimate-partner violence, since such an accounting would make it possible to calculate the number of female perpetrators based on the total number of cases. Regarding para 121 and disaggregated data on sexual harassment, disaggregated data is available, however not regarding one specific provision, since there are several provisions in the Swedish criminal code which cover behaviour that can constitute sexual harassment. The crime closest at hand when it comes to sexual harassment in the Swedish criminal code is "sexual molestation". Other crimes that may be relevant are unlawful harassment and (non-sexual) molestation. Data on these three crimes is disaggregated. Moreover, data on stalking (unlawful harassment) is disaggregated.

Regarding the collection of data on breaches of non-contact orders, the Government would like to clarify that, in general, such data is collected systematically by the Police authority in the sense that all reported crimes are

registered. However, the data categories do not specify for example if the breach was physical or digital or if the breach took place in the home (therefore, this specific type of data regarding non-contact orders is not collected).

In March 2023, the government of Sweden appointed a government inquiry to make review of our national regulation regarding health data registries and to investigate the possibility to increase the collecting of health data, to our national health data registries, such as collecting of health data from primary care. The conclusions of the inquiry were presented in September 2024 in a report named New regulations for health data register (SOU 2024:57). Focus for the inquiry has been health data in general and not specific data related to violence. The report has been sent for consultation as a part of our legislative process.

III. Analysis of the implementation of selected provisions in the priority areas in the fields of prevention, protection and prosecution

A. Prevention

2. Education (Article 14)

43. GREVIO urges the Swedish authorities to:

a. ensure that the compulsory school curriculum provides a comprehensive overview of the concept of violence against women by articulating the underpinning principles that all forms of violence against women share, and that it addresses all forms of violence against women, including domestic violence, stalking, FGM and digital forms of violence against women;

b. strengthen efforts to ensure the practical implementation of the requirement to impart knowledge on the elements listed in Article 14 of the Istanbul Convention;

Comment (7): As stated in the report submitted by Sweden 2023, pp. 29, the Swedish national curriculum states that intolerance, oppression, and violence such as (among other) sexism and honour-based violence and oppression should be prevented and addressed with knowledge and active efforts. Formulations about sexuality, gender equality, norms and identity are included in several syllabuses, and teachers in several subjects therefore share the responsibility for teaching in the area. Within this approach, various forms of violence against women are included.

The Public Health Agency and the National Agency for Education has been tasked with updating and, if necessary, supplementing age-appropriate support materials in the areas of sexuality, consent, and relationships for all school forms. The assignment is part of the government's work for gender equality and the strengthening of sexual and reproductive health and rights. Part of the assignment involves developing knowledge bases that enhance all students' access to information about sexual and reproductive rights. The goal is to create conditions for informed choices that counteract forced sexual acts and for young people to feel security and integrity in their own sexuality and sexual relationships. The knowledge base should also provide guidance on how schools can address challenges and issues that particularly affect students living in honour-based violence and oppression. The second part of the assignment focuses on knowledge about sexual risk exposure, such as online, digital violence, sexual exploitation in the form of child exploitation through the purchase of sexual acts, and sexual exploitation in the form of children being depicted in films or images that are distributed for pornographic or other purposes.

3. Training of professionals (Article 15)

54. In view of the persistent gaps in ensuring mandatory training of professionals whose contribution to a trust-based system of support, protection and justice is vital, GREVIO urges the Swedish authorities to:

a. introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention, including its digital dimensions, and on the cultural specificities of women belonging to vulnerable groups for all social services staff, law-enforcement agencies, judges, healthcare providers and teachers, supported by standardised protocols aimed at identifying, providing support to and further referring victims to other services;

Comment (9): As regards the Swedish courts, it should be acknowledged that these bodies are independent and autonomous in relation to the Parliament, the Government and other government agencies. This principle is stated in the Swedish Constitution and means that no other agency, or the Government, can decide how a court shall adjudicate in a specific case. A requirement for a judge to participate in certain training could be considered at odds with this principle of independence. Therefore, training of permanent judges is not mandatory. The Courts of Sweden Judicial Training Academy, which is independent from the Government and the Swedish National Courts Administration, is responsible for providing voluntary

training for judges, including what courses are offered and their content. The training program offered is very comprehensive and is based on an inventory of the need among the courts and judges. There is an awareness in the courts of the need for special knowledge and training on certain types of cases. This comment likewise applies to paragraph 9.

55. GREVIO further urges the Swedish authorities to ensure the mandatory training of judges presiding over cases involving custody and visitation on:

a. the negative effects that witnessing violence against women has on children, the importance that victims' safety has on children's ability to recover from trauma and the need to take such circumstances into account when reaching a decision and/or when promoting mediation or validating an agreement on mediation in such cases;

*b. the nature and dynamics of domestic violence, including the unequal power relations between the parties, as opposed to a mere conflictual relationship between spouses.
(paragraph 55)*

See comment 9 (same article).

4. Preventive intervention and treatment programmes (Article 16)

59. As regards the referral pathways to the different perpetrator programmes, all operate on a voluntary basis but can impact positively on decisions around early release from custody or can be one of the measures foreseen in the context of a probational sentence. It is entirely at the discretion of the court to propose such attendance, but it is not clear to what extent courts in practice order it. In addition to the above, GREVIO welcomes the running of the helpline "Choose to Stop", providing support to men who fear they may perpetrate intimate-partner violence and referring them to where they can seek professional help. It is currently run at the national level by the foundation Manscentrum, with the support of the NBHW."

Comment (10): It is correct that that the court, at its discretion, can issue provisions that the convicted person as part of a probation sentence should participate in a certain perpetrator programme. In practice, however, the main responsibility to issue, or if needed change, such provisions lie with the Swedish Prison and Probation Service. If the convicted person in a serious way breaches the conditions of the probation the court can remove the probation and determine a different sanction for the offence (for example a prison sentence).

10. While acknowledging the many steps taken to strengthen the provision of perpetrator programmes across the country, GREVIO strongly encourages the Swedish authorities to:

- a. develop common minimum standards for perpetrator programmes, in line with the principles of the Istanbul Convention, taking account of the need for a gender-sensitive approach and for perpetrators to examine and identify the patriarchal and misogynist nature of their values and attitudes, take full responsibility for their actions and modify their behaviour;*
- b. ensure that perpetrator programmes are widely attended, including by incorporating them into the criminal justice system as a tool to reduce recidivism;*
- c. ensure the external evaluation of all perpetrator programmes, in line with recognised best international practices and principles, in order to assess whether the programmes serve their intended preventive aims. (paragraph 60)*

B. Protection and support

1. General obligations (Article 18)

67. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Swedish authorities to adopt mechanisms of co-ordination and co-operation among the different governmental and non-governmental agencies that provide support and protection to victims of all forms of violence against women. In particular, it urges the Swedish authorities to:

- a. develop formal protocols detailing co-ordination measures to be taken by all agencies, entities and organisations providing support to victims of all forms of violence against women;*

Comment (11): In June 2024, the government tasked the Swedish Prison and Probation Service, the Police Authority, the National Board of Health and Welfare, and the Swedish Prosecution Authority with strengthening cooperation to prevent and combat men's violence against women, domestic violence, and honour-based violence and oppression, including cases involving children. The assignment aims to enhance operational collaboration among police, prosecutors, probation services, social services, and healthcare, partly based on findings from the National Board of Health and Welfare's injury and death investigations, which call for more active and coordinated actions against violence from these societal actors.

The authorities are to implement and, if necessary, develop methods to more effectively detect, prevent, and stop men's violence against women, domestic violence, and honour-based violence and oppression. Special focus is on perpetrators, particularly high-risk individuals and repeat offenders. The aim is to ensure that efforts from various authorities and societal actors who

come into contact with victims and/or perpetrators of violence are more synchronized and effective in individual cases where violent crimes have been committed or are at risk of being committed. The assignment also includes identifying potential obstacles to effective cooperation and proposing ways to overcome them. The Police Authority will coordinate the assignment and submit a comprehensive final report by October 15, 2026 (Ju2024/01453).

See also comment 15 (Article 22) and comment 23 (Article 51).

b. introduce multi-agency risk-assessment conferences (MARACs) to co-ordinate action on individual cases of violence against women;

c. ensure that protection and support services are made available as far as possible on the same premises;

d. ensure that any service provision is based on a gendered understanding of violence against women, aims at the empowerment of victims and avoids secondary victimisation.

Comment (12): In the action programme 2024–2026, one of the four special priority areas for development is an exit programme with measures for leaving destructive relationships. The programme prioritises measures for a coordinated support chain for victims of violence, strengthened rights for children in sheltered accommodation, strengthened opportunities for permanent housing, efforts to combat economic violence, increased opportunities for contact bans and support for victims of violence with protected personal data. In addition, the tenancy law protection for victims of violence will be strengthened.

The National Board of Health and Welfare has been tasked in 2024 with analyzing and proposing a coordinated support chain for individuals exposed to violence. This includes identifying which actors should be part of the support, which professional groups should be involved, and how the support can be tailored to the individual. The needs of vulnerable children, young people, and individuals who have been subjected to honour-based violence and oppression should be given special attention.

2. General support services (Article 20)

73. GREVIO strongly encourages the Swedish authorities to:

b. embed assistance with financial support, housing and employment support for women victims of domestic violence in the duty to provide support and assistance to victims of

violence against women, by establishing guidance and protocols as well as specific programmes. (paragraph 73)

See comment 12 (Article 18) and comment 15 (Article 22).

76. As regards access to healthcare for women victims of violence without health insurance, notably asylum-seeking women and women with an irregular migration status, under the law they are offered medical care “that cannot be deferred”. This includes, in addition to emergency care, all essential care that if postponed would lead to serious health conditions, including psychiatric care and treatment in cases of violence. While GREVIO welcomes the availability of such healthcare, it notes that this provision does not seem to be interpreted consistently by all healthcare providers, creating challenges to accessing psychiatric care, for example. Moreover, GREVIO notes with grave concern that the authorities have proposed to introduce a legal obligation for public-sector employees, including social services and certain healthcare staff, to report to the authorities migrants who are in an irregular situation. This was done in the context of a public inquiry launched by the authorities with a view to strengthening the enforcement of return decisions of persons without leave to remain in the country. Although the authorities have informed GREVIO that the inquiry acknowledges that certain situations may need to be exempted from such reporting obligations, pending the outcome of the inquiry, GREVIO underscores that, an obligation of this nature would discourage victims of violence against women from seeking protection and support from the authorities and would, thus, be at odds with the letter and spirit of the convention, including its Articles 4 and 18.

Comment (13): As communicated earlier the Government has decided on additional directives (dir. 2023:126) for a public inquiry concerning measures to strengthen the return process. The additional directives mean, among other things, that the inquiry will submit proposals for a regulation concerning an extended exchange of information between authorities with the aim of strengthening the work with enforcement of return decisions.

There are no such proposals as GREVIO describes. However, the public inquiry will present its proposals at the end of November after which an analysis of the proposals will be carried out. The Government is currently awaiting, and cannot anticipate, the results of the inquiry.

3. Specialist support services (Article 22)

88. GREVIO urges the Swedish authorities to take measures to:

a. increase the level of appropriate specialist shelter provision by closing the gaps in underserved municipalities in order to ensure safe accommodation for women victims of

violence irrespective of their residence status and place of residence, in particular by catering to the needs of Sami women;

b. ensure that all women victims of gender-based violence and their children have access to shelters and are offered the possibility to self-refer;

Comment (15): Since 1 April 2024, new rules apply for sheltered accommodations. The main objective of the new legislation regarding sheltered accommodation, is that women and children should receive assistance of good quality that meet their need for protection and support. According to new provisions in the Social Services Ordinance, it is e.g required that sheltered accommodations must be adequately staffed and suitable for children.

The government has allocated increased fundings to the municipalities, specifically to enable the fulfilment of the stricter requirements for sheltered accommodations. The Government has also provided funds for quality-enhancing measures in non-profit sheltered accommodation, run by specialist women's rights NGOs. However, it is important to emphasise that these state funds cannot be used for daily fees for sheltered accommodation, as sheltered accommodation is a municipal responsibility.

Since the Act on the Placement of Children in Sheltered Accommodations (2024:79) came into force on 1 April 2024, judgments from the administrative courts show that the courts apply low standards of proof and to a large extent make the same assessments as the social welfare committees. According to the preparatory work of the act, the risk assessment should be based on the assumption that if the guardian is considered to be in need of protection and is thus placed in a sheltered accommodation, the child will generally also be considered to be in need of protection (Government bill. 2023/24:31). However, the legislation is still new, and the Government continues to analyse how it is being applied by both the social welfare committees and the courts.

A woman who has been subjected to gender-based violence can in fact already self-refer to a sheltered accommodation in the acute phase. Investigation and decision regarding the sheltered accommodation can be carried out at the earliest possible time.

4. Support for victims of sexual violence (Article 25)

92. GREVIO strongly encourages the Swedish authorities to:

b. ensure that the obligation to share a forensic certificate with the police where a serious criminal offence has been committed is contingent, as far as possible, on the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities. (paragraph 92)

Comment (15): The Swedish authorities are obliged to investigate a crime, and, if there is enough evidence, Swedish prosecutors must prosecute offences falling within the domain of public prosecution to file a prosecution, regardless of the victim's willingness to participate in the investigation (Chapter 20 Section 6 of the Swedish Code of Judicial Procedure). Therefore, the National Board of Forensic Medicine can request access to medical records and a forensic certificate can be issued based on those records if a serious criminal offence has been committed, regardless the consent of the victim. This is considered to be an important tool when it comes to combatting violence against women and domestic violence. However, a forensic medical exam cannot be performed without the consent of the victim. A victim has access to medical care and rape victims are offered the use of rape kits, even if the victim does not want to report the crime to the police.

On the 10th of October 2024, the government assigned the National Board of Health and Welfare the task of supplementing the material in the report Enhanced protection against sexual violations (SOU 2021:43) in order to enable an expedient regulation of the health care's responsibility for forensic examinations after sexual offences. The National Board of Health and Welfare will report the mission on the 31st of May 2025.

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

104. GREVIO urges the Swedish authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children, including by:

a. systematically screening all pending cases on custody and visitation for instances of domestic violence, consulting with all relevant bodies, including on whether criminal proceedings are pending against the perpetrator or have been brought in the past, and

requesting the disclosure of risk assessments and safety plans drawn up by the police and social services (and other relevant bodies);

Comment (16): As described in last year’s state report (p. 29 f.), the Parental Code provides that courts, when deciding on custody and visitation rights, must ensure that matters concerning custody, residence or contact are adequately investigated. Before the court settles a case or matter involving custody, residence or access, the Social Welfare Committee shall be given an opportunity to supply information. The court also has the possibility to, and most often will, instruct the Social Welfare Committee to appoint someone to carry out a more in-depth investigation which is then submitted to and assessed by the courts. The Committee carrying out the investigation will have access to different registers, such as the criminal records of parents, and it should perform the necessary interviews and otherwise carry out further investigative measures that are deemed necessary. Information that is of relevance can and should be included in the report. The parents are also able to provide information they consider is necessary.

In Government legislative proposal ‘Safer Homes for Children, (legislative bill 2024/25:10) amendments to the Parental Code are proposed to strengthen the protection of children against violence and other abuses. For example, it shall be ensured that the child’s right to be protected from violence takes precedence over the child’s need for close and good contact with both parents. Another proposal is to introduce an obligation for the courts to obtain an expert opinion from a licensed psychologist if it is necessary to assess the risk of the child being harmed.

b. taking all appropriate measures to ensure that all relevant professionals, including social workers, members of the judiciary, court experts and child psychologists are aware of the lack of a scientific basis for so-called “parental alienation” and similar concepts and banning the use by courts of such concepts.

Comment (17): There are no legislative rules banning the use of “parental alienation” or similar concepts in Swedish courts. It is of course of utmost importance that children have a right to freely express their opinions, or perspectives, in matters of custody, residence and contact. Children must not be subjected to undue influence, pressured to indicate a certain will or opinion or deprived of the opportunity to speak. This follows from e.g. the UN Convention on the Rights of the Child. It is generally the social welfare

committees, usually a family law secretary, which meet the child and in practice bring the child's voice to court proceedings on custody and visitation rights.

c. ensuring that any voluntary mediation procedure carried out in the context of divorce and or custody and visitation proceedings incorporates safeguards to ensure the full and free consent of the victim and a risk-assessment procedure;

Comment (18): There are no mediation procedures when it comes to matters of divorce. Courts are also not bound by any agreements reached by parents in matters regarding custody, residence and contact but have to ensure that all such matters have the best interests of the child as their primary consideration in accordance with Chapter 6, Section 2 a, of the Parental Code. The risk of the child and other family members coming to harm is part of the assessment on matters regarding custody, residence, and contact. To the extent there is a risk that a child is harmed outside of such proceedings, the Social Welfare Committee has tools to enable it to provide appropriate care (Social Services Act).

d. providing safe premises where supervised visits can take place and measures to safeguard both the child's and victim's safety, along with a sufficient number of professionals trained in violence against women to accompany the supervised visits. (paragraph 104)

Comment (19): A decision that the child should have contact with a parent with whom the child does not reside with must always be made with the child's best interest in consideration as mentioned in the answer above. In the assessment of the child's best interest, the court shall pay particular attention to the risk of the child or anyone in the child's family coming to harm. The assessment shall be based on all the circumstances in the case and can result in there being no contact between the child and the parent. The Government has also proposed legislative amendments that concern the assessment that is to be made in this regard (Government legislative proposal 'Safer Homes for Children, legislative bill 2024/25:10).

In cases where there is a risk that a child is subjected to violence, the courts can decide that there should be no contact between the parties. If the court decides that there should be limited contact, such as supervised visits between the child and the parent, the court may decide that a person appointed by the social welfare committee shall assist in such contact ("visitation support", see Chapter 6, Section 15 c, of the Parental Code).

This might for example be the case when the child is worried or there is a conflict between the parents. Visitation support is limited in time and should not be used as a protection against harmful actions from the parent. In such cases the courts can decide that there should be no contact between the parties. According to the legislative preparatory works to the said provision, visitation support is not an option if the child cannot be assumed to be safe without such protection.

105. GREVIO encourages the Swedish authorities to strengthen children's rights in cases on custody and visitation by requiring their legal representation in these cases and ensuring they are heard. (paragraph 104)

Comment (19): According to Chapter 6, Section 2 b, of the Parental Code, the child shall be informed and given the opportunity to express his or her views in cases regarding custody, residence and contact. The child's views shall be given due weight in accordance with his or her age and maturity.

The court is responsible to ensure that the matter is adequately investigated. The court will most often request the Social Welfare Committee to provide a written report on the matter. The person carrying out the report must hear the child and present the child's views to the court. In exceptional cases, it may be inappropriate to talk to the child. The child's views must then be obtained to the extent possible by other means.

As regards the question of children having their own representation in custody disputes, there are many aspects to consider. The main concern however is that children should always be allowed to be heard in family matters that concern them and that their views are duly presented and taken into consideration in these cases.

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

109. GREVIO urges the Swedish authorities to ensure that any voluntary mediation procedure carried out in the context of divorce and/or custody and visitation proceedings incorporates safeguards to ensure the freely given and informed consent of the victim and a risk-assessment procedure. (paragraph 109)

Comment (20): As mentioned above, there are no mediation procedures when it comes to matters of divorce. Courts are also not bound by any agreements reached by parents in matters regarding custody, residence and contact and they have to ensure that all such matters have the best interests

of the child as their primary consideration in accordance with Chapter 6, Section 2 a of the Parental Code. The risk of the child and other family members coming to harm is part of the assessment on matters regarding custody, residence, and contact. To the extent there is a risk that a child is harmed outside of such proceedings, the Social Welfare Committee has tools to enable it to provide appropriate care (Social Services Act).

D. Investigation, prosecution, procedural law and protective measures

1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)

117. GREVIO strongly encourages the Swedish authorities to:

a. reinforce the capacity of the police to respond to and investigate all forms of violence against women, including digital manifestations of violence against women and domestic violence, in line with GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, by increasing the number of trained investigators beyond the specialist units;

Comment (21): In June 2024, the Swedish Gender Equality Agency was tasked with mapping the current state of knowledge on the digital dimensions of men's violence against women, domestic violence, honour-based violence and oppression, as well as prostitution and human trafficking. The agency is also to map ongoing or recently completed measures within the public sector, business, or civil society in this area. Furthermore, the Gender Equality Agency is to propose measures to increase competence and measures to reduce vulnerability to the digital dimensions of violence. At the same time, the county administrative boards were tasked with gathering knowledge about measures at the local and regional levels. The Gender Equality Agency is to gather knowledge from several other authorities, including the Crime Victim Compensation and Support Authority, the Swedish National Council for Crime Prevention, the Swedish Police Authority, and the Swedish Prosecution Authority.

123. GREVIO strongly encourages the Swedish authorities to redouble efforts to ensure that existing investigative guidelines on violence against women, prescribing, inter alia, the systematic recording of interviews with the victim, are systematically applied in practice. (paragraph 122)

Comment (22): It follows from Chapter 35, Section 15, of the Code of Judicial Procedure, which governs early interviews, that a statement made

before a law enforcement authority and documented by an audio and video recording may also be relied upon as evidence, where appropriate. The regulation of early interviews has been in force since 1 January 2022.

In 2023 the Government appointed an inquiry to examine how the use of early recorded interviews have worked in practice and analyse whether the reform has had the desired effect, and to assess whether the opportunities to rely upon early interviews before a law enforcement authority as evidence in court should be extended further. The report was submitted to the Ministry of Justice 28 June 2024. To ensure that more interviews during the preliminary investigation are documented by means of audio and video recordings, the inquiry proposes an amendment to Chapter 23, Section 21 b, of the Code of Judicial Procedure to specify that an interview should be documented by means of an audio recording or an audio and video recording if required in view of the nature of the offence, the expected significance of the statement and the personal circumstances of the interviewee. However, an interview does not need to be documented with an audio and video recording if technical reasons or other special circumstances indicate otherwise. The proposed amendment makes clear that, in general, interviews should be documented by means of an audio and video recording. The report has been referred for consideration to relevant bodies, and the proposals are being analysed and prepared within the Government Offices.

125. As regards the offences of gross violation of a woman's and child's integrity and rape more specifically, research nevertheless points to persisting low levels of convictions, despite the improvements brought about by the legislative reform. In particular, the following factors have been identified as contributing to attrition for cases of rape and domestic violence: the investigation by local police officers without the necessary experience;¹⁰⁸ the insufficient number of law-enforcement staff trained on violence against women, which in turn leads to high processing times for investigations and negatively impacts the ability to secure evidence; the prioritisation by the serious crimes unit/ other units of other violent crimes; the lack of use/ application of agreed guidelines and checklists; and lack of recording of interviews. In addition, for the offence of violation of a woman's integrity, other factors were identified, such as the requirement, in practice, for an assault to have taken place to secure a conviction.

Comment (23): The 2022 study referred in footnote 111 concerns gross violation of integrity, and repeated assault is in practice required for conviction.

2. Risk assessment and risk management (Article 51)

136. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Swedish authorities to take legislative or other measures to ensure that risk assessment and management are systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention, using standardised, evidence based risk- assessment tools in a co-ordinated manner and involving all relevant stakeholders beyond law- enforcement authorities and social services. It further strongly encourages the Swedish authorities to:

a. ensure that risk assessments are systematically carried out for the victims' children and take into account any threat made directly to them;

Comment (24): The best interests of the child shall be a primary consideration in all matters relating to custody, residence, and access. Before a court decides on a case or matter concerning custody, residence or access, the court must give the social welfare committee the opportunity to provide information. The court may also, if necessary, instruct the social welfare committee to carry out an investigation, known as a custody, residence, and contact investigation. As a rule, the social welfare committee must give both children and parents the opportunity to express their views in such an investigation. The purpose of the social welfare committee's investigation is to provide the court with a basis for assessing what is in the best interests of the child in the matter that the court has to decide on.

The social welfare committee is obliged to carry out a risk assessment in its custody, residence and access investigation. The risk assessment concerns the risk of the child or someone else in the family being subjected to abuse, being unlawfully removed or detained, or otherwise suffering harm.

In June 2024, the Family Law and Parental Support Authority and the National Board of Health and Welfare were tasked with strengthening the support for the social services' work with cases and questions regarding custody, residence and contact of the child as well as risk assessments regarding the risk that the child or someone else in the family will be exposed to abuse, that the child will be wrongfully removed or detained or will otherwise be harmed. The government agencies are to i.a. disseminate and make available standardised assessment methods to support such risk assessments to the social services (S2024/01210).

In the report ‘Safer Homes for Children,’ it is stated that the Swedish National Courts Administration should consider the need to implement a training initiative for judges regarding risk assessments in family cases, based on the investigation’s proposal for a new wording of Chapter 6, Section 2a of the Parental Code. In the legislative proposal with the same name (prop. 2024/25:10), the government notes that such training initiatives for judges, focusing on the risk assessment that needs to be conducted in family cases when information about violence or other circumstances that may harm a child has emerged, can be managed within the framework of the National Courts Administration’s course offerings and future course development.

3. Emergency barring orders (Article 52)

138. “[...] GREVIO had equally found that the issue of non-contact orders on the joint home required an application by the victim, instead of being ordered *ex officio*, as foreseen by Article 5, paragraph 2, of the convention. Equally, children were generally not included in any bans on contact and, despite the option to make a separate application for a child by a legal guardian, the threshold applied for its issue was considered too high for GREVIO. [...]”

139. “GREVIO welcomes the inquiry launched by the government following the publication of the GREVIO baseline evaluation report to assess whether amendments to the non-contact order should be made to comply with GREVIO’s findings, as well as a second inquiry launched in July 2022 that also looked into this issue. The first resulted in a number of amendments that entered into force in January 2022, which made one of the conditions for issuing a non-contact order for the joint home (and extended non-contact orders) slightly less stringent and increased the sanctions for breaches of non-contact orders to a term of imprisonment of up to one year, removing the option of a fine. The second inquiry has made a number of promising proposals, including the requirement for the police to appoint a contact person for both the victim and the perpetrator to ensure a better enforcement of non-contact orders and clarifying that non-contact orders can be issued to prohibit a perpetrator from digitally tracking the victim. Consideration of these proposals is currently pending.”

144. “On a different point, while the authorities have informed GREVIO that the newly introduced criminal provision on violation of a child’s integrity will increase the likelihood of the child being considered as in need of protection when his/her mother is a victim of intimate-partner violence, the law continues not to require children to be automatically included in non-contact orders on the joint home and a separate application by a legal guardian must be made. [...]”

Comment (25) (to 138 and 144): Issues concerning non-contact orders are examined by the public prosecutor and are taken up at the request of the person whom the non-contact order is intended to protect or when there is otherwise reason to do so (Section 7 of the Non-Contact Orders Act). This can, for example, be the case when the victim abstains from applying for a non-contact order out of fear. It is therefore incorrect that an application must be made by the victim. Also, the Inquiry has suggested that it should be possible for a District Court to, under certain circumstances, appoint a special representative for a child in non-contact order cases (see comments below to article 53).

Comment (26) (to 139): The maximum term of imprisonment for a breach of a non-contact order which is electronically monitored is two years. The maximum term of imprisonment for other breaches is one year. Minor breaches are punishable by a fine.

A person who is prohibited under a non-contact order and who intentionally or through gross negligence impedes electronic monitoring of the non-contact order is sentenced to a fine or imprisonment of up to one year. The Inquiry has proposed that cases where the prohibited person acts with intent should instead be punishable by imprisonment of up to one year. The Inquiry has also suggested that the provision should be amended to include situations where the prohibited person handles the monitoring equipment in a way that is liable to obstruct monitoring.

Moreover, the Inquiry has proposed that all non-minor breaches of extended non-contact orders and specially extended non-contact orders should carry a maximum sentence of two years of imprisonment.

145: "GREVIO was informed by the authorities that statistics on the number of breaches of non-contact orders on the joint home and on the sanctions applied are not collected systematically by the police. Moreover, the statistics that were made available did not provide a breakdown of the number of breaches per type of non-contact order, nor did they specify the applied sanctions, allowing no conclusions to be drawn with regard to the level of enforcement by the authorities in cases of breaches of non-contact orders on the joint home. GREVIO notes with concern that reports indicate that the current sanctions for breach of a non-contact order are insufficient to serve as a deterrent and that the sanctioning of such violations are not prioritised by the authorities."

Comment (27): Regarding collection of data of breaches of non-contact orders, see comment 5 regarding data collection (Article 11). As for sanctions for violations of non-contact orders, please see the comment 26 to paragraph 139.

146. Recalling the findings made by GREVIO in its baseline evaluation report, GREVIO urges the Swedish authorities to take legislative or other measures to ensure that:

a. non-contact orders for the joint home are issued swiftly with immediate effect, pending the approval of the competent court, in situations of immediate danger, without lengthy proceedings or high evidentiary requirements, and that they are extended to children in need of protection with a view to ensuring their safety in their own home (paragraph 146);

Comment (28): To ensure that the legal framework governing non-contact orders meets the interest of providing protection for victims the Government appointed an Inquiry to review the legal framework (primarily the Non-Contact Order Act) and to evaluate whether the possibilities for issuing non-contact orders should be extended.

According to the Inquiry's report, there are not sufficient grounds for the introduction of a special regulation that enables the removal of a suspected perpetrator from a joint residence in the event of immediate danger (interim decision). The Inquiry agrees with the previous assessments that the Swedish system, in relation to Article 52 of the Istanbul Convention, must be seen as a whole, in which the provisions on remand, detention and arrest, constitutes a complement to the Non-Contact Orders Act. According to the report, the Swedish system therefore offers sufficient opportunities to remove a suspected perpetrator from a joint residence. Furthermore, according to the Inquiry, it is not likely that interim non-contact orders would shorten the time from application to such a decision to any appreciable extent.

b. they carry out effective monitoring of compliance with all types of non-contact orders and enforce sanctions for any breaches of these orders. (paragraph 146)

Comment (29): Electronic monitoring of non-contact orders is possible for non-contact orders which include a ban on staying in a certain place or places (extended non-contact orders) or a larger geographical area (specially extended non-contact-orders). Electronic monitoring is, as a main rule,

required for specially extended non-contact orders or if the prohibited person previously has breached a non-contact order.

As regards electronic monitoring of non-contact orders, the Inquiry has concluded that electronic monitoring should not be mandatory in the case of non-contact orders issued due to more serious crimes in close relationships. The Inquiry states that electronic surveillance constitutes a significant encroachment on personal integrity. A provision for mandatory monitoring would mean that the circumstances of the individual case could not be considered. According to the Inquiry, this cannot be considered compatible with fundamental procedural safeguards. The current regulation – in combination with a proposed possibility to issue specially extended non-contact orders as a first-line measure – is considered to provide sufficient opportunities to issue a non-contact order with conditions for electronic surveillance.

Furthermore, the Inquiry has suggested that the conditions for combining a non-contact order with other protective measures should be improved, for example by ensuring that the Social Welfare Board is always notified when a non-contact order is imposed. The Police Authority should also be obligated to carry out an individual protection assessment and to appoint a contact person for both the protected person and the person prohibited by the non-contact order.

4. Restraining or protection orders (Article 53)

150. GREVIO strongly encourages the Swedish authorities to ensure that:

a. no gap in the protection of the victim arises between the expiry of any non-contact order on the joint home and the imposition of another non-contact order;

Comment (30): The Police Authority's guidelines on non-contact orders state that an evaluation of an existing non-contact order always should be made before it expires, and that the appointed contact person within the Police Authority together with the victim should take a position on whether there are grounds to apply for an extension of the non-contact order. The Swedish Prosecution Authority's guidelines on non-contact orders state that applications should be handled so that examination can take place in good time before the previous non-contact order expires. To the Government's knowledge, there are very few or no cases of gaps arising between non-contact orders due to negligence on the part of the authorities.

b. children can be included in the same non-contact order as their mothers, in cases where the children are direct victims or have witnessed the violence;

Comment (31): If circumstances emerge that a child needs protection, a non-contact order may be issued in respect of the child. An individual assessment is made. As a result of the introduction of the penalty provision regarding violation of a child's integrity (a child who is forced to witness certain crimes between close relatives are considered victims of crime without having been subjected to direct violence or threats) it is possible that children to an even greater extent than before will be considered to be in need of protection in the form of a non-contact order.

Under certain circumstances, the District Court may appoint a special representative for a child that has been a victim of certain crimes. This is, for example, used when a guardian is suspected of committing a crime against his or her child. The Inquiry has suggested that there should be a possibility to appoint a special representative in similar situations where a non-contact order may be issued in respect of a child, in order to ensure that the child's interests are taken into account.

c. non-contact orders can be issued with respect to digital forms of violence against women;

Comment (32): Swedish legislation is technology neutral. For example, a non-contact order may be based on a risk of harassment or threats through digital means. When a non-contact order is issued, digital contacts are also considered violations of an order. Therefore, non-contact orders can already be issued with respect to digital forms of violence against women.