



**The Swedish Government's implementation of the Istanbul Convention in the first thematic evaluation round on "Building trust by delivering support, protection and justice".**

**Shadow Report by Victim Support Sweden, 2023.**

**To GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence), Council of Europe.**

**"I don't dare to go to school if my dad and mom are fighting. What if my mom isn't there when I come home?"**

**Girl, 8 years.**

**Heléne Carlsson**

Director Against Domestic Violence

Victim Support Sweden

[helene.carlsson@boj.se](mailto:helene.carlsson@boj.se)

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### **References**

## **Introduction**

### **Background**

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, commonly known as the Istanbul Convention, was opened for signature by Member States in 2011. Sweden signed and ratified the Istanbul Convention in 2014.

The Council of Europe's expert group GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence), monitors how well Member States that have ratified the Istanbul Convention are adhering to it. A first report on how Sweden implemented the Istanbul Convention, covering all articles, was submitted to GREVIO by the Swedish Government in 2017. Some civil society organisations also submitted reports to GREVIO, known as shadow reports, detailing how civil society views Sweden's compliance with the convention.

These reports were then analyzed by GREVIO, resulting in a questionnaire from GREVIO to the Swedish Government, focusing on specifically chosen themes that GREVIO wanted a more in-depth report on and the measures the Government has taken since the first report in 2017. The Swedish Government submitted its report with responses to GREVIO on October 26, 2023. Before the Government's report was submitted, authorities, municipalities, regions and civil society organisations, including Victim Support Sweden, were invited to roundtable discussions to provide input on the Government's report.

GREVIO has, once again, invited civil society to submit shadow reports to highlight their perspective on how well Sweden complies with the Istanbul Convention. Victim Support Sweden is one of these civil society organisations invited to submit a shadow report. The shadow report follows the same structure as the Istanbul Convention and only addresses the articles where GREVIO has requested more detailed responses from the Government.

### **Presentation of Victim Support Sweden**

Victim Support Sweden is a non-partisan and non-religious organisation rooted in the United Nations' conventions on human rights. It consists of approximately 60 local victim support services. Victim Support Sweden provides emotional support and information to all victims of crime, witnesses and their relatives, regardless of gender or gender identity, sexual orientation, age, religion, culture or disability. Support is offered throughout the legal process, and it is provided free of charge, regardless of whether or not the crime is reported to the Police.

The local victim support organisations offer support services throughout Sweden, and they are present in 51 out of the country's 54

courts. In addition, our National Helpline has been assigned the European helpline number for victim support, 116 006, where initial support is provided before, if needed, the person is referred to the nearest local victim support organisation for further assistance. Support is also available in approximately 30 languages including sign language.

Victim Support Sweden is Sweden's member in the European network for victim support organisations, Victim Support Europe, where we are also part of the Executive Board.

## **Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence**

### **Article 7: Comprehensive and co-ordinated policies**

The Swedish Government has developed a ten-year *National Strategy to prevent and combat men's violence against women and honour-related violence and oppression*, covering the years 2017-2026. It serves as a framework for the Government's work and various governmental assignments given to different agencies. Additional goals are continuously developed within the National Strategy, first for 2017-2020, then for 2021-2023, and now the Government is developing goals for 2024-2026.

*The National Strategy to prevent and combat men's violence against women and honour-related violence and oppression* is based on the sixth of the Government's gender equality policy subgoals, which are as follows:

1. *Equal distribution of power and influence*
2. *Economic equality*
3. *Gender-equal education*
4. *Equal distribution of unpaid home and care work*
5. *Gender-equal health*
6. *Men's violence against women must cease*

There is currently an investigation, based on a Government assignment, to analyze and propose a more inclusive goal formulation for the sixth gender equality policy subgoal "*Men's violence against women must cease*", where violence i LGBTQI relationships, women's violence against men, sexual violence and exploitation in prostitution and human trafficking for sexual purposes should also be included. Victim Support Sweden believes that a more inclusive goal formulation is needed and has proposed the umbrella term "intimate partner violence" with a subsequent listing of the concepts encompassed by the term to avoid uncertainty and ensure the inclusion of all affected parties.

The assignment also includes analysing and assessing whether a specific gender equality policy subgoal should be introduced to prevent and combat honor-related violence and oppression, as well as proposing any subsequent demands for legislative changes to implement the new goal. Since both the expressions of violence, perpetrators and support interventions differ in honour-related violence and oppression and intimate relationship violence, Victim Support Sweden believes that a specific gender equality policy subgoal for honour-related violence and oppression should be introduced. Subsequently, various laws should be updated to use gender-neutral

formulations to encompass all crime victims, regardless of gender or gender identity.

To reconnect with the Istanbul Convention, Victim Support Sweden acknowledges the Government's work on the national policy to combat all forms of the violence as specified by the Istanbul Convention, as evidenced by the above strategies and subgoals. However, there is a lack of preventive focus. Significant efforts are needed, particularly in preschool age for children and their parents in cases where parenting is deficient. Investments are required to ensure that all children complete school with satisfactory grades and also have a solid foundation regarding relationships and responsibility. This work is the responsibility of municipalities, but they lack the means to work with preventative action. Therefore, the Government needs to allocate long-term additional funds to municipalities for them to fulfill their mission.

The implementation of the Government's strategies and goals also fall short when authorities, municipalities and regions are to implement these in their operations. There is often a lack of resources, both in terms of funding and expertise. Victim Support Sweden believes there is still no equal access to support services for victims of violence. Instead, access to support will depend on where in Sweden the victim lives. Civil society is often overlooked by both authorities, municipalities and regions, despite civil society organisations providing a significant portion of support to victims of violence. To establish a more equal access to support, both collaboration and financial resources are required.

### **Article 8: Funding**

Considering the limited economic resources, the focus needs to be on the target group, not on organisations. A significant portion of the funds is earmarked specifically for women's shelters, where other organisations providing support to individuals exposed to intimate partner violence, honour-related violence and oppression, as well as children and young people who have witnessed and experienced domestic violence, cannot apply for these funds simply because they do not identify as women's shelters. When funds are differentiated in this way, it results in certain victims of violence being discriminated against and not receiving equitable support. The Government has not been able to provide any adequate explanation for why the allocation of funds is structured in this manner.

Another significant problem in 2023 is that at the beginning of the year an unexpected announcement from the Government stated that this year's development funds for intimate partner violence to municipalities and regions was withheld. Development funds have been available since 2007, and there were no indications from the Government that the funds would cease until the beginning of the year. If this had been communicated earlier, municipalities and regions could have better prepared themselves. Now, planned training sessions and

services within the field of domestic violence had to be immediately interrupted. Victim Support Sweden is deeply concerned about the situation, as municipalities within both social services and care, as well as in healthcare need increased expertise in intimate partner violence and especially honour-related violence and oppression. Competence in intimate partner violence is often lacking in care services, such as in nursing homes and accommodations for persons with disabilities. Overall, competence regarding particularly vulnerable groups, such as victims of violence with disabilities, violence in the intimate relationships of the elderly and violence in the intimate relationships of young people, is low.

### **Article 11: Data collection and research**

Victim Support Sweden wants to highlight the need for comprehensive statistics on intimate partner violence, which is not met by relying solely on the statistics provided by the Swedish Crime Prevention Council (called BRÅ) on reported crimes. Many individuals exposed to intimate partner violence or honour-related violence and oppression may not want to or are afraid to report the crime to the Police and may instead find it easier to turn to low-threshold organisations such as victim support, women's shelters, and other non-profit organisations. As such, they would not appear in the national statistics from the Swedish Crime Prevention Council on reported crime. To implement adequate support measures and allocate resources effectively, more knowledge is needed about the extent of the issue including unreported crime. Municipal actors such as social services, domestic violence centers and domestic violence teams should be able to document statistics on the number of individuals exposed to intimate partner violence seeking support from them. Most non-profit support organisations already do this. All statistics from municipal and non-profit activities should be forwarded to an entity that compiles the statistics, preferably the National Centre for Knowledge on Men's Violence Against Women (NCK) or the National Board of Social Affairs and Health.

## **Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution**

### **Article 12: General obligations**

In its report to GREVIO, the Swedish Government mentions the establishment of the National Center against Honor-Related Violence and Oppression (called NCH), which Victim Support Sweden viewed very positively and we have greatly benefited from their experience and expertise.

Victim Support Sweden has reacted with strong concern to the information that reached us regarding the termination of employment contracts for NCH staff from September 1, 2023.

Over the years, the staff at NCH, residing throughout the country, has been carefully selected based on their competence and experience in working with honour-related matters. They represent the best expertise in Sweden on the subject of honour-related violence and oppression.

It is of utmost importance to have personnel with both knowledge of what honour-related violence and oppression entail and experience in handling honour-related cases. In civil society, social services, schools, as well as healthcare, honour-related cases are considered "rare cases" that do not occur frequently enough for the competence to be maintained among the staff. NCH has played a crucial role in containing knowledge as they continuously work with honour-related cases, maintaining their existing expertise and experience, staying updated on legislative changes in the field.

Moreover, individuals subjected to honour-related violence and oppression often have less trust in authorities and find it easier to seek support from low-threshold organisations such as Victim Support Sweden. NCH has played a vital role in providing facts, information and advice to our local victim support organisations and to anyone in society who has come into contact with individuals subjected to honour-related violence and oppression. Therefore, we are concerned that the previous staff has been largely replaced by new personnel without the experience and expertise of the previous staff.

The Government also mentions the work of the Swedish Gender Equality Agency in its report to GREVIO. Several Government assignments have been given to the Swedish Gender Equality Agency, resulting in many excellent reports that Victim Support Sweden has found very useful both in supporting victims of violence and in our advocacy work for the rights of victims in discussions with decision-makers and politicians.



In 2018, a new sexual offence legislation was introduced in Sweden, also known as the Consent Act. In broad terms, it states that any sexual activity not preceded by consent is a crime. This legislation has emphasised the importance of mutual consent, leading to partially changed norms among young people, where there is now greater awareness that a clear "yes" is required for it not to be a criminal act. Here, the Swedish Crime Victim Authority has created a useful website, [www.frivilligtsex.se](http://www.frivilligtsex.se), specifically designed for young people, along with materials for use in schools. Victim Support Sweden appreciates both the new legislation and the materials created by the Crime Victim Authority. Often, when Victim Support Sweden encounters young people who are victims of intimate partner violence, neither the victim nor the perpetrator are aware that it is actually a criminal act. In such cases, it is helpful to refer young people to the website [www.frivilligtsex.se](http://www.frivilligtsex.se) to clarify whether they have been subjected to or subjected others to non-consensual acts.

In 2021, a specific offence, "violation of a child's integrity", was introduced, making it a crime to expose a child to witnessing sexual violence or other forms of domestic violence between parents or other close family members. This offence has focused on children and young people who witness and are exposed to domestic violence, resulting in improved documentation of the child's experiences by the Police and social services. The new law also means that the child is considered a direct victim of crime with the right to compensation. Victim Support Sweden feels that this clarifies for the child that what they have been subjected to is not acceptable and that the child, to some extent, receives restitution, even if the psychological traces of the violent experiences remain.

#### **Article 14: Education**

Victim Support Sweden welcomes the change in the curriculum implemented in 2022, where the subject "Sex and Relationships" was expanded to "Sexuality, Consent and Relationships", now including the Consent Act and student discussions on education about gender identity, sexuality, relationships and power structures around gender, including honour-related violence and oppression.

However, Victim Support Sweden is concerned about the low competence among teachers in these subjects, especially concerning honour-related violence and oppression. There is also widespread fear among many teachers (and others in society) to address honour-related issues for fear of being labelled as racists. Furthermore, there is a lack of quality assurance and evaluation of the subject.

#### **Article 15: Training of professionals**

A significant milestone was reached in 2018 when it became mandatory to include intimate partner violence in university curriculums for doctors, psychologists, nurses, physiotherapists, dentists, dental nurses, lawyers and social workers. However, Victim

Support Sweden is critical of the fact that it is still not mandatory in training programs for teachers, educators and several other relevant professional qualifications.

As mentioned earlier, more training is needed in social services and healthcare regarding both intimate partner violence and honour-related violence and oppression, as well as in dentistry, schools, preschools and within the courts. Particularly neglected is the competence regarding honour-related violence and oppression and other vulnerable groups, such as victims of violence with disabilities, violence in the elderly's intimate relationships and violence in the intimate relationships of young people.

### **Article 16: Preventive intervention and treatment programmes**

Victim Support Sweden provides support to crime victims, witnesses and relatives, not offenders. However, we believe it is important not to medicalise criminal acts of violence. Perpetrating violence is not a disease that can be treated; rather, it involves learning alternative behaviors. This includes acquiring impulse control, reflecting before lashing out violently, and breaking a destructive behavioral pattern to adopt a more adaptive verbal behavior, expressing emotions through words rather than violence.

### **Article 18: General obligations**

The judiciary and the police require more education on how cognitive disabilities affect participants in legal proceedings. For example, a person with ADHD may struggle to stay focused for extended periods, so short breaks during legal proceedings may help maintain a fair process where the individual can follow and comprehend what is said during the trial. This is also relevant to police interrogations. A person with any form of autism may need to visit the courtroom before the trial to see the environment and receive clear information about what will happen, reducing anxiety about being in a new environment without established routines.

Knowledge about economic abuse, including its structures, prevalence and consequences needs improvement within social services, police and the judiciary. Economic abuse is rarely addressed in trials, despite being a significant part of overall violence and having serious consequences for the victim. Many times, it is the primary reason the victim stays in an abusive relationship, as there are no financial means to secure independent housing. Social services often refrain from providing financial assistance as long as the parties are married to each other due to spousal support obligations. Economic abuse needs to be clarified in the initial investigation and addressed in court.

There is a gap between the Police and social services concerning support for individuals subjected to intimate partner violence and honour-related violence and oppression. Closer collaboration and cooperation is needed than what is typically in place today. Victims

often require assistance in retrieving personal belongings such as ID documentation, clothes and children's toys from their residence. In such cases, the Police should accompany the victim, but there is neither time for it nor does it fall within the remit and responsibility of the Police. The Police believes it is the responsibility of social services, but social services are neither allowed nor equipped to perform such tasks, partly due to a potential threat from the perpetrator.

In 2021, a collaborative project between the Police and social services called IGOR was initiated in Stockholm. Here, the Police and social services created a joint working group, engaging in preventive and outreach work with both victims and perpetrators through motivational interviews to encourage them to seek help. There has been continuity, allowing victims and perpetrators to talk to the same person throughout the motivational process, which has been a success factor. The Police in the collaborative group have accompanied victims home to retrieve personal belongings, provided transportation to forensic medicine to document injuries, driven victims to and from court proceedings and assisted in accessing protected accommodations. This is precisely the kind of collaboration that works in practice and aligns with the recommendations of the National Board of Health and Welfare's death investigations. Their investigations, looking into the circumstances surrounding suspicious deaths, show that in most cases, at least one authority was aware of the victim's exposure to violence before the victim was killed. If there had been effective collaboration, the person might be alive today. The IGOR project has also been evaluated by researchers from Marie Cederschiöld's University College, demonstrating positive results<sup>1</sup>. However, in the fall of 2023, the Police in Stockholm announced that the IGOR project would be concluded and integrated into regular operations. Unfortunately, this has not happened; instead the IGOR group has been disbanded and staff members have been given new positions, resulting in the loss and dispersion of their knowledge and experience from the IGOR project. Victim Support Sweden views with great sadness the termination of a much-needed and well-functioning project.

The shortage of police officers and the need for a better and more efficient police organisation means that police work is insufficient. Additionally, resources from police work on intimate partner violence are redirected to combat gang-related crime and protect relatives to gang members who are exposed to threats.

## **Article 20: General support services**

In the Swedish National Housing Market Survey for 2023, 180 out of the country's 290 municipalities report a shortage of housing, with 80% of Sweden's population residing in these municipalities facing a housing crisis. This makes it challenging for victims of violence to move away from the perpetrator. It also means that many victims are forced to stay in sheltered housing longer than necessary or return home to the

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<sup>1</sup> Ekström, V. & Olin Dahl, F., 2023.

perpetrator from the shelter since they cannot secure independent housing. The Government should create incentives that promote housing construction to address the housing crisis. This would also save jobs for construction workers who have become unemployed due to cutbacks in the housing industry.

Within health care, there is a lack of psychologists and counsellors with expertise in domestic violence, sometimes leading to victims being blamed for not taking responsibility and taking proactive steps to escape the destructive relationship earlier. In cases where there is a psychologist or counsellor at the health center, it is common for only five sessions to be granted. On average, it takes much longer for a victim of violence to process traumatic experiences that have often occurred over an extended period.

Regarding Child and Adolescent Psychiatry (called BUP in Sweden), waiting times for assistance are very long nationwide. The same applies to adult psychiatry, where many times a patient needs to be suicidal to receive any help.

#### **Article 25: Support to victims of sexual violence**

There are only two so-called rape centers in Sweden, one at Södersjukhuset in Stockholm and the other at Akademiska Sjukhuset in Uppsala. While several hospitals have gynecological emergency departments, more rape centers with access to both physical and psychological assistance are needed throughout the country. Ideally, at least one in each region.

#### **Article 31: Custody, visitation rights and safety**

More education on domestic violence and honour-related violence and oppression is needed in the legal system. Courts need to consider whether there has been domestic violence in custody disputes. This is not the case today. In the Swedish Gender Equality Agency's report "Information about violence is no exception" from 2022, 814 judgements on custody, residence, or visitation were examined<sup>2</sup>. Of these, violence or abuse against a parent/partner or child occurred in 64%. However, there is a tendency for the courts to equate reports about violence to cooperation problems, interpreting it as the victim being the one having difficulties cooperating. Custody then goes to the perpetrator, whom the court interprets as without cooperation problems. Only in 20% of the judgements did the court take into account the occurrence of violence.

In only 5 of the judgements, reference was made to the Convention on the Rights of the Child, despite the Convention being part of Swedish law since 2020 and, therefore, in effect before the judgements were made. This highlights the same problem that Victim Support Sweden sees in its activities: the perspective of children's rights is often missing and there is a significant risk that children are forced to live and

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<sup>2</sup> Swedish Gender Equality Agency, 2022.

interact with a custodian who is abusive. Victim Support Sweden believes that the Parenthood Act needs to be reviewed since it outweighs the Convention on the Rights of the Child when applying legislation. The parent's right to their child is stronger than the child's right to their parents and to not be exposed to violence or harm.

The Swedish Gender Equality Agency's report also reveals that risk assessments need to be demanded by the legal system to a much greater extent in custody disputes, as has been previously emphasised by GREVIO.

#### **Article 50: General obligations and immediate response, prevention and protection**

Victim Support Sweden sees significant deficiencies in both preventive and immediate interventions for children in honour-related contexts who are at risk of being taken abroad against their will. There may be risks of forced marriage, female genital mutilation, conversion attempts or discipline trips, for example. As mentioned earlier, there is often a lack of competence in social services regarding honour-related violence and oppression, which sometimes exposes children seeking help to even greater risks because social services make contact with the parents. Since the parents are the perpetrators, the situation worsens for the child. Quick action is often required from social services, including placing the child in a family home or in an institution for children, but it is not used to a sufficient extent. There is also new legislation on exit bans to prevent children from being taken abroad against their will, but awareness of this is low among social services. Once the child has been taken out of the country, it is very difficult to bring them back to Sweden. Many disappear forever. Sweden does not currently collect any national data on how many children are taken abroad against their will. Victim Support Sweden is concerned about the lack of support services for children and young people in honour-related contexts from the authorities; here, non-government organisations often do more than the authorities.

#### **Article 51: Risk assessment and risk management**

The legislation exists but is often not applied. Threat- and risk assessments must be made in all cases of domestic violence and honour-related violence and oppression. Additionally, they need to be followed up when new events occur, which often is not done.

The same threat- and risk assessment tools need to be used by social services and the Police to avoid different assessments of the threat.

#### **Article 52: Emergency barring orders**

It is very rare for the perpetrator of violence to have to leave the home; usually, it is the victim and the children who are forced to live in sheltered housing or find housing on their own. Victim Support Sweden has been advocating for years that it should be the perpetrator who leaves the home.

### **Article 53: Restraining or protection orders**

There needs to be consistent assessments across the country for restraining orders. Assessments vary greatly regarding which restraining orders are granted and which are not.

If a restraining order is granted, it needs to cover the entire period leading up to and including the trial. The application of restraining orders varies greatly today.

Electronic monitoring (ankle monitors) are rarely used, both initially and in case of violation of a regular restraining order. Victim Support Sweden is deeply concerned that violations of restraining orders often do not lead to any action. In case of a restraining order violation, a new structured threat- and risk assessment should be conducted, and the case should go back to the Police's victim and safety unit (called BOPS).

Assessments regarding shared housing also differ across the country. Consistent assessments regardless of where in the country the victim lives would be desirable.

Specially extended restraining orders are almost never used. A granted restraining order for serious crimes in intimate partner violence should always be combined with electronic monitoring.

There should be a mandatory requirement for appointing a contact person at the Police's victim and safety unit who monitors the activities of the perpetrator. The contact person must have knowledge of domestic violence and honour-related violence and oppression, which is not always the case.

The Police's victim and safety unit should always assess whether a restraining order should be combined with other protective measures, which is not always done.

Even police officers who prepare the basis for applying for a restraining order to the prosecutor need to have knowledge of domestic violence and honour-related violence and oppression for the prosecutor to make legally secure decision.

When the Prison and Probation Service grants leave for individuals convicted of serious crimes in domestic violence and honour-related violence, this should be combined with a restraining order.

### **Article 56: Measures of protection**

The courts in Sweden are independent authorities and decide autonomously on matters within their jurisdiction. This makes it very difficult to establish common procedures nationwide across all courts. For this reason, it would be helpful if the Swedish Court Authority had

overarching responsibility for the courts. There are many areas for improvement, especially concerning victims and witnesses in trials involving domestic violence and honour-related violence and oppression. Victim Support Sweden offers support and information in connection with trials to all victims, witnesses and family members irrespective of crime category and personal characteristics in 51 courts across the country. We have observed significant differences between various courts in how they view and relate to victims and witnesses of crime. Below are some examples and proposals for improvements.

Individuals subjected to domestic violence and honour-related violence and oppression are often anxious and fearful in the run up to the trial. Having to wait in open waiting rooms creates risk for threat and intimidation from the accused and any related family and friends. The same applies to witnesses, who are often fearful to testify in these types of cases. Victim Support Sweden advocates that it should be mandatory for all courts to have:

- Separate entrances for victims and witnesses
- Separate waiting rooms for victims and witnesses
- Separate facilities, including restrooms and water dispensers for victims and witnesses

The 2012 EU Directive on minimum standards on the rights, support and protection of victims of crime includes a right to protection, stating that all new courts must include separate waiting areas for victims. However, this right has not been taken into account when building new courts in Sweden. A victim of violence should not have to sit across from their perpetrator outside the courtroom or collide with their perpetrator outside the restroom, risking further threats.

In the summons to court, information from the local victim support service offering support for victims and witnesses should be included. Unfortunately, this information is not always included in the summons, especially not for witnesses. This needs to function better.

If a victim or witness is to testify from a location other than a court, they must receive information that support is available to them before and during the trial irrespective of where they give their testimony. State service offices are often located in easily accessible places in the central parts of cities where a victim living under threat may feel very exposed and unsafe.

Similarly, during remote hearings where a victim or witness is to testify from a videoroom in the court house, the person needs to be informed well in advance of the trial. Many courts decide on special measures and allowing videolink evidence on the same day as the trial, causing victims or witnesses to live with fear and anxiety for several weeks before the trial. In these cases, the person may also need information that it is possible to have a support person from the local victim

support service with them in the room to provide moral support and assistance.

Victim Support Sweden would also like to see more consideration for the needs of the victims when the Court decides on whether the victim must give evidence in front of the accused. Instead of removing the victim from the court room, it should be the preferred practice to remove the accused from the courtroom and allow the victim or witness to give evidence in front of the judge without the accused being present. Other options and measures should also be considered to increase victims' and witnesses' sense of safety and security when giving evidence, for instance by providing a screen, preventing the accused and the public galleries from seeing the victim or witness giving evidence.

All these proposed measures above are relatively easy to implement and would help to increase the feeling of safety for victims and witnesses when participating in criminal proceedings, reducing the risk of secondary victimisation and preventing the victims or witnesses from suffering harm as a result of the criminal justice process, making it more unlikely for them to ever report a crime or participating in criminal investigations in the future. Crime victims and witnesses who feel safe are also often able to provide better quality evidence, giving the court the best possible basis for their verdict and ensuring a more fair and effective administration of justice.



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