

Report/Notes to GREVIO, Council of Europe
March 2018, for the review of Sweden

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A list of some concerns to discuss considering adherence of Sweden to the Istanbul Convention:

1. Lack of domestic-violence-specific expertise and trained psychological services in Sweden's local and regional health care services in the North of Sweden
2. Refusal of courts to provide or assist in official translations of court documents in domestic violence cases for non-Swedish speakers parties to the case, including to victims
3. Lack of non-conditional legal counseling for victims prior to reporting and impediments to civil remedies
4. Complete lack of resources (projects, programs, helplines, shelters, etc) and awareness campaigns, trainings, etc in the Sami society regarding domestic violence
5. Active negligence of the Sami Parliament in Sweden to formally work on the issue of domestic violence in Sapmi (Sami society) in Sweden
6. Police waiting time to investigate/contact victim in domestic reporting (example: 6 months) and minimizing, falsifying and negligence of victim voice in reporting and documentation
7. Corruption in the judicial system between police, appointed lawyers, judges, and falsification of records in judgments and decisions
8. Downgrading of victim autonomy and self-determination, creating further victimization (treated as 'tabula rasa')
9. Women-on-women oppression in efforts re victims' voices as central
10. Prejudices against immigration women, i.e. non-Swedish ethnicity and non-"national minority" (see also Constitution Article 25)
11. Minorities only legally in context of "national minority" creates system and social biases and divisions and hierarchies re who is oppressed and who has rights, and who exists as minority in Sweden
12. Media silencing (Sami media funded under Swedish State media umbrella; Media Authority)
13. Lack of disaggregated data to know rates of domestic violence in Sami society (Sami and non-Sami), immigrant lives in Sweden, and other groups
14. Non-addressing of root causes (access to work, equality re diversity ie non-discrimination, voice...) and refusal of intersectionality
15. Lack of proportionate consideration of domestic abuse and violence in custody cases and mediations
16. Lack of information provided to victims by police, lawyers and other authorities and services

Attachments:

- Media Authority Decision denying victim's right to voice in domestic violence case coverage, 2017 (decision omitted from public website and records by the Media Authority)
- IOSDE UN CEDAW submission re Sweden, 2016
- Director Statement to UN CEDAW re review of Sweden in-session, 2016
- India Reed Bowers report written for the Sami Parliament in Sweden to the UN Special Rapporteur on Indigenous Issues, 2015 (See section "Women")
- IOSDE UN CAT submission re Sweden, 2014
- Highest Appeals Court Decision- rejection re request to change lawyer in domestic violence case, 2015

¹ Sweden sorely lacks civil society presence, as well as general resources regarding implementation of human rights and community-based initiatives, in the North of Sweden, a region Swedish Government policy usually paints as a vast landscape of rural harvesting potential for mining, wind power, and other profiteering processes. However, the North, including the rural and small-town North, of Sweden is also the location of the majority of Sami society, ie Sapmi, in Sweden (connecting to Sapmi in Norway, Finland and Russia), and the location of housing for a large number of refugees and many asylum seekers.

Introduction

One must wonder and question why, with such a polished exterior to the world regarding gender equality, human rights, and welfare for all, the Swedish State in fact contains, in living real time, comprehensive, intertwined, mass violations and negligence within its own ranks, people and systems, including within the scope of domestic violence, sexual harassment and unusually limited self-determination rights and diversity of all women residing in Sweden, especially as oppressed and/or victims.

As IOSDE's director myself, both a silenced domestic violence victim (as an immigrant Sapmi/Sweden) and human rights expert, even I have been sidelined and suppressed by all possible resources, systems and persons regarding domestic violence and speaking out about my story, determining my own path to remedy and analyses, as well as analysis and application from a view of self-determined expertise. This is dually troubling not only for these facts themselves and that they have yet to reach the public, years later, but because the violence I endured was the direct result of and reaction to my speaking out about women's rights and issues to my abuser in the face of his discrimination towards me as both a woman and a 'love immigrant', following suit of the treatment, roles and expectations of his surrounding Sami society in Sweden, as a leading Sami politician, supported by a party of nearly all women politicians, and as a leader in the society in general, who continues to benefit from the full support of many women in the society as a leader, despite known domestic violence. The situation of oppressive patriarchy and supporting women to the patriarchies therein is not foreign to any world governance or society. For this reason, following both my own victimization and my expertise in human rights, I now take the position that true equality, for all persons, means, by default, both ability to be the oppressor, as well as, in turn, necessary accountability and adherence to all human rights norms for all persons.

What I would like to highlight, then, in part, is that currently to-date the Sami Parliament and Swedish Government (branches, agencies, etc) enjoy a reciprocal and mutually-bound relationship as dual and funded governances of the Swedish State and Swedish Government, whilst neither have been held accountable for the negligence of domestic violence services in the Sami society in Sweden or the Sami Parliament's responsibilities to safeguard the rights of women therein or otherwise.

Moreover, the precarious situation of immigrant women, and in particular 'love immigrant' women as unrecognized minorities (not considered 'national minorities'), among other issues (and regardless of background, as one can understand that the author of this report is an American woman of predominantly European heritage, and still faced oppressions in Sweden and Sapmi that placed her at-risk as dependent on her "host" man), are crucial to understanding root causes of domestic violence in Sweden (and Sapmi).

Lastly, one cannot overlook the importance of intersectionality, despite Sweden's refusal of the notion, for example, to UN CEDAW in its review of Sweden in 2016; intersectionality points us to some of the most vulnerable and at-risk persons in a society on the whole.

Of utmost concern is not only the fact the Sweden maintains hidden (un-obtained) data and discriminatory practices and lacking resources in combatting domestic violence, but also that, as a norm, it has come to my attention in my own case reviews that system records in Sweden are not documented in accordance with what victims have stated-court decisions, authorities decisions, police and court records, court-appointed lawyers, and even "expert" mainstream majority-Swedish academics with large grants and fund to research the unfamiliar 'other', all practice in grand omissions of facts, issues, arguments, points, evidence and circumstances, among other things, narrated by victims – omissions performed to, once again, create whatever outcome narrative the system professional strives for. Sweden's data on domestic violence (or otherwise) means nothing when obtained from police, court, authority and otherwise records and professional researchers, if the procedures and processes applied to document, cite, record the facts, circumstances and narratives originally at hand omit so much information that the outcomes are biased to the point of virtually no real effect justice or knowledge systems at all, other than for majority and status-quo appearances. *This must be researched-* Sweden's data collection regarding violations of women cannot depend on authorities' records as primary data for the state of domestic violence in Sweden, either on a whole or in sub-set(s).

This report is meant to compliment and bring to light previous reports and papers/documents submitted to other entities both by IOSDE and myself, the author (India Reed Bowers), and/or resulting from such. These documents are attached

to (i.e. submitted with) this report, and provide a bulk of the information. Some attachments are in Swedish, however, rest assured that even I, whom the victim the documents concern as either the victim or the complainant, have never had more than my own use of Google Translate to read them, so I welcome GREVIO to try doing the same!

1. Lack of domestic-violence-specific expertise and trained psychological services in Sweden’s local and regional health care services in the North of Sweden

Istanbul Articles 19, 20, 22, 23, 24, 25, 26. There are few-to-no psychological counseling services specifically-trained with expertise in domestic violence, in Sweden- at least not in the North of Sweden, where IOSDE is based. This is true even in the context of women’s access to shelters and other organizations in the region and available psychological counseling services. The Swedish Government funds the Swedish healthcare system, which includes a handful of general therapists in the North, each one covering several local areas with their services, but no domestic violence therapy specialists or expertise. When I asked one main shelter in the Jamtland region, for example, if such services (a psychologist or social worker, etc, trained specifically in domestic violence in the city) were available in the major city it is located in, the straight answer was no, and that at the hospital there are general social workers, the shelter provided general group therapy talk sessions with all of the shelter inhabitants together, but that no such thing as a therapist specific to domestic violence existed in the region.

Similarly, no legal advising services were available unless the victim was to immediately go to the police to file a report after 30 minutes of speaking with a designated lawyer for free, and that the victim must attend the police with that lawyer.

These examples of lack of professional services severely degrade a victim’s potential for recovery via regaining or gaining of autonomy and self-determination as well as empowerment therein in making her own informed decisions based on her own circumstances and needs. The assumption is, also, that said systems she is, in turn, forced into by design, are pure and uncorrupted as well as a one-size-fits-all solution for all women/victims and situations.

2. Refusal of courts to provide or assist in official translations of court documents in domestic violence cases for non-Swedish speakers parties to the case, including to victims

This can be elaborated on in discussion with example of a judge personally calling a victim (who was seeking official translation or help to obtain as such therein) to casually translate a negative case decision, while threatening the victim that, since all judgements are in Swedish, no one is going to come looking to help the victim, “not even the UN”.

3. Lack of non-conditional legal counseling for victims prior to reporting and impediments to civil remedies

Istanbul Article 29.1 (Civil Lawsuits and remedies). In Sweden it is nearly impossible and unheard of for victims of any kind to file civil lawsuits. This is due to the fact that whichever party loses must in turn pay all legal fees of both sides to the lawsuit, and this is not something victimized parties can usually afford, especially domestic violence victims.² See also *IOSDE report to CEDAW 2016*, concerning lack of access to legal counsel to become informed, unless reporting to police immediately thereafter.

² Countering *Sweden’s report to GREVIO*:

“C. Civil remedies: A victim of a criminal offence may make a claim for compensation against the perpetrator for personal injuries (psychological or physical), loss of or damage to property or violation of personal integrity. The victim may choose to make the claim during criminal proceedings or in civil law proceedings. In the event of death of the victim, remedies are accessible also to the descendants. A victim may take civil law action against state authorities for damages, i.a. based on the provisions in the Tort Liability Act on state liability due to error or negligence while exercising public authority. Claims for damages can also be submitted to the Chancellor of Justice. The Equality Ombudsman is to supervise compliance with the Discrimination Act and may bring a case on discrimination to court on behalf on an individual. The court can decide that the natural or legal person who violates the prohibitions of discrimination shall pay compensation to the victim.” (p. 55)

4. Complete lack of resources (projects, programs, helplines, shelters, etc) and awareness campaigns, trainings, etc in the Sami society regarding domestic violence

See number 5. of this report.

5. Active negligence of the Sami Parliament in Sweden to formally work on the issue of domestic violence in Sapmi (Sami society) in Sweden

At the 2016 UN CEDAW review of Sweden, during the formal CEDAW-Sweden session, the representatives of Sweden (none being Sami or from the Swedish Sami Parliament) responded to CEDAW's questions regarding the Sami Parliament's that the Sami Parliament does as it wishes.³ In one move, Sweden therefore relinquished all responsibility of both itself and its governance branch in Sapmi in Sweden, the Sami Parliament in Sweden, both Sami women and women living in domestic relationships and/or working in Sami society in Sweden, including those who have encountered domestic violence, rape, or sexual harassment, among any other violence, or their rights.

Istanbul Articles 19 and 20. Sami women and all women (especially 'love immigrant' women in Sami relationships) living in relationships in Sami society, in general, have nowhere to reach out to that is Sami or Sami-society specific. There are no hotlines, no shelters, no groups, no services specifically for people living in Sami society and facing issues of domestic violence. There are no awareness projects, no community-based information distribution initiatives, basically... there is nothing. However, the Sami Parliament has received funds from the Swedish Government at large, both as an elected representative Parliament for the Sami society in Sweden and as a branch of the Swedish Government via the Sami Parliament's Administrative Office serving the Sami society and the Swedish Government alike, under the Swedish Ministry of Cultural Affairs, to implement Sweden's gender equality initiative, which, according to Sweden in its formal outputs and reviews, has included in a 4-pronged mission,⁴ ending domestic violence. Given that it is no secret that domestic violence rates can be higher in Sami society than in majority society,⁵ and the noted situation of patriarchal Sami society and also 'strong women' who somehow, at the same time, are not raising such issues, it is a deep negligence and discrimination for Sweden and any reviewing bodies to overlook the Sami Parliament's obligations concerning domestic violence in Sami society (against non-Sami or Sami women or men, children, etc).

The Swedish State and the Sami Parliament in Sweden: both are of the Swedish State

The Sami Parliament in Sweden is fully funded by the Government of Sweden and is both an elected Parliament for the Sami society in Sweden and a branch agency of the Swedish Government (under the Swedish Ministry of Cultural Affairs). The question of accountability of the Sami Parliament for resources, projects and programs addressing domestic violence, sexual harassment, and other forms of violence, abuse and violence against women in Sami society

³ See the video archives of the UN CEDAW review of Sweden, February 2016. The author of this report can provide this material upon request.

⁴ "The purpose of the Government's gender equality policy is to counter and change systems that conserve the distribution of power and resources between the sexes. The objective of gender equality policy is for women and men to have the same power to shape society and their own lives. On this basis the Government works towards 4 subsidiary objectives: [...] • Men's violence against women has to stop. Women and men, girls and boys, are to have the same right to and opportunities for physical integrity." CEDAW/C/SWE/8-9 Para. 4.

⁵ "45% of the Sami women in Norway who responded to a survey stated that they had been subjected to violence and abuse against 29.6 per cent of the ethnic Norwegian respondents. The 15 March 2006 Report on Sweden to the Human Rights Council by Special Rapporteur on Violence Against Women, its Causes and Consequences, Yakin Ertürk, criticized Sweden for not having paid attention to violence against Sami women. The report pointed out that Sami women avoid Swedish women's shelters because they lack knowledge on the Sami community and then they are alien to the Sami women. The Swedish Government established an action plan in 2007 that claimed to take into account special needs of women in different minority groups may have, but did not mention anything specific about Sami women's Rights as Indigenous women or special needs therein for women in general living in a relationship in Sápmi. Such lack of resources further silences the stark reality of domestic violence, gender inequality and needs for counseling services and historical and current justice in Sápmi in Sweden. The situation for Sami women and women in Sápmi and domestic violence is compounded by a lack in Sweden of disaggregated statistical data." Preparatory Report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, <https://www.sametinget.se/92639>

in Sweden is crucial to take on both for critical civil society and monitoring and reviewing bodies and the Swedish Government and Sami Parliaments and Sami people themselves.

The Bill that created the relationship of the Sami Parliament in Sweden via the Swedish Government is here: https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/om-samerna-och-samisk-kultur-mm_GG0332 and here: <http://data.riksdagen.se/dokument/GG0332>. While the Bill can be seen as an act of the Swedish Government, and therefore not of the Sami society at the time in full self-determination, the Sami Parliament in Sweden nonetheless continues to operate, with funding from the State as well as voting by the Sami people (who are approved by the Sami elections board to vote) of the politicians into the Sami Parliament. As of yet, no formal action to dismantle the Sami Parliament by the Sami people at large, as a non-representative governing body, has been underway, and the Sami Parliament in Sweden continues to enjoy the bounties of the Swedish State without legal accountability to its own people in the form of a parallel justice system or reporting to human rights monitoring treaty bodies that Sweden reports to. Given the nature of the creation of the Sami Parliament, then, one must also look to its own published words delineating its own purpose, which, in fact, do not stray from the purpose delineated in the Bill and corresponding Act of the Swedish State that formed it.

The Sami Parliament in Sweden (Sametinget in Swedish, Sámediggi in one Sami language), at the same time, utilizes its website to communicate to the world its positions and status therein, as an Indigenous government striving in the direction always of self-determination: <https://www.sametinget.se/>; these pages provide their intro version of the Parliament, <https://www.sametinget.se/english> and <https://www.sametinget.se/9688> and also <https://www.sametinget.se/9690> - as one can see, "The Sami Parliament is both a publically-elected parliament and a State agency. The tasks of the Parliament are regulated by the Swedish Sami Parliament Act. It is at the main office officials carry out the daily tasks of the agency and there is a political level with publically-elected politicians." And, "The Parliament as a State agency serves directly under the Swedish Ministry of Cultural Affairs." (among other things) and also:

"The main task of the Sami Parliament is to act for a living Sami culture. Sami culture includes even activities pertaining to Sami livelihoods. This means that the Sami Parliament can bring up and present proposals concerning all of the different questions that are of particular interest when it comes to a living Sami culture. The tasks are regulated in the Sami Parliament Act, where it is stated that the Sami Parliament shall:

- [...]
- Decide on the distribution of the State grants and of funds from Samefonden (the Sami Foundation) for Sami culture and Sami organizations as well as other funds that are placed at the Sami's joint disposition,
- Appoint that board for Sameskolan (the Sami School), as referred to in the Swedish Education Act,
- [...]
- Contribute to society planning and see to that the needs of the Sami are considered [...],
- Inform about the situation of the Sami, as well as
- Carry out the other tasks that are the affairs of the Sami Parliament according to law or another statute."

The Sami Parliament, as an agency of the Swedish Government, received funds to implement the Swedish Government's gender equality initiative, which, according to Sweden in its report in 2016 to UN CEDAW, included as one of its four prongs working against domestic violence- however, the Sami Parliament in Sweden opted to exclude domestic violence from their implementation/use of the funds at the time.⁶ It can be argued that, technically, the Sami Parliament should account for its application of Sweden's gender equality initiative and domestic violence within that to GREVIO and other treaty bodies Sweden is beholden to, given that the Sami Parliament fully enjoys all funding for its operations from the Swedish Government, both for its Parliamentary elected body and its office/agency as a branch of the Swedish Government. Moreover, Sweden should at a minimum report including Sami Parliament initiatives, therein, and/or funded by the Swedish Government, and if those funds, as the Swedish Government puts forward, are in fact utilized towards combatting domestic violence in Sapmi in Sweden.

Sami Parliament in Sweden accountability as a governance of the Swedish State re Sapmi in Sweden can be seen, for

⁶ See Sami Parliament in Sweden's gender equality initiative and question the Sami Parliament for more information regarding its efforts re domestic violence and sexual harassment in Sapmi in Sweden.

example, to be covered by *Istanbul Article 29.2*⁷ (were civil remedies adequately available to persons in Sweden- see section 3. of this report regarding civil remedies and impediments therein) and *Istanbul Article 5 - State obligations and due diligence*, as well as *Article 7(1-3)*⁸ – *Comprehensive and co-ordinated policies*, and *Article 8*⁹.

Istanbul Articles 40 and 46. Moreover, IOSDE has received confidential communications that The Sami Parliament has internally ignored victims' mention of sexual harassment, in which both victim and perpetrator are either connected to the Sami Parliament, or the perpetrator is, including both politician and staff.

These and other factors render Sweden's report to GREVIO also faulty in that it is negligent by omission concerning the Sami Parliament in Sweden, Sami society/people/women, and the upholding of standards regarding domestic violence, sexual harassment and other violence against women both in Sami society, of Sami men and women (against Sami or non-Sami persons), and even within the Sami Parliament itself and via non-adherence of the Sami Parliament to the human rights norms its parent State and benefactor are reporting on.¹⁰

6. Police waiting time to investigate/contact victim in domestic reporting (example: 6 months) and minimizing, falsifying and negligence of victim voice in reporting and documentation¹¹

⁷ "adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers."

⁸ (1) Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women; (2) Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations; (3) Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations. (author's emphasis)

⁹ "Financial resources: Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention"

¹⁰ For example, the following then is an untrue statement by the *Government of Sweden to GREVIO*:

"The conducts psychological and physical violence as defined in Articles 33 and 35 are criminalised through the following provisions. The most central provisions in this regard can be found in Chapter 3 on Offences against Life and Health in the Penal Code, for example Chapter 3, Section 5 on assault and Section 6 on gross assault and exceptionally gross assault. A person who inflicts bodily injury, illness (including mental illness or other severe forms of psychological stress) or pain upon another, or renders him or her powerless or in a similar situation, shall according to its Section 5 be sentenced for assault. Assault can also be committed by an omission. The offence may, according to Section 6, be considered gross or exceptionally gross." (p. 59);

and, "A fundamental basis for these provisions is the respect for each person's absolute right to sexual integrity and sexual autonomy. The lack of consent is fundamental in cases concerning rape or sexual coercion where the violence, intimidation or coercion that has occurred can be said to serve as proof that the sexual intercourse was not voluntary. The conducts are covered by several provisions in Chapter 6, for example section 1 on rape, Section 2 on sexual coercion and section 3 on sexual exploitation of a person in a position of dependency. [...] The purpose of this legislation is to further strengthen and clarify the absolute right of every individual to personal and sexual integrity and sexual self- determination." (p. 59);

and, "...More cases of sexual exploitation will be assessed as rape because the term "helpless state" is being replaced by the term "particularly vulnerable situation". In addition, the term "serious fear" has been added to the list of examples given in the text of the law. This will serve to ensure that situations in which a victim responds passively to an attack are covered by the crime of rape." (p. 60);

and, "G. Legislation against sexual harassment: The most central provision in this regard is the Penal Code provision on sexual molestation (Chapter 6, Section 10). Sexual harassments, as defined in Article 40, could also be punishable under the Penal Code provisions on molestation (Chapter 4, Section 7), defamation (Chapter 5, Section 1) and insulting behaviour (Chapter 5, Section 3). A Committee of Inquiry has proposed that the criminal law protection of the personal privacy should be strengthened and modernized in several ways, e.g. by modernising the provisions for molestation, defamation and insulting behaviour and by introducing a new penalty provision on unlawful violation of privacy (SOU 2016:7). The new provision is to apply to violations of privacy by spreading, i.a., images or other information about someone's sex life or naked body. The proposals are currently being considered by the Government Offices. A bill proposing revised legislation has been presented to the Parliament in September 2017. Sexual harassment according to the Discrimination Act (2008:567) chapter 1 § 4 is a conduct of a sexual nature that violates someone's dignity." (p. 63);

and, "H. Aiding or abetting: Punishment as provided for the acts in the Penal Code shall be imposed not only on the person who committed the act but also on anyone who furthered it by advice or deed (Chapter 23, Section 4). The same also applies to any other act punishable with imprisonment under another Law or statutory instrument." (p. 63)"

¹¹ Countering *Sweden to GREVIO*:

Case to be discussed.

What does it mean when a victim/alleged victim is not contacted for several months after a report of serious domestic violence? In my own case, upon third-party reporting, I was not contacted by the police, as a domestic violence victim, for 6 months. I and IOSDE has received communications that long waits are not unheard of. More research needs to be done in this regard.

IOSDE has received reports that victims have been asked on initial contact by investigators about information obtained from third parties of previous accusations of abuse in other (sexual) relationships, putting into question at the start of police contact the validity of the victim's claims of domestic violence based on personally-shared information with 3rd parties regarding previous experience with it, including in other countries not Sweden. *Istanbul Article 54 – Investigations and evidence*, "Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary." Negating of violations of 3rd parties who report to or work in the system of the judicial/legal and/or police procedures that undermine victim authority of her own narrative are also a problem. Story(ies) to be discussed concerning third-party reporting to police and other system actors: issues regarding *Istanbul Articles 27, 28, 46* (reporting) and covering up of multiple violators (see reporting, etc).

Victims are themselves treated as tabula rasa, and are not given this option unless such entities are already of the pre-established list of services and expertise known to the systems in question. The victim is not given room to put forward requests, notions, situations or other needs or facts unfamiliar to the status quo establishment, putting all non-majority women at further risk of double victimization and loss of access to remedy, healing or change of at-risk status. *Istanbul Article 55 – Ex parte and ex officio proceedings*, "(2) Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention." Yet, victims request for specific support unknown to the status quo and mainstream culture as viewed as ignorant and by default trumped by the superior and in-tact Swedish system.

7. Corruption in the judicial system between police, appointed lawyers, judges, and falsification of records in

"There are also general rules on the determination of punishment applicable to all crimes. When assessing the penal value of any crime, consideration shall be given to the damage, wrong or danger caused by the criminal act. It shall also be considered whether the criminal act has implicated a serious offense towards the life, health or security of another person (Chapter 29, Section 1 paragraph 2 of the Penal Code). All the relevant circumstances shall thus be regarded when establishing the penal value of a crime." (p. 65);

and, "Nevertheless, there are some aggravating circumstances, mentioned in Chapter 29, Section 2 of the Penal Code, which may be given special attention when assessing the penal value of a crime. For example, if a case has involved endangering of a victim's life, this may be considered under paragraph 2, according to which special consideration shall be given to the fact that the defendant has shown great ruthlessness. Moreover, according to paragraph 3, special consideration shall be given to the fact that the defendant has taken advantage of another person's vulnerable situation or that person's special difficulty to protect him or herself. Under paragraph 4, it is possible to consider if the defendant has taken advantage of his/her own position or misused a special confidence." (p. 65-66);

and, "A. Measures to ensure an appropriate response from law enforcement agencies: When a police report is filed, or investigation starts, threat and risk assessments are made. Based on these assessments, decisions are made on what actions should be taken in the individual case to ensure protection of and assistance to the victim. There are different degrees of protection depending on the kind of threats involved. [...] B. Risk assessment procedures: As outlined under sections 4B1 and 4B2 the National Board of Health and Welfare (SoS) has specific provisions on violence within intimate relationships, Chapter 5, Section 1 (SOSFS 2014:4). In order to establish an injured party's need for special safeguards during a preliminary investigation and a trial, the police shall make an individual assessment as soon as possible. The assessment shall take into account in particular the seriousness of the crime and the victim's personal circumstances. An injured party under the age of 18 should always be considered to have a particular protection requirement (Förundersökningskungörelsen Section 13 f)." (p. 72);

and, "D. Restraining or protection orders – legal framework: The fundamental objective of the Non-Contact Order Act (lagen [1988:688] om kontaktförbud) [...] During an investigation, the injured party shall as soon as possible get information about the right to obtain a protection order." (p. 73-74).

judgments and decisions

To be discussed in person. Sample/examples attached, need context and explanation.

8. Downgrading of victim autonomy and self-determination, creating further victimization (treated as ‘tabula rasa’)

Domestic violence victims’ claims and help-seeking behaviors to other authorities like arbetsformedlingen (unemployment agency- government), akassa (unemployment union- private), or even asking to see a doctor for domestic violence and sick leave (no visit allowed unless “cuts and bruises”), go denied and undocumented. Victims are in general treated as women who cannot make their own decisions within reason, have new ideas to what they need, or assert themselves to the authorities to seek help in ways suitable to their situations.

9. Women-on-women oppression in efforts re victims’ voices as central

Considerations again of victims as ‘tabula rasa’ for the gain of dominant players, and that gender equality also means having the power to victimize others, even as dominant women. To be discussed in-person re Sami society and female reproductions of and deference to male-dominance patriarchy. See also *IOSDE to CEDAW* re diversifying positions in Sweden on pornography with consideration of consensual participation.

10. Prejudices against immigration women i.e. non-Swedish ethnicity and non-“national minority” (see also Constitution Article 25)

and 11. Minorities only legally in context of “national minority” creates system and social biases and divisions and hierarchies re who is oppressed and who has rights, and who exists as minority in Sweden

See IOSDE’s report to CEDAW re Sweden, 2016.

*Istanbul Article 4, Fundamental rights, equality and non-discrimination.*¹²

12. Media silencing (Sami media funded under Swedish State media umbrella; Media Authority)¹³

¹² “(2) Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by: embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle; prohibiting discrimination against women, including through the use of sanctions, where appropriate; abolishing laws and practices which discriminate against women. (3) The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.” (author’s emphasis)

¹³ Countering *Sweden’s report to GREVIO*:

“G. The private sector and the media: The media sector in Sweden is granted independence in relation to the Government by the constitutional law. A fundamental part of the Swedish media policy is to provide for public service broadcasting with high quality and high integrity that functions as an important influence and bench mark for other actors within the media sector. Democratic values and the fundamental ideas of the Swedish society, such as the principle of equality and the freedom and dignity of individuals, are deep-rooted within the Swedish society and also in the Swedish media sector. The remit of the public service broadcasters includes a requirement that all broadcasting activities should be conducted based on a gender equality and diversity perspective. For suppliers of media services including TV- broadcasts, on-demand TV or teletext, it is explicitly regulated in the Radio and Television broadcasting Act (2010:696) that programme activity in its entirety must be characterised by the principle of equality and the freedom and dignity of individuals (5 c 1 §). [...] The Swedish Broadcasting Commission monitors the compliance of these provisions. There have been some rulings of interest in this context. In 2011 for example, the Commission found that a reality show portrayed both women and men in a harmful stereotyping manner.” (p. 37-38);

and, “[Media] H. Self-regulatory standards: There are self-regulating ethical rules for press, radio and TV which have been agreed upon by the major stakeholders in the media sector such as the Swedish union of Journalists, the Swedish Media Publishers Association and the Swedish Magazine Publishers. The public service broadcasters have also agreed internally to follow the self-regulatory rules. The rules emphasise the importance of a correct and all-round news service. Another key principle is that ethical

See attachment: *Decision from Media Authority* (author's own submission); *to be discussed*.

13. Lack of disaggregated data to know rates of domestic violence in Sami society (Sami and non-Sami), immigrant lives in Sweden, and other groups

Large gaps in statistics and deeper information regarding domestic violence, such as the absence of ethnically/racially/foreign-national disaggregated data,¹⁴ root causes, and population surveys. *Istanbul Art. 11*¹⁵

14. Non-addressing of root causes (access to work, equality re diversity ie non-discrimination, voice...) and refusal of intersectionality

Of the utmost importance for immigrant, minority and Indigenous women alike in combatting at-risk conditions for domestic violence is to not only make women equal and on equal footing before the law, but in access to fair work and recognition for work, own voice, and control and ownership over own work and issues. When Swedish funds are given to mainstream-established ethnic Swedish researchers with little-to-no previous exposure to or familiarity with the group/society/issues therein, instead of Sami/immigrant/minority researchers and Sami/immigrant/minority organizations and other intersectional groups and persons living within the societies/groups in question, dominance oppressions that put immigrant/Indigenous/minority women at-risk in the first place are not only repeated, but further reinforced, further displacing and putting at-risk the women and others on the fringes. Women who are not of the dominant majority must have access to narrating and acting as own expertise (or selecting own expertise), analysts and program and solutions builders. Currently, Sweden continues to more often than not to fund and claim as experts on minority, Sami and immigrant issues mainstream-established ethnic Swedish professionals (academics, organizations and otherwise) and not persons from the communities and victimizations themselves and/or intersectional groups and persons directly relating to and connecting to the violations and community(ies). This favoring back to a Swedish ethnic norm and networks in a State that houses diversity actively further displaces, disempowers and steals economy, recognition, reward and opportunity from at-risk women, for the narrative and gain of the dominant majority.

background, gender, nationality, profession, political affiliation, religion or sexual orientation of a person should not be exposed if it is not of particular importance to the context. Individuals feeling disadvantaged by published material can – if within the broadcaster's responsibility according to the Fundamental Law on Freedom of Expression and the Freedom of the Press Act file a complaint to the Press Ombudsman (PO) and cases can be referred to the Press Council (PON). PO and PON are independent self-disciplinary bodies established by the main organisations of the press. The media in general report on serious cases which have been assessed as non-compliant with the self-regulatory rules. Media also report on societal efforts in these areas and critically review them." (p. 38-39).

¹⁴ "Since World War II, statistical data in Sweden collected by the State has not been collected or categorized by ethnicity, in accordance with Swedish policy. Due the horrendous race-based politics of the European Nazi regime leading up to World War II and also Sweden's own shameful eugenics and race biology programs of the time, the Swedish State put a ban on all data collection and statistics based on ethnicity after WWII, something now criticized by the UN Committee Against Torture (CAT) in review of Sweden. CAT criticizes Sweden for the reason that without such data there is no way for the CAT Committee and others to analyze Sweden's adherence to the CAT treaty in difference ethnic contexts within Sweden, in addition to Sweden not having the knowledge it needs to know what changes and services are required by its populations. This lack has deep effects on statistics regarding domestic violence rates [...] It also means no statistics-provable grounds for need for legal redress or systems changes, even under urgent conditions and situations of neglect [...] lack of data also leaves women who are from other ethnic and non-majority circumstances in Sweden with a lack of possible opportunity to discuss any common issues regarding rates of domestic violence with Sami women in Sweden and for the women to create solidarity [as neglected women within the Swedish State across cultural and national origin lines]. The lack of such data and the resulting silence of the State on such issues also prevents situations of intersectionality (issues crossing through multiple spheres of oppression at the same time, such as minority/Indigenous/immigrant) and problem-solving regarding State policies therein to further address larger issues of structural State and societal discriminations." Preparatory Report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, B.A. LL.M., <https://www.sametinget.se/92639> p. 25.

¹⁵ Art. 11(1)(a) disaggregated, (b) root causes and effects, (2) Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

Sweden has also stated that it does not apply intersectionality in its policies¹⁶ - thereby completely eradicating analyses, reporting and responsibilities regarding intersection lives and circumstances putting certain women at greater risk than others in Swedish society, such as immigrant women in relationships in Sapmi in Sweden, Sami women in relationships with Swedish or immigrant men, and LGBT women in any of the same circumstances. While Sweden claims to have overcome its past relationships, for example, with the ethos of the Nazi era, race biology, racial segregation and ‘purity’, xenophobic nationalism, and other such anti-intersectional and anti-diversity views and mindsets, not only has the recognized recent-years’ upswing return of Nazi-sympathizing and anti-immigrant sentiments in Sweden been a sign of what truly had always existed under the shiny veneer of the State since bygone eras, on the ground, but also the fact the Sweden refuses intersectionality most terrifyingly points to a continued notion of policy apartheid and negligence towards actual diversity and diversity of needs, solutions, documentations and responsibilities and ownership(s), in real time, of all women in Sweden. Unfortunately, by design (of the Swedish State), the same applies for the Sami Parliament in Sweden. The two governances go hand-in-hand, as one act, and notions of unaccountability and racial purity negating intersectionality in both societies and governances put all non-majority women in Sweden further divided and further at-risk.

See also attachment *IOSDE CAT and CEDAW submissions re Sweden*.

15. Lack of proportionate consideration of domestic abuse and violence in custody cases and mediations

Sweden to GREVIO: “Sweden does not collect specific data on the reasons for decisions regarding custody, place of residence or visitation rights.” (p. 58)

IOSDE has received confidential reports from victims that courts have overlooked the abuse of the father towards the mother in custody cases and mediations. IOSDE also has received communications that the court-appointed lawyers are commonly known among women facing custody battles to be inadequate, and many women feel they must chose to either have inadequate legal representation or go into massive debt to hire private legal representation to combat the system’s refusal to address the abuse of their ex male partners in the considerations. *Istanbul Articles 31 (custody) and 45*.

16. Lack of information provided to victims by police, lawyers and other authorities and services

Sweden to GREVIO:

“Victim-offender mediation in Sweden is regulated by the Mediation Act (lag [2002:445] om medling med anledning av brott). Participation in mediation is always voluntary for both parties.” (p. 67) *and*:

“I. Measures of protection: Sweden has implemented Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (Govt. Bill 2014/15:77). The purpose of the Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. The Directive covers all victims of crime. In order to fulfil the requirements in the Directive already existing sections has been amended or new sections have been inserted in the Public Notice on Preliminary Investigations (1947:948) in 2015. The injured party shall as soon as possible get information that the prosecutor under certain circumstances can represent him or her in claiming criminal injuries compensation, and about the possibilities to get compensation through the Criminal Injuries Compensation Act. If relevant, information shall also be given on the rules regarding the right to a counsel for an injured party and the right to obtain a restraining order.

The injured party shall receive information on:

- the protective measures available,
- opportunities for alternative accommodation,
- the authorities, organizations and others who can provide care,
- the possibility of mediation,
- the contacts needed to obtain information about their case,
- the proceedings of the case and what role he or she will have in it,

¹⁶ See Sweden to CEDAW in-session during review 2016 (author of this report has video clip available and can provide it).

- the right to interpretation and translation,
- the right to compensation for costs associated with the suspension of hearings and meetings,
- where the injured party can turn with complaints concerning the investigation of the case, and
- that he or she upon request can get information on the investigation of the case from the police, the prosecutor or the court, if it can be done without detriment to the investigation.” (p. 76)

Author of this report: In a high-profile domestic violence situation/case involving a politician as alleged perpetrator, I, as the victim in the case (‘plaintiff’ despite not having filed), received none of the information above when contacted by the police after a third-party filing (of ill intentions to cover up their own crimes in the matter), or from forced the court-appointed lawyer, despite repeating stating that I wanted to be informed of the laws, my rights and my options as well as the systems at hand, as well as having initiated an alternative process to include the third party to address their engagement in the root causes. Nor did I receive any of this information throughout the investigation when I had many complaints, both formally and informally communicated, regarding the situation as well as the handling of the case. *Further study is needed to know if the information above is in fact provided to victims and if so with what frequency and depth.*

A handwritten signature in black ink, consisting of a stylized 'I' followed by a dot and a stylized 'R'.

India Reed Bowers, B.A. LL.M.
Founder and Director
International Organization for Self-Determination and Equality (IOSDE)