



*Shadow Report: GREVIO's first thematic evaluation
of Sweden: Building trust by delivering support,
protection and justice*



The report is compiled by contributions from different organizations and actors with expertise in this field:

Birth rights Sweden, ECPAT Sweden, MÄN, R. Lagh, Swedish Refugee Law Center, Swedish Women's European Network (SKEN), The National Organization for Women's and Girls' Shelters in Sweden (Roks), Unizon, Women's Organizations Cooperation Council on Alcohol and Drug Issues (KSAN) and World of no Sexual Abuse (WONSA)

Part I: Changes in comprehensive and coordinated policies, funding and data collection in the area of violence against women and domestic violence

Article 7: Comprehensive and coordinated policies

The following part is a contribution from the National Organization for Women's and Girls' Shelters in Sweden (Roks).

In the contemporary Swedish context, the once firm recognition of the power imbalance between women and men - and its impact on women's exposure to violence - is being replaced by a gender-neutral approach. Today, the Swedish government uses the term "gender-based violence" rather than "men's violence against women".

In August 2023, the Minister for Gender Equality and Working Life, Paulina Brandberg, assigned a special counsel to propose a "more inclusive objective"¹ in order to reach the sub-goal included in the sixth national gender equality policy, a policy which declare that men's violence against women must stop. Currently, this sub-goal specifies that it is women who are subjected to violence, and that the acts of violence are committed by men. This makes it possible to not only prevent violence, but also to combat the different forms of it, and to provide support for the victims. A "more inclusive objective" would mean a gender-neutral sub-goal with no recognition of the fact that women are in particular risk of gender-based harm. The proposal in itself endangers the implementation of state-wide effective, comprehensive, and coordinated policies incorporating all the relevant measures to combat the forms of violence expressed by the scope of the Istanbul Convention. Gender-neutral policies may result in intrusions by professionals that lack understanding of gender sensitivity and, furthermore, to the axing of specialist women's support services who has adapted a gendered approach.

Changes in comprehensive and coordinated politics

GREVIO is encouraged to pay special attention to progress (or the lack of it) in Sweden regarding men's violence against women. The nation has increasingly started to turn away from the fundamentals that ruled the politics during a progressive 90's – the same politics that reinforced the Istanbul Convention. With the recent shift to a more conservative government, with a nationalist party as a semi-ruling force, these changes are rapidly altering the fundamentals of the political arena regarding men's violence against women.

Changed goals for gender equality politics and altered linguistics

It is crucial to acknowledge that the meaning of "gender equality" is undergoing a fundamental change under this current government. The term is now concerning the concepts of *vulnerability* and *unfairness*, directed towards all individuals, sex doesn't seem to matter. The switch in linguistics is explicitly indicated in the planned changes regarding the 6th goal for gender equality. The headline "Men's violence against women should stop" is planned to be altered to a gender neutral *more inclusive* headline incorporating all violence towards whomever. This indicates a governmental concern on the presumed violence by female culprits against men.

A support hotline for men that fall victims to violence has been established² and men's shelter organizations are now included in the funding that used to be earmarked to women's shelters and support services. There are also now initiatives in place for working with support to male perpetrators of violence. Although, the methods regarding such support have little scientific base, there is a growing interest by social workers to join likewise projects and thereby spending their time talking to the (male) perpetrator rather than the (female) victims³.

¹ Dir. 2023:117

² Project UTVÄG, presentation on National Conference on Women's Peace, arranged by National Center for Women's Peace, 28-29 August 2023, Stockholm

³ Helmersson 2017 and Project UTVÄG, Presentation on National Conference on Women's Peace, arranged by National Center for Women's Peace, August 29th 2023, Stockholm

The consequences of the “more inclusive” gender-neutral perspective can also be seen regarding the situation of young women in Sweden. Statistics show, with solid evidence, that young women’s exposure to young men’s violence are at extreme rates in Sweden at present⁴. In spite of this, the government tend to use the formulation “violence amongst young persons” - a term that completely contradicts the government's statement that reforms should be based on statistics and empirical research. The fundamental belief behind the development is the Swedish newfound self-image of being inherently gender equal. Hence, there’s a massive focus on honor related violence with it its roots in other cultures than the Swedish as patriarchal and misogynistic, whilst other forms of violence are deemed to be gender neutral and not connected to cultural beliefs.

Contrary to the Istanbul Convention, honor related violence is defined both as a crime of its own and as an aggravated circumstance in the Penal Code.

The vast majority of violence committed in the Swedish cultural context is divided into “conflicts” where both men and women are seen as perpetrators and victims while patriarchal violence is seen as something committed by a smaller group of men who has a special psychological profile⁵.

From gender and power to a gender neutral, “gender-fair” frame

The politics on men’s violence against women is, due to a strengthened notion of domestic violence as a “their” problem, increasingly undergoing a fundamental shift. The earlier perspective of the determined connection between gender and power is gradually changing rapidly into a gender neutral, “gender fair”, realm. Meanwhile, the reassessed goal to combat men’s violence against women is worn down by a change of the headline and its scope to include women’s violence against men and, a specific, separate, goal regarding “honor related crimes”.

Shrinking space and state control

Sweden is in fact, as many countries in Europe, going through a tightened control over the civil society resulting in a shrinking space for non-state actors. The Swedish conservative government has announced a dramatic decrease of the support to the civil society and the nationalist co-ruling party, the Swedish Democrats (Sverigedemokraterna), is more or less an open enemy to the civil society as such⁶

Changes of attitude concerning women’s shelters

The situation in Sweden has gone, according to research studies, from “the shelters criticizing the state, to the state criticizing the shelters”⁷. This development is particularly difficult, but also hard to address in Sweden since the state has a strong position as a guardian over women’s rights.

The bill on license and children in shelters

The inherent position of the state as the number one provider of “all that is good” has led to a system in which licenses are imposed on to the women’s shelter movement⁸. A system that allows state control of, and individual complaints on, Non-Governmental Organization’s (NGO’s) work practice. This so called “quality measures” do not come close to the knowledge achieved and methods used by organizations such as women shelters⁹. What the state-controlled licenses do accomplish is to force shelters to adjust to the rules of the commercial market, causing the source of information to appoint mainstream bench marks for women shelters with little regard of existing, lived empirical knowledge and related methods.

⁴ Westerstrand et al 2022

⁵ Socialstyrelsen 2021

⁶ Söder 2022

⁷ Weiland 2020

⁸ State report p 10-11

⁹ Response to referral, Gothenburg University 2018

Women's human rights as mothers

The bill on licenses presented above also assigns the municipalities control over the children of women who tries to escape a violent male partner, making them dependent of the municipal decisions whether or not their children has the permission to accompany them in the protective shelter¹⁰. With this bill effective, many mothers will hesitate or even avoid seeking societal support as they are facing the risk of having their children removed from their care. For some mothers, this is already an active reality as social welfare workers can decide that the child should not accompany the mother to the safe haven but rather stay in the present home environment as “the risk of violence is gone when the mother is gone” – a statement repeatedly reported from the social services by the National Organization for Women's and Girls' Shelters in Sweden (Roks).

Along with the license system, the bill will dramatically increase the administrative costs for the municipalities, as they need to investigate every child separately. The result of this is that less women in need will receive protection. The interest organization for the municipalities (SKR) has estimated that the costs of performing what's stated in the bill will amount to more than 2 billion SEK. However, the government has only allocated 300 million for this cause.

In light of what is stated above, this bill is a serious violation of women's human rights as she is deprived of her privacy¹¹ when she has to succumb to authorities' judgements over her children as they try escaping the violent man who also fathered her kids. Furthermore, it destitute her right to take action to protect her fundamental right to liberty and security according to Art 3 ECHR. In other words, the bill presented by the Swedish government is not in accordance with the Istanbul Convention Art 18.3.1.

Seen from a child perspective, the reform also put pressure on the individual child as he or she will be asked to decide to either go with mummy or stay at home with daddy. It is scientifically proven that children who grow up with domestic violence often take on a huge responsibility for protecting their mothers but, at the same time, to please their fathers. This contradiction makes the decision not only presumably difficult but also risks to endanger the child's right to protection if he or she decides to remain with the father.

The Swedish governments new demand for a gender-neutral language and the license bill is presented as an improvement. Yet, to be straightforward, it is in fact a disaster for the women's shelter movement. Instead of providing more support and protection, it closes down the progress of the movement and everything that has been developed during the last 40 years.

Given the severe instable situation of many women and their children in Sweden, the reform in question serves as an extremely unfortunate example of the Swedish self-assurance of being benign towards women, no matter what.

Summarizing comments

The governments state report is presenting devastating reforms that crushes the shelter movement and takes state control over the vital parts of the support and protection system. It also facilitates private actors to take an even larger part of the field.

The guidelines imposed are not at all based on the solidarity of women nor the feminist knowledge existing in this field. The private actors invited are by no means nearly as good as the civil society's shelters and they also tend to increase the costs of care¹².

Welfare criminality is deeply rooted in the Swedish social welfare sector. The shelter movement and the protection of women (or “all” as stated by the government) is a potential gold mine for these actors, something that has already been illustrated by private companies overtaking youth care in their creation of HVB-homes¹³.

¹⁰ Bill on shelters for victims of violence, p 10 in State report

¹¹ See ECHR Art 8

¹² Lauri & Lauri 2022

¹³ DN 2023-11-6

The current governments state report also relays heavily on the reforms introduced by the late government – reforms which placed a firm focus on men’s violence against women. However, the current government are starting to move away from this objective towards a more gender-neutral perspective.

Article 8: Funding

The following part is a contribution from the National Organization for Women's and Girls' Shelters in Sweden (Roks).

The former particular funds exclusively directed towards the women and girl’s shelters, are now being opened for a wide range of actors, including men’s shelters, even though the latter regularly implement an overtly anti-feminist approach. In spite of this, the *men’s shelter movement* are receiving explicit attention from the Swedish minister of gender equality. This new focus is not explicit for a Swedish context as the same way of reasoning is apparent within the EU Victims of Crime Directive in which all forms of victims are included for the possible funding of the civil society.

The shelters are forced into a system of licensing if they want their shelters for accommodation to be financed by the municipalities. While this is called a “quality-reform”, the standards are subsidized compared to what has previously been expected within the shelter movement. This substitution forces existing women’s shelters to adjust to the market resulting in a heavily decrease of “security” whilst under state control. The state has also adopted a tactic for the funding of shelters and other organizations managed by the civil society which consists of a new control system where goals-activities-results are to be presented in concrete, measurable figures. This makes advocacy and political work at a deeper level much harder. As a result, numerous of the feminist, civil society operated shelters have already been shut down and many more will suffer the same faith.

Article 11: Data collection and research

The following part is a contribution from the National Organization for Women's and Girls' Shelters in Sweden (Roks).

A newly conducted extensive Swedish prevalence study¹⁴ concluded that violence against women is wide spread, takes many forms, is perpetrated in all kinds of relationships and has severe consequences.

Young women’s subjection to violence is shockingly high: 50% of them, aged between 18-24 years old, that has previously been or presently are in a relationship with a male partner, report that they have been violated. Yet, in contrary to evidence, the government speaks of “violence in young relations”.

In an investigation made by the Gender Equality Agency (Jämställdhetsmyndigheten), a total of 700 custody cases was examined¹⁵. In these cases, men’s violence against women and children was frequently reported. Still, the information shared by the victims of violence was seldom investigated further and even when it was, the denominators for the outcome of the decision was not always clear. Most often, the reports about domestic violence are left without further questions or objections.

In a study published by Roks, in which 100 court cases regarding custody battels was investigated, it was shown that severe violence against the mother had to be proven in order for the fathers’ rights to visitation to be restricted¹⁶. A recent state investigation concerning the rights to custody, suggested that instead of following what has been concluded in research and been held as a requisite up till now – the fact that violence against the mother also is damaging to her children - a new way of assessing cases of custody should be adopted.

¹⁴ Westerstrand et al, 2022

¹⁵ Reports about violence is not an exception, 2022

¹⁶ Diesen 2021

Previously, the risk that children may be harmed by violence or abducted by one parent guided the decisions. Now, the state investigation suggests that these requisites are to be removed to leave place for a proposition declaring that every case should be judged “individually”.

This alternation rigorously threatens to fuel discriminatory patterns in court rulings where children to “majority parents” have a weaker protection against violent fathers¹⁷. It also risks leaving children's rights to the indiscretion of courts that lack a deeper knowledge about gender, power and violence. In light of the state’s new explicit inclusion of men’s shelters in gender politics, their focus on custody cases, and the indication of mothers' alleged violence against fathers and their children, this should be considered as an alarming exploration.

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

Article 12: General obligations

The following part is a contribution from MÄN.

Since 2010, Swedish authorities has, together with NGO’s, developed their work concerning violence prevention. Their main goal was to address men’s violence against women but also, by doing so, try to counteract future violence by working preventively with boys from an early age¹⁸. The aim of these early prevention interferences was primarily to challenge the norms regarding masculinity and its connection to different forms of violence in order to ultimately create a more dignified, respectful and violence-free environment for children and young people in schools, leisure activities, sports but also in their personal relationships. Although the objective of the Swedish government’s violence prevention has been clear in theory, it has not been fulfilled in practice during the last decade. The government is yet to establish efficient national supporting structures and there is also an urgent need to enable the possibilities of all municipalities to *actually* work with early violence prevention. As for now, the possibilities are unevenly implemented in municipalities and schools as their existence still depend on motivation and commitment from officials, headmasters and teachers.

Recommendations:

- The government need to prioritize and offer economic support to early universal violence prevention if children and young people are to grow up in an environment free from violence.
- The government needs to resist any attempt to describe gender-based violence as a problem of "some men" or "some cultures". Primary prevention needs to be firmly anchored in an understanding of men's violence against women as a problem that concerns us all.

Article 14: Education

The following part is a contribution from MÄN.

Currently, there are different programs addressing violence prevention in use. Yet, few of these has been evaluated¹⁹. One of the interventions that has been assessed, on two separate occasions, is *Mentors in Violence Prevention (MVP)*²⁰. During the adaptation process, MVP was developed for three instances: middle school, high school and college.

The program itself focuses on encouraging students to intervene when their classmates are violent towards other peers and, by doing so, the aim is to motivate young people to work concurrently in creating an everyday life free of different forms of violent behavior.

¹⁷ Bruno 2016

¹⁸ Jämy 2020.

¹⁹ Franzen, A & Gottzén, L 2020

²⁰ Eriksson, et.al 2018

The process of change is based on reflective discussions and experience-based pedagogy on how expectations of gender, but also of other power structures such as class, ethnicity and sexuality, are associated with specific kinds of violence. The aim is here to challenge these links and ultimately have them demolished. The evaluations show that these interventions are not harmful but rather considered promising in future work against different forms of violence (ibid).

Recommendations:

- The government need to economically support the municipalities in order to make sure that the schools have time, resources and the possibility to train their workforce to facilitate the violent prevention program with the students.

Article 15: Training of professionals

The following part is compiled by contributions from MÄN and World of no Sexual Abuse (WONSA).

In 2020, the University of Gothenburg (on behalf of the Swedish Gender Equality Agency) published an evaluation of different universities implementation of the new exam goals regarding gender equality²¹. The university programs here included were all connected to medical education and education leading to future work within social services. Although including knowledge concerning violence against women in the professional training of students and within academia is a step in the right direction, other related topics such as child abuse, honor-related violence, prostitution, and female genital mutilation needs to be established as well. The education connected to the subject matter also need the be taught in other vocational training where it is significant. As for now, teachers' education at Sweden's universities and colleges has not yet included courses on men's violence against women as a requirement²². This suggests that the women and men who then goes on to tutor our children, lack specific awareness regarding domestic violence and therefore are less inclined to teach and practice violence prevention.

In the fall of 2022, the Swedish government introduced a new curriculum for primary and secondary schools, pre-schools and after-school clubs²³. The curriculum targeted new demands on sexual education, focusing on consent in sexual relationships, sexualized violence but also reflections on pornography. Yet, not all educators feel comfortable talking about subjects connected to sex and sexuality causing a possible risk that these issues will not be prioritized in their teaching.

The updated Higher Education Ordinance exam goals mentioned above, also risk encountering challenges when it comes to the tangible implementation of subjects related to violence against women (and children). Early evaluations of the already performed implementations shows unequal conditions among different institutions and teachers related to uneven providence of information about the goals but also that there was too little time to incorporate these objectives into their lectures and seminars. Another difficulty presented is the absence of knowledge and competence regarding men's violence, abuse, and harassment against women among university teachers even though it should be included in their provided education.

Nevertheless, it is important that postgraduate training continues in order to enhance learning but also to update knowledge in line with current research.

During the years of 2020-2021, the Swedish government assigned the NGO *World of no Sexual Abuse* (WONSA) 5 million SEK to prepare and distribute educational materials for health care professionals across Sweden. An educational program was developed, but as training regarding sexual violence and its consequences was not mandatory, no region prioritized sending their health care staff to attend the in place training program. Given the wide mission and limited funding of the health care system, it was clear that regional education initiatives will not be prioritized unless they are made compulsory.

²¹ Carlsson, N 2020

²² Nyman, M. et al 2022

²³ Lgr 22

Recommendations:

- Men's violence against women needs to be a requirement included in all teacher degrees.
- The new curriculum (Lgr 22) needs to cover not only sexualized violence but also other forms of violent acts as well as knowledge regarding the process of violence in order to notice early signs that abuse may be occurring.
- University and college teachers need to be better educated on men's violence against women in order to fulfill the new exam goals. The tools needed to do so should be provided by the current Swedish government.
- Compulsory education on sexual violence and its consequences is recommended for all professionals within the psychiatric care and primary healthcare in Sweden. It is further recommended that specialist NGOs are integrated in the design and implementation of the training.

Article 16: Preventive intervention and treatment programs

The following part is a contribution from MÅN.

13. Please provide information on measures taken to increase the number of available preventive intervention and treatment programs for perpetrators of domestic and sexual violence both for voluntary and mandatory attendance.

In 2019, a national phonenumber was launched in order to support men who previously had used violence against women and children, not to do so again. The help line *Choose to stop* offer advice, information and assistance in order to prevent men from being violent and abusive in their relationships.

Since 2021, social services must provide support to people who use violence against their partners which requires that staff to be trained in order to meet the needs for these interventions.

Some of the professionals who face these men in their line of work, have been trained in different methods regarding violence prevention. The most common methods used are *Alternatives to Violence* (ATV), so called non-violence groups (a form of group therapy) and an initiative titled *Talks about Violence*²⁴. As for now, neither of these programs has yet to be evaluated.

During recent years, there has been a shift when it comes to working with issues related to men's violence against women. Instead of assuming that norms about masculinity is correlated to violent behavior, the starting point in current programs (for example in ATV) is rather that men need treatment to be able to regulate affect but also to develop their abilities to deal with resistance and conflicts – without using violence.

Recommendations

- "Violent perpetrators need to be addressed as a social and cultural problem, and a gender transformative approach should be used.
- Student health services and youth clinics need more training in detecting and conducting violence-focused counseling with young people to meet the demand for support in processing their experiences of violence.
- Professionals working with young people at student health care or in youth clinics need to target young men to increase the possibility of detecting violent boyfriends or boys at risk of using violence against future partners. This can be done through, for example, special opening hours for boys or separatist clinics focusing solely on boys and young men.

²⁴ Socialstyrelsen 2020

Article 20: General support services

The following part is compiled by contributions from The National Organization for Women's and Girls' Shelters in Sweden (Roks), The Swedish Refugee Law Center, Unizon, Women's Organizations Cooperation Council on Alcohol and Drug Issues (KSAN) and World of no Sexual Abuse (WONSA).

Ensure the support and the need of safe households for all women and children

Chapter 5, section 11, of the Social Services Act places a general obligation on municipal social services to provide support and assistance to all victims of crime and to “pay particular attention to the fact that women and children who have or have been victims of violence or other abuse by related persons may be in need of support and assistance in order to change their situation”²⁵.

A decisive factor in ensuring that women can leave a violent relationship, is that the woman receives access to permanent housing and that she is able to bring her children with her.

In March 2022, the former government of Sweden presented their report *Lower the threshold for good housing* and, in late August the same year, a draft for a legal counsel referral was presented to further strengthen the right to sheltered housing for abused women and children²⁶.

The current government is determined to implement the reform and has stated that the implementation ought to be completed during the month of April 2024.

The purpose of the reform is, except for providing household for abused women *and* children, to ensure support and relief efforts for the children in care. The government proposes that sheltered accommodation should be regulated and become a new form of placement with a permit requirement. Also, quality requirements coherent with the laws regulating children's rights needs to be fulfilled²⁷. Unfortunately, the bill for making the necessary changes is cost driving and the government has not met the need with the resources required. There is a risk that the consequence will be that fewer women will have access to sheltered accommodation when its needed. As an outcome, there is also an additional danger that fewer children will receive the necessary support.

In line with GREVIO's 2019 recommendation, the Government has declared its intention to submit a bill on shelters for victims of violence to the Parliament in 2023. In this context it should be noted that while the Migration Agency has developed a routine for protected housing for asylum seekers who have been subjected to (or threatened with) violence, they cannot offer them sheltered housing – even though, according to the Migration Agency, sheltered housing must be offered under municipal auspices²⁸.

In a government inquiry from 2017, it was highlighted that there are ambiguities regarding who has the responsibility for ensuring that asylum seekers have access to sheltered housing - the Migration Agency or the Social services²⁹. Referring to the Istanbul Convention, the inquiry suggested that the Social Welfare Board's has the responsibility for protected housing for asylum seekers and that other needs has to be clarified through legislative changes. However, although included in the initial proposal prepared, the City Mission has, in their referral to the Council on Legislation, noted that in the current remit, asylum seeking women are excluded.

The current regulations and practice whereby women at risk of violence are denied sheltered housing depending on their migration status, is in violation of Article 4 of the Istanbul Convention.

There is an urgent need to increase the focus on women with disabilities who are exposed to violence. Individuals with a disability easily end up in a subordinate dependence on their care providers - whether they are related to them or dependent on social services. In many cases, the one supposed to provide the care also is the perpetrator.

²⁵ Social Services Act 2001:453

²⁶ SOU 2022:14

²⁷ SKR, 2023

²⁸ AIDA Country Report Sweden 2022, Section E, p.2.

²⁹ SOU 2017:112

In a report regarding violence in intimate relationships of people with disabilities³⁰, it is highlighted that women who need support and care in their everyday lives report an increased vulnerability linked to their dependence on people around them. Women with disabilities, more often than men in the same position, are subjected to dangers of violence, such as, for example, lack of material resources and heavy dependence on relatives (or on the community) for care and support. Also, these women often reside in so called socio-economic deprived areas.

Another report crucial for understanding the needs of women with disabilities who are victims of violence, was published by the Swedish Agency for Participation (MFD) in 2023³¹.

This report states that living with a disability constitutes particularly significant risks for being exposed to all different types of violence. MFD's survey also shows that people of all ages with intellectual disabilities often are invisible in the work of mapping and detecting violence.

Furthermore, the report sheds light on how different disabilities entail different conditions and risk factors when it comes to violence and abuse. It is here important to note that there is no specific group of women with disabilities who are victims of violence – and that women with disabilities are not a homogeneous group as such. These are women with different types and degrees of disability, of different ages, ethnicity, sexuality and with diverse needs. What they do have in common is that they are women - and that they are subjected to violence

Recommendations:

- Parties shall take the necessary legislative or other measures to ensure that victims of domestic violence have access to services facilitating their recovery. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
- Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced, and that professionals are trained to assist victims and refer them to the appropriate services.
- Ensure the survival of the non-profit women's shelters and strengthen their ability to provide prolonged support.
- Ensure that the funding covers the work that will be required for the legislative change to be stable and sustainable in the long term.
- Ensure that the reform will be able to be complied within the different municipalities, regardless of the conditions between different municipalities.
- Make necessary legislative changes to ensure that access to sheltered housing apply regardless of the victim's status as a migrant, refugee or other status.
- Ensure sheltered adapted housing with access to different types of support, such as deaf interpreters, language interpreters and access to support victims of violence with visual impairments and other impairments.
- Ensure the right to protection for **all** women who are victims of violence including providing adequate care and adapted support.

22. Are all women victims of violence, irrespective of any of the grounds listed in Article 4 paragraph 3 of the Istanbul Convention, in particular asylum-seeking women, refugee women, migrant women, women from national or ethnic minorities, women with irregular residence status, women with disabilities and LBT women, able to benefit on an equal footing from existing healthcare services?

Regarding the right to healthcare for asylum seekers and those without resident permits, several reports have highlighted that there is a lack of knowledge about their rights, and that the concept of

³⁰ VKV 2023

³¹ MFD, 2023

”care that cannot be deferred” has proven difficult for healthcare professionals to interpret³². Psychiatric treatment can be care that can’t be deferred, nonetheless trauma treatment is seldom initiated for persons without residence permits. In general, it is important to increase the knowledge of healthcare employees in order to improve their ability to detect sexual abuse and other forms of violence. Another problem that makes this group of women particularly vulnerable is the lack of knowledge of ones rights and/or the existing laws due to illiteracy or language barriers. Additionally, the unawareness of ones rights and fear of consequences of seeking support can cause hesitation when it comes to reporting domestic violence and therefore reduce the chances of getting societal support and protection.

Rather than providing more extensive access to healthcare services for women with irregular residence status, the current government has proposed a duty for public sector employees (which could include staff in social services, schools and healthcare) to report people with expulsion orders or without residence permits³³. If a duty to report is determined, it may furthermore discourage victims of violence to seek support due to their migration status.

Recommendations

- Abstain from introducing legal or other barriers with the effect that female victims of violence are discouraged from seeking necessary health care and support or protection.
- Ensure, in all legislative proceedings, the compliance with EU law as well as Sweden’s obligations according to, inter alia, the European Convention on Human Rights, the Convention on the Rights of the Child, and the Istanbul Convention.’

Note: Please see answers and recommendations under Article 15 and Article 22 in this report regarding question 18, 19 and 20 in the questionnaire. As mentioned in the thematic report from the Swedish government: in 2021 the government allocated 184 million SEK to SALAR for the period 2021-2022 to strengthen maternity care, screening for cancer care, and care for people who have been exposed to sexual violence and genital mutilation. However, none of these funds was used for education or healthcare for victims of child sexual abuse (CSA).

Article 22: Specialist support services

The following part is compiled by contributions from The National Organization for Women's and Girls' Shelters in Sweden (Roks), Unizon, Women's Organizations Cooperation Council on Alcohol and Drug Issues (KSAN) and World of no Sexual Abuse (WONSA).

Currently, Sweden has only one specialist clinic (WONSA) that offers non-emergency trauma therapy to victims of sexual violence. In August 2023, WONSA was given the assignment to offer adults with experience of Child Sexual Abuse (CSA) specialist care within the Stockholm Region. The costs for the clinic are 15 million SEK annually, yet, the assignment only included 7.8 million SEK for the period of 17 months.

The majority of WONSA’s patients have been subjected to repeated trauma resulting in Complex Post Traumatic Stress Disorder (CPTSD) and variations of Dissociative Identity Disorders (DID).

These patients are in need of long-term care in order to achieve an increased level of well-being.

While the clinic can provide care for 100 patients simultaneously, there are presently more than 1500 patients awaiting treatment. Some of them has waited for more than 5 years.

The contract between the Stockholm Region and WONSA does not cover treatments for patients that have been subjected to trafficking and/or pedophile networks as children. This group are estimated to constitute around 10% of the patients in need and they require psychosocial support and residential care in order to treat their severe CPTSD and DID.

³² Lönnermark 2018,

³³ Sydsvenskan 2023 & Dagens medicin 2023

Given the, by the state provided, reform regarding a license system and its devaluation of the knowledge and methods of the shelter movement, the situation for women and children exposed to violence can be expected to rapidly deteriorate. The costs per night for housing a woman seeking shelter has already increased and will continue to do so even more due to this reform³⁴. In spite of this knowledge, the municipalities are turning to private actors and, by doing so, forcing existing (and much appreciated) women's movement shelter to close down. In a nearby future, more shelters will suffer the same faith and, as a result, even less women subjected to violence will have the opportunity to seek sanctuary.

Recommendation:

- Given the situation described above, it is recommended to implement one non-emergency specialist clinic for victims of sexual violence in every region, as well as the establishment of six in-care treatment centers located in the six larger regions of Sweden.

Women with substance abuse who exposed to violence

Since most shelters in Sweden have zero tolerance when it comes to admitting women with ongoing substance abuse, women who has an addiction and are exposed to violence face particular difficulties to seek protection. Women have testified that further violations occur in the encounter with the health care system as they are often treated primarily as addicts and not as victims of a crime - this despite of the fact that the addiction may be a consequence of the subjection to violence.

In a recently published study by Västmanland County Administrative Board (Länsstyrelsen Västmanlands län) it is shown that women with substance abuse problems experience violence in close relationships more often than others³⁵. In relation to this research finding, the study also states that men's violence against women is a major social and public health problem and that women exposed to domestic violence at the same time as she is struggling with addiction, are at greater risk of encountering several severe risk factors associated with poor physical and mental health.

Furthermore, substance abuse and exposure to violence are today treated as two separate issues in society but also in research which leads to the fact that one of the most vulnerable groups in society seldom are in focus. Thus, it is important to gain more knowledge about women with substance abuse that are subjected to violence and to do so by studying different perceptions – nonetheless the women's own perspectives.

Recommendations:

- Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention – no matter which target group it entails.
- Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.
- Increase focus on this target group and strengthen support for women in addiction.
- Increase knowledge in healthcare about how different forms of vulnerability interact.
- Put pressure on the regions to offer a cohesive care chain.
- Develop sustainable work to address and treat abuse and exposure to violence as two related issues instead of separating them.

³⁴ SKR 2023

³⁵ Länsstyrelsen Västmanlands län, 2021.

Children exposed to violence

At the first of January 2020, the United Nations Convention on the Rights of the Child, was incorporated into Swedish law. The law underline that:

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.³⁶”

In the beginning of July 2021, the former government of Sweden introduced a new law titled *Barnfridsbrott*. This law demands that children who witness domestic violence are to be considered as crime victims and therefore also entitled to seek damages. The, in a Swedish context, new law is also regulated in Chapter 5, section 11 of the Swedish social services act³⁷ in which the responsibility described extends to ensuring that the child receives the support and help that the child in question needs.

The current Swedish government highlights the law as important for strengthening the child’s rights but also puts focus on the vulnerability connected to witnessing violence and to live under the threat of such³⁸. Yet, the government recognizes the great differences that exist across the country in providing support and care to children who have witnessed violence or have been subjected to it themselves. In light of this, it is important to ensure that the municipalities nationwide develops routines to provide support for children who have witnessed and been subjected to violence in their home environment.

Recommendations:

- The municipalities need to be required to establish an equivalent routine in order to satisfy the child’s legal rights when exposed to violence, threats of violence and/or witnessed violence and
- to ensure equal support, care and knowledge of how to spot a child in need of care and support.
- The government has to guarantee that sufficient and earmarked resources are given to the municipalities to strengthen this area.

Article 25: Support to victims of sexual violence

The following part is compiled by contributions from The National Organization for Women's and Girls' Shelters in Sweden (Roks), Unizon, and World of no Sexual Abuse (WONSA).

Please see answers and recommendations regarding support to victims of sexual violence under the section titled *Article 22: Specialist support services* earlier in this report as well as the attachment regarding the following points in the thematic report from the Swedish government under Article 25:

- 1) The contract between specialist psychiatry in the Stockholm Region and WONSA.
- 2) The National Action Program for the Health Care and Medical Services Reception and Care of Victims of Sexual Assault presented by National Center for Women's Rights (NCK)
- 3) The SALAR report regarding the care offered to victims of sexual assault around the country³⁹.
- 4) The 2023 agreement that the government has entered into with SALAR which focuses on the area of maternity care and women’s health.

³⁶ United Nations Convention on the Rights of the Child 1989

³⁷ Social Services Act 2001:453

³⁸ Chapter 4, Section 3 of the Criminal Code

³⁹ Swedish title: Vården vid sexuellt våld, nuläge och vägar framåt

Article 31: Custody, visitation rights and safety

The following part is a contribution from R. Lagh

The Swedish law states that domestic violence must be considered in all decisions on custody, accommodation and visitation. However, in actual practice, children's need for a good and close relationship with *both* parents is considered more important than their need for protection from a violence home environment. The government has taken some measures to strengthen this protection by giving the Swedish Gender Equality Agency the task of revising custody judgements, in which information about ongoing violence has occurred. They have also supplied those responsible for a governmental inquiry the directive to investigate the possibility of special legislation regulating children exposed to violence towards one parent in custody battles⁴⁰.

The revision portrayed by Swedish Gender Equality Agency showed that the courts largely disregard information about violence when assessing custody, accommodation and visitation. Also, it was shown that the risk assessments performed by the courts regarding potential violence were often neither systematic, coherent nor consistent with legislation and preparatory work. The lack of knowledge concerning men's violence against women among Swedish judges was apparent, including violence against children, honor-related violence and oppression, and post-violence. Additionally, the revision showed that there is an existing widespread perception that parents make false allegations of violence to gain strategic advantages in custody proceedings⁴¹. This perception is not only insulting to the victims of violence but have the potential to be directly lethal.

Regarding the government inquiry, the report "Safer homes for children" was submitted to the government in 2023. The inquiry chose not to propose any special regulations for children exposed to violence and, as a result, no legislative measures have been taken in response.

In a bill suggested by the government, it is proposed that children who accompany their parent to a sheltered accommodation, should be assessed and granted the support program individually but also that, if the violent parent does not consent to the placement, a judicial review should be carried out. Hence, the government means that children's contact with a violent parent can be restricted.

This proposal is indeed coherent, however, the restriction can only take place during the placement period meaning that the child lacks protection afterwards - nor does the bill protect children exposed to violence who are not placed in a sheltered accommodation⁴².

Recommendations:

- Provide more long-term protection and better opportunities for children exposed to violence to understand their rights.
- Develop guidelines for risk assessments by courts in order to ensure coherent assessments that are consistent with legislation and preparatory work.
- Ensure that judges, and other justice professionals, have a more in-depth training and understanding of violence, its mechanisms and consequences. Extending training should be made mandatory.
- Ensure that children's accounts of violence and abuse are taken seriously and considered in custody, accommodation and visitation processes.
- Guarantee the courts possibility to demand a parent's submission of medical records from the health service, the addiction unit, or similar authorities. Also, the court should be able to demand that a parent carries out drug tests/demonstrates sobriety before a decision of custody can be made.

⁴⁰ Jämställdhetsmyndigheten 2022:1

⁴¹ Jämställdhetsmyndigheten 2022:1

⁴² Jämställdhetsmyndigheten

- There should be a presumption that no visitation is carried out when there has been violence or abuse against the child - or the other parent – no matter if the victim/s is in protected sheltering or not.

Articles 49 and 50: General obligations and immediate response, prevention and protection

The following part is a contribution from ECPAT Sweden.

The following part is a contribution from ECPAT Sweden to the shadow report. ECPAT as a child rights organization does not have the mandate to comment on issues regarding violence against women, as they are adults. ECPAT:s contribution to GREVIO:s thematic evaluation of Sweden is therefore limited to the situation of girls and the following sections in particular: Article 49-50 and Part III: Emerging trends on violence against women and domestic violence.

In the report from 2019, GREVIO highlighted a major reform involving the Swedish Police Authority which led to the installation and development of specialist units. One requirement of these units concerned an increased focus on internet related sexual crimes against children and therefore *the Regional Cybercrime Centre (RC3)* was created⁴³.

While specialist units focusing on online child sexual abuse now are in place, there are still issues preventing them from working effectively as there is a knowledge gap among the police force at large but also legislative issues.

The existing legislative issues is mostly connected to the fact that sexual abuse against children, in some cases, are not classified correctly by the police officers and/or the prosecutors.

The issues originate from the legal construction of the child pornography offence⁴⁴.

In short terms, the problem lies in the definition of a child as a person whose pubertal development is not complete or who is under the age of 18. Furthermore, the section states that if the pubertal development is complete, responsibility is only assigned for an act under the first paragraph, points 2-5, if it can be seen from the image and its attendant circumstances that the person depicted is under 18 years of age.

In conclusion, this means that the Swedish child pornography offence differs between children depending on their pubertal development, leading to the consequence that children with a somewhat advanced pubertal development are not offered adequate support, protection or justice.

This way of reasoning is in despite of the United Nations Convention on the Rights of the Child, article 1 and article 2, which clearly states that a child is a person under the age of 18 - and that all children have the same rights.

To illustrate this discrimination, the typical scenario is that there are images or videos being disseminated even though it is documented sexual abuse of a child due to the child's pubescent.

As a result, if the child in question (often female) has gone through puberty, it is not a certainty that the assault will be classified as a child pornography offence but rather as an unlawful breach of privacy (or other less serious offences), which are not handled by neither the RC3 unit nor other specialist focusing on crimes against children.

Article 52 and Article 53 : Emergency barring orders, Restraining or protection orders

The following part is a contribution from R Lagh.

A new legislation on restraining orders was introduced in January 2022. This legislation, among other things, tightened the sanctions for violations. The Government has subsequently appointed a special investigator to further review the legislation on restraining orders in order to ensure that the legislation - to the greatest possible extent - meets the interest of preventing and providing protection for women and children who are exposed to different forms of violence in close relationships.

⁴³ Swe: ISÖB

⁴⁴ Chapter 16 section 10a of the Swedish Penal Code

While the assignment is to be reported in February 2024 at the latest, no legislative measures have yet been undertaken⁴⁵.

Today, it is the prosecutors who makes decisions regarding restraining orders but it has been suggested that the Police Authority should be able to make certain decisions in order to increase efficiency, protection and support for people in need of such. Yet, children are often excluded from contact orders and are not explicitly mentioned in the legislation. Another obvious disadvantage of the legislation is the difficulty to obtain a restraining order for abused women if they have joint custody with the perpetrator⁴⁶.

Currently, restraining orders can be combined with electronic surveillance and an extended restraining order can be issued to prohibit the offender from being in a certain area. In practice, however, the risk of being sentenced for violating a restraining order is not sufficient to deter the person from seeking contact with the object of protection. Violations of restraining orders are not a prioritized offence by the authorities and there are also delimitations and practical problems with the use of an electronic tag.

Recommendations:

- Enable the police and prosecutors to issue interim contact orders in certain cases.
- Children should be explicitly mentioned in the legislation on restraining orders.
- Strengthen the protection of women who are victims of violence and have children with the person against whom the order is to concern.
- Violations of restraining orders must be prioritized by the authorities, the practical problems with the use of electronic tags must be addressed and the penalties for violations must be intensified.

Part III: Emerging trends on violence against women and domestic violence

Measures of protection

The following part is compiled by contributions from ECPAT Sweden, Swedish Refugee Law Center Swedish Women's European Network (SKEN) and The National Organization for Women's and Girls' Shelters in Sweden (Roks).

Since GREVIO's last report, there has been some new emerging trends regarding violence against girls online. ECPAT has received firsthand information about these trends regarding sexual violence through their existing helpline but also from a performed survey including the answers of nearly 13 000 children. One important realization concerns so called "expose accounts" in which pictures of sexualized girls are uploaded, without consent, on social media platforms or is shared on cloud storage services. These pictures are often initially sent by the girls themselves to someone they felt they could trust.

The motive behind the spreading is often to control the girls' lives or to gain access to other images by broadcasting existing pictures or threaten to do so. These expose accounts or other shared files can have hundreds of pictures of different girls in sexual contexts. They are very often also connected to the girl's local area or even school, which means that the images are shared and seen by people she knows such as her peers.

When a girl is exploited on these accounts her personal information such as her name, address, school, usernames on social media et cetera, is often attached to the image in order to further shame and humiliate the girl. This is to be considered as a serious trend of sexual violence that have short- and long-term impact on the victim's health, wellbeing and schooling⁴⁷.

Another emerging trend that has been seen is AI generated child sexual abuse material in which non-sexualized pictures of real children are merged into sexualized images by AI. Some of these children

⁴⁵ Dir. 2022:114 & Dir. 2023:36.

⁴⁶ Dir. 2022:114, s. 8.

⁴⁷ S.Josephson, J. Karlsson 2023

are known victims of earlier sexual abuse.

There are also AI generated pictures where children are in situations that seems to be made up from perpetrators' sexual fantasies. The huge dissemination of these pictures and the violation that it constitutes against the targeted children, but also the violation against children in general, is a severe problem that does not seem to decrease any time soon as little is done to prevent it.

Recommendations:

- Abolish the puberty criteria in the child pornography offence to ensure equal protection under the law for all children.
- Ensure that all relevant actors, such as police, prosecutors and courts, have sufficient knowledge about online child sexual abuse in order to ensure it is handled in a coherent manner and that all children get adequate legal support.
- Ensure that appropriate and specific resources are provided to the police force for online child sexual abuse and exploitation offences to improve efficiency, awareness and child protection.

As earlier stated, there is a crime to expose children to violence directed towards their parent. However, recent data demonstrates that mothers who are victims of domestic violence are less inclined to report their children's exposure to it⁴⁸. This unfortunate trend illustrates that mothers might not dare to, or be able to cope with, being branded as *bad* mothers who *let* their children bare witness of their own victimization. These women's own vulnerability and subjection to violations seems to come second when feelings of misplaced guilt takes over. However, the misplaced guilt is reinforced by the prosecutors focus on the crime which is considered to be most aggravating. A focus that leave no or little space for the woman's perception of herself and her situation as a victim of several different violations, including having her children exposed to her victimization. The fact that these aspects are not given the significant attention they rightfully deserve is conflicting with the woman's right to her peace and her sense of self-worth⁴⁹.

The European Union ratified the Istanbul Convention on June the first 2023. This is the by far the most extensive legislation to combat violence against women, including domestic violence, that has ever been suggested and that will be enforced by all the EU member states.

Yet, before this new legislation is implemented by the Swedish Parliament, necessary evaluations are required of the present functioning laws and policies. As of today, there has not been such an evaluation. Whereas female victims and their children need to be removed from their perpetrators and are required to become anonymous, the perpetrators, however, are seldom prosecuted in lack of evidence.

Emerging trends related to access to asylum and international protection for female victims of violence

The Government report highlights the efforts that has been made in order to increase detection and knowledge of men's violence against women (for practical barriers, please see Article 20).

Regarding access to international protection, shortcomings regarding gender sensitive procedures, risk preventing women from disclosing asylum claims⁵⁰.

According to the government, the migration legislation will be subject to changes with the aim to restrict the rights of asylum seekers as much as legally possible⁵¹.

This includes, for instance, the burden of proof as well as the right to publicly funded counsel⁵² which would have very negative consequences for legal certainty, particularly for vulnerable applicants. Such limitations are already of great concern for women fearing gender-based violence in so called

⁴⁸ Westerstrand et al 2022

⁴⁹ BRÅ

⁵⁰ Swedish Refugee Law Center 2023

⁵¹ Tidöavtalet (The Tidö Agreement) 2022

⁵² Dir 2023:137

Dublin cases and applications from safe countries of origin⁵³. When a woman claims that she fears gender-based violence in the designated country or even having been trafficked for sexual purposes to said country, it is very difficult for the woman to rebut the presumption of available state protection. During several years, different reports have raised concerns regarding the failings in the examination of women's grounds for asylum, for example, insufficient gender sensitive considerations when assessing the oral accounts, failings in the individual assessment of future risk, reference to a so called male network and concerns regarding the assessment of late disclosure⁵⁴. Although trainings have been provided there are deficiencies in application.

Recommendations:

- Ensure that all relevant actors receive trainings on/awareness of the forms of violence covered by the Istanbul Convention and in particular the provisions in articles 60 and 61 regarding women seeking asylum and international protection.
- Ensure that procedural guarantees in the asylum procedure are strengthened, rather than limited, to ensure compliance with, inter alia, the Istanbul Convention and the prohibition of refoulement.
- It is recommended that, in the envisaged review of the asylum process with the aim of enhancing its quality, consistency, and legal certainty, the assessment of gender-based asylum claims from women is included.
- It is recommended that the envisaged inquiry (as reported back to GREVIO in January 2022) will be set up to analyze whether there is a need for additional measures regarding the right to a residence permit for persons covered by the protection rule where a relationship has ended following violence on the alien, or the alien's child, or some other serious violation of their liberty.

The following part is a contribution from Birth Rights Sweden.

In addition, it is important to highlight the continued occurrence of obstetric violence as a form of gender-based violence, defined as disrespectful, abusive or neglectful treatment during childbirth in public health care facilities. This includes for example the profound humiliation and verbal abuse, coercive or unconsented medical procedures, lack of confidentiality, failure to get fully informed consent, refusal to give pain medication, gross violations of privacy, refusal of admission to health facilities. Among others, women from ethnic minorities, and migrant women are particularly likely to experience disrespectful and abusive treatment since the government suggested removing the right to translators in health care settings. A report in Swedish called "Mörkertalet" by Birth Rights Sweden, a patient organisation promoting human rights in childbirth, has collected 400 witness statements of women who experienced obstetric violence in Sweden.

⁵³ If another member state is deemed to be responsible according to the Dublin regulation, or concerning applications from safe countries of origin, as a main rule a public counsel is not appointed and it is difficult to rebut the presumption that the country in question is not safe. See also the Group of Experts an Action Against Trafficking in Human Beings (GRETA); Evaluation Report Sweden, Third evaluation round, Access to justice and effective remedies for victims of trafficking in human beings, 19 October 2023; p. 158-159. See further AIDA Country Report Sweden 2022

⁵⁴ Swedish CEDAW network 2021

Following organizations also support the compilation of this shadow report:

Birth Rights Sweden, EQ kvinna, Freezonen, Fredrika Bremer-Förbundet, Gröna Kvinnor, Kvinnorkan and Operation 1325.

ECPAT Sweden only sign the parts of the report that they themselves have authored.

Kvinnofronten sign the entire report except for Article 16.

The report has been compiled by the Swedish Women's lobby.

The compilation was carried out by Erica Bergkvist.

Appendix

Appendix art. 31 Rebecca Lagh

Please indicate whether national law incidents of violence covered under the scope of the convention must be taken into account in the determination of custody and visitation rights of children. If this is the case, please clarify to what extent these provisions:

- Explicitly list domestic violence as a criterion to be taken into account when deciding on custody and/or visitation rights in the applicable legislation. If so, please clarify whether this criterion is/has been applied in practice in the determination of both custody and visitation rights;

Swedish law is clear that the best interests of the child shall always be decisive for all decisions on custody, residence and access. Chapter 6, section 2a in the Parental Code state that when assessing what is best for the child, particular attention shall be paid to:

- The risk that the child or someone else in the family is subjected to abuse or that the child is unlawfully removed, retained or otherwise harmed, and
- The child's need for close and good contact with both parents.

The court's decision must be based on an overall assessment of what is best for the child. This assessment must take into account all aspects of the child's physical and mental well-being and development⁵⁵.

A child should have an absolute right to not be subjected to violence, other abuse or other degrading treatment. When information about violence and other abuse is presented in a visitation case, the examination may, according to the preparatory work, lead to the conclusion that no contact should take place at all. In other cases, it may be judged that although visitation is best for the child, it should take place in special forms, for example in the presence of a contact person⁵⁶.

The law is clear regarding the fact that domestic violence must be considered in all decisions on custody, accommodation and visitation, but in practice children's need for a good and close relationship with both parents is more important than their need for protection from a violent parent. Children are regularly forced to have contact with abusive parents and there are also cases where children are forced to live with abusive parents and where abusive parents are entrusted with the custody of children. There are several examples of cases where a parent has murdered the other parent but still retains custody of the children after the murder.

The government has taken some measures to strengthen the protection of children from abusive parents, but no concrete legislative measures have yet been taken.

In May 2021, the Government commissioned the Swedish Gender Equality Agency to conduct a survey of the prevalence of violence in disputes about custody, accommodation and visitation. The results were reported on the 21st of January 2022 in the report "Information about violence is no exception"⁵⁷. The assignment included mapping the extent to which courts considered allegations of violence in their judgements. The Swedish Gender Equality Agency reviewed 814 district court judgements and it turned out that in 64% of the cases there was information about violence and other abuse, most of which included the father's violence against the mother. The report concluded that the courts do not consider information on violence in the assessment of custody, accommodation and visitation to a large extent. The survey also highlights the risks of the district court's obligation to

⁵⁵ Prop. 1997/98:7 s. 104.

⁵⁶ Prop. 2005/06:99, s. 42.

⁵⁷ Jämställhetsmyndighetens 2022:1

promote consensual solutions and points out that the survey shows that the courts largely have promoted agreements even when it is inappropriate due to information on violence⁵⁸. The review also shows that in few cases, where information about violence or other abuse against a parent, partner or child, is actually considered a risk in the risk assessment the court must make. In some cases, no risk assessment is carried out at all. In only 26% of all cases where information about violence or other abuse against a parent or partner is presented, a risk is assessed and in only 32% of all cases where information about violence or other abuse against a child is presented, a risk is assessed⁵⁹.

Recommendations:

- a) Courts need more knowledge about men's violence against women, violence in close relationships, including honor-related violence and oppression, and violence against children, and to consider and put this knowledge into practice. When deciding on custody, accommodation and visitation, the court needs to consider the consequences of exposure to violence for the victim, the individual child, and particularly vulnerable groups, as well as the consequences of decisions on custody, accommodation or visitation for the individual child. The court's risk assessments need to be developed and based on methods supported by research.
- b) The Swedish Gender Equality Agency is tasked with disseminating knowledge and experience to the relevant actors and following up the work based on the mapping and results.
- c) Children are bearers of rights and their rights under the Convention on the Rights of the Child and other legislation need to be strengthened and utilized to a greater extent.
- d) When the courts promote agreements, it is important that the courts investigate and distinguish between two types of custody, accommodation and visitation disputes. Break-ups from relationships where there is violence or other abuse of the parent, partner or child and separations where parents are in conflict or have difficulties co-operating. The court should not favor agreements where there is evidence of violence or other abuse.

The government appointed a special investigator on 16th of September 2021 with the task of reviewing the rules in the Parental Code on, among other things, visitation. The special investigator's task included taking a position on how the protection of children can be strengthened when the question of access to a parent who has exercised violence or been guilty of other serious violation arises⁶⁰. On 20th of January 2023, the report "Safer homes for children" was submitted to the Government. However, the inquiry chose not to propose any special regulation for children exposed to violence, but instead to propose an amendment to Chapter 6, Section 2a, paragraph 2 of the Parental Code to the effect that the assessment of the child's best interests shall be a comprehensive assessment in which the risk of the child being harmed shall be part of the overall assessment, just as the child's right to good and close contact with both parents⁶¹. No legislative measures have yet been taken in response to the proposal.

The Swedish Gender Equality Agency has been tasked with disseminating information to relevant actors about the agency's mapping of how information about violence or other abuse is taken into account in cases of custody, accommodation and visitation and to monitor developments in the area. They have made the following recommendations for the government:

- a) It needs to be investigated how the conditions for examining issues of custody, accommodation and visitation can be improved. It also needs to be investigated what an

⁵⁸ Jämställdmyndigheten 2022:1

⁵⁹ Jämställdmyndigheten 2022:1, p 9

⁶⁰ Dir. 2021:70

⁶¹ SOU 2022:71

alternative procedure could look like, which strengthens the court's ability to ensure protection for victims of violence and apply a stronger child rights perspective.

- b) There is a need for reforms to make it easier for children to be heard in the legal process. This is to strengthen the children's right to be heard and for their opinions to be taken into account to a greater extent in custody, accommodation and visitation cases. The issue of counselling for children should be further investigated.
- c) It should be investigated whether a limit on the number of times these cases can be brought should be introduced. This is to limit the possibility of maintaining post-violence and protect children from stressful processes. In order to reopen the case, clear criteria should be established for the criteria for what needs to be fulfilled.
- d) Court risk assessments need to be methodologically developed. Risk levels and the evidence required to establish risk need to be concretized in legislation.
- e) There is a need to clarify in legislation when it is inappropriate for the court to promote and establish agreements.
- f) The courts need to be given better conditions, so that judges have the opportunity to prioritize training initiatives, and to ensure that cases concerning custody, accommodation and visitations are handled with a strong child rights perspective and that well-founded risk assessments are carried out.
- g) It needs to be ensured that municipalities have access to knowledge-based methods for labor law risk assessments that are easy and free to use, as well as training and support in the application of such methods.
- h) The Swedish Gender Equality Agency should be commissioned to conduct a new survey on how information on violence and other abuse is taken into account in cases of custody, accommodation and visitation. This is partly to follow up on the previous survey and partly to investigate whether knowledge and new legislation in the area has contributed to strengthening children's rights and ensuring that protection for children and adults exposed to violence has had an impact in accordance with the legislator's intentions⁶².

Acknowledge the harm that witnessing violence by one parent against the other has on a child

On 1st of July 2021, Sweden introduced a new provision in the Criminal Code making it a crime to expose a child to witness (see and/or hear) violence from a person close to the child to another person, *Barnfridsbrott*. With this, Sweden recognizes in criminal law the harm children suffer from witnessing violence from one parent to another. Yet, in custody and visitation cases, there is no corresponding recognition, which means the children are regularly subjected to being forced into visitation with a violent parent, see above.

What the government has done is to propose legislative measures to improve protection and support for people in need of sheltered accommodation in a draft bill. Among other things, the proposal suggests that children who accompany a guardian to sheltered accommodation should be assessed and granted sheltered accommodation measure individually. If the parent with whom the child is not placed in sheltered accommodation with does not consent to the child's placement in sheltered accommodation, the social welfare committee will still be able to place the child in sheltered accommodation under a new law, subject to a court judgement. It is stated that children's protection against visitation with a violent parent will be strengthened this way, as the social welfare board can prevent the child's visitation with a violent parent during the placement period. The changes are proposed to enter into force on 1st of March 2024⁶³.

In reality, this means no real protection for the child in a longer term.

Placement periods in sheltered accommodation have in practice become very short, sometimes only a

⁶² Jämställdhetsmyndigheten 2023:12, p. 30.

⁶³ Jämställdhetsmyndigheten, 2023

few weeks to a month, which means that with this proposal children are protected during the placement period but not after its termination. In addition, far from all children exposed to violence, or who experience violence in the family, live in shelters. These children are therefore completely without rights and protection and will not be able to enjoy even the short-term benefits of the proposal.

Recommendations:

- a) Ensure that custody with the non-violent parent is preferred over foster-care; the question of custody of the child is separate from the question of whether there is a need for the child to be cared for, for example in foster-care.
- b) foresee the screening of civil proceedings related to the determination of custody or visitation rights for a history of domestic violence among the parties; there are no provisions requiring previous civil proceedings to be taken into account in proceedings concerning custody, accommodation and visitation. However, the court has a responsibility to ensure that the issues are adequately investigated and will usually direct the social services department to carry out an investigation and submit a report. If the information in previous proceedings is relevant, this information can be included in the report.
- c) foresee that judges conduct risk assessments or request the disclosure of risk assessments drawn up by law-enforcement agencies or other competent stakeholders for victims of domestic violence, with a view to taking them into account and determining the best interest of the child in the context of custody and visitation decisions.

It is recognized that there is room to improve the quality of the risk assessments to be carried out where there are reports of violence or other abuse. In Bill 2020/21:150, the inquiry states that it is important that the individual court organizes its activities in a way that ensures that judges who handle family cases have the opportunity for the necessary skills development. It is up to the courts to decide how they should be organized in order to ensure sufficient competence in various matters⁶⁴.

The Swedish Gender Equality Agency's report shows that in 69% of the cases reviewed, the courts had carried out some form of risk assessment, but in most cases the assessment was neither systematic, coherent nor compatible with legislation and preparatory work. There is no uniform methods for assessing the risk of the allegations of violence or other forms of abuse made in the cases, the allegations of violence or abuse are dismissed because they are not considered to be substantiated, despite the fact that the legislative history indicate that the standard of proof is not as high as in criminal cases. There are examples of Court of Appeal cases where the court in custody cases has made a risk assessment of violence. The question was whether there were sufficient reasons to deviate from the part's consent regarding contact corresponding to alternating residence, as the consent was not considered to be in the best interest of the children. The court considered it inappropriate for the father to have sole custody or alternate residence because he had been violent and failed to promote contact with the mother and her family. The court instead awarded the father visitation rights from Thursday afternoon to Monday morning every two weeks, despite allegations of violence⁶⁵. This shows that children are not protected even in cases where risk assessments are actually carried out.

33. Please describe the measures in place to ensure that judges, court appointed experts and other legal professionals:

- a) have sufficient knowledge of the law and understanding of the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child;
A report from The Swedish Gender Equality Agency shows that judges know too little about men's violence against women, violence in close relationships (including violence against children), honor-related violence and oppression and post-violence. Furthermore, there are

⁶⁴ Prop. 2020/21:150, s. 116.

⁶⁵ RH 2005:38.

perceptions that parents make allegations of violence to gain strategic advantages in the custody process, or that sheltered accommodation does not necessarily mean exposure to violence⁶⁶. The courts focus on difficulties in co-operation to a greater extent than details of violence or other abuse against the parent, partner or child at the conclusion of the case. In several courts, information on violence or other abuse is rephrased as conflict or cooperation difficulties. The parent and child's stay in a sheltered environment is also taken into account in the decision-making process to a limited extent⁶⁷. The court days ("domstolsdagarna") regularly organizes training days for judges with a special interest in family law. The 2022 Family Law Days discussed children who witness violence and how to investigate and assess children's exposure to violence. In collaboration with the Swedish Academy of Justice, the Swedish Gender Equality Agency conducted a workshop at the two training events, where issues such as children's participation, risk assessments, consensual solutions and children's contact with a violent parent were raised for discussion. They also discussed how information about violence can be highlighted in the judgement without it being rewritten as difficulties in cooperation⁶⁸. In order to ensure that judges and other actors within the justice system have a more in-depth education and understanding of violence, the mechanisms of violence and the consequences of violence and with that can make decisions on matters of what is in the best interest of the child, further education is required to be mandatory. There are no such regulations or proposals today.

- b) Duly take into account victims' grievances in cases of domestic violence and hear children victims/witnesses, where applicable, in the determination of custody and visitation rights; The Convention on the Rights of the Child has been Swedish law since 2020, and with it, children's rights have been strengthened. The Convention on the Rights of the Child states, among other things, that children have the right to be heard in all matters that concern them. From 1 July 2021, the children's rights perspective has been strengthened in matters of custody, accommodation and access through amendments to the Parental Code, the Marriage Code, the Judicial Code and the Publicity and Confidentiality Act. Among other things, the parental code makes it clearer that the child has the right to information and to be heard. The social welfare committee also has the opportunity to hear a child without the guardian's consent or presence.
- a) Authorities in Sweden have become better at hearing children in questions and investigations that concern them, but this doesn't always mean that children's information about violence from a parent is taken seriously by family law, social services and courts, quite often it's the opposite which of course put children at risk.
- b) Practice shows that authorities tend to rewrite children's stories about violence and abuse to conflict of loyalty or influence from the other parent, or alternatively reducing the child's experience of violence in other ways. Not infrequently, authorities listen more to the violent parent than to the child, which means that the child becomes disenfranchised in the process.

What can be noted is that the rights of children exposed to violence and what these children express are accommodated in a completely different way in criminal cases and cases of compulsory care than in custody cases

- c) are informed of the unfoundedness of notions of "parental alienation" or analogous concepts that are used to overshadow the violence and control exerted by perpetrators of domestic violence over women and their children.

⁶⁶ Jämställdhetsmyndigheten 2023:12.

⁶⁷ Jämställdhetsmyndigheten 2022:1, p. 69

⁶⁸ Jämställdhetsmyndigheten, 2023:12.

What can be said in this matter is that in practice claims of parental alienation are not infrequently taken as truth in courts and by family law clerks without any substantiated arguments or evidence. This especially when claims come from men who are accused of violence.

Please provide details on the procedures in place to ensure that the competent court for family-related issues co-operate/communicate with other relevant bodies/professionals, including, but not limited to, criminal courts, law enforcement agencies, health and education authorities and specialist women's support services when taking decisions on custody and visitation or when offering family law mediation. Please specify whether the law provides a legal framework for any of the procedures in place.

In order to obtain a good basis, the court may order the family court to carry out an investigation. Which investigation is necessary is decided in each individual case. The court always makes an initial contact with the social welfare board where the children or the parent lived so that the social welfare board can be given the opportunity to provide information about the family (Chapter 6, Section 19, second paragraph the Family Code). In practice, this means that the social welfare board makes a search in the social register and provides any information that may be of significance to the investigation. If the social welfare board has access to information that may be of importance to the court's review, the social welfare board has an obligation, notwithstanding confidentiality, to provide that information to the court.

The court has the option of requesting a smaller enquiry (Chapter 6, Section 20, the Parental Code), mostly commonly before an oral hearing. In these investigations, the investigator talks to the parents and also usually to the children. The child will be heard unless it is inappropriate.

If the district court considers that there is a need for more investigation, the district court can instruct the social welfare board to carry out an investigation into custody, housing and visitation in accordance with Chapter 6, Section 19, third paragraph of the Family Code. In this, the social welfare board makes its own proposal for how the dispute should be resolved based on what is best for the child. The court is not bound by the social welfare board's proposal, but independently assesses the value of the information in the investigation. Social service office also obtains criminal suspicion- and charge registers if deemed necessary.

The government investigator suggests in "Safer homes for children"³³ that court should be able to obtain an expert opinion from a psychologist if found necessary. This based on the material in the case and without talking to the child.

The court has today no possibility to demand that a parent submit medical records from healthcare, substance abuse unit or similar authorities. Nor can the court require a parent to take drug tests or demonstrate sobriety before a decision on visitation rights.

In order to prevent and deter offences in close relationships, a confidential-breaking provision was introduced in the Public Access to Information and Secrecy Act (2009:400), OSL. This means that staff in social services and health care may, under certain conditions, provide information to the Police Authority in order to prevent more serious offences⁶⁹.

Please provide detailed information on the procedures in place (including, if applicable, the relevant personnel used, the specific infrastructure available), in the exercise of custody and visitation rights, to:

- a) eliminate the risk for the abused parent to be subjected to further violence
- b) eliminate the risk for the child to witness or experience violence
- c) ensure that the responsible personnel are trained and that the facilities are suited to enable safe supervised visitation.

⁶⁹ The National Board of Health and Welfare

There are no current studies of the extent to which courts make decisions about visitation support in cases involving violence. The Equality Authority's report 2022:1 "violence is no exception" shows, however, that issues of visitation support are difficult for both the court and the social welfare board, and that deficiencies have emerged in how, for example, the court requests documentation from the social welfare board before decisions about social support and that the role of social support during and after the decision is often unclear to everyone involved. The Social Welfare Board points out in particular that contact with contact support could generally entail special risks for children in matters relating to violence and that for children who have experienced violence such contact can lead to great insecurity⁷⁰.

The same report shows that courts sometimes underestimate the risks and burdens for victims of crime in cases where violence has occurred. The study shows that the staff in the room to support the child may tend to assume that the abused parent is making unsubstantiated allegations of violence, rather than that the violence is real. As a result, staff who are supposed to support children exposed to contact violence may fail to pay attention to the child's feelings of insecurity and fear during the interaction⁷¹. In practice, courts and social services often decide contact despite the fact that there is information of violence and abuse, a ban on contact between the parents or when the abused parent lives under protection with the child. This is a risk for the abused parent and a risk that the child will witness and experience further violence.

Please indicate whether national foresee the withdrawal of parental rights in criminal sentences if the best interest of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Issues of custody, accommodation and visitation with a parent with whom the child does not live cannot be decided in a criminal judgement. Separate proceedings regarding these issues can be initiated at any time either by the other parent or, depending on the circumstances, the social services.

Appendix art. 52 + 53 Rebecca Lagh

In Sweden, the protection order is not called protection orders, instead it is called contact bans, which is available in three different forms: contact order, extended contact order and special extended contact order. Contact orders can also be issued for the shared home. Since Swedish law does not distinguish between emergency barring orders, restraining or protection orders, we have responded to articles 52 and 53 under the same heading.

Have any legislative or other measures been taken to introduce and/or amend the legal framework governing emergency barring orders in order to align it with the requirements of Article 52?

New legislation on contact bans was introduced in January 2022, in which the materiality requirement in the proportionality test for contact bans regarding joint housing and for specially extended contact bans was removed and the penalties for violations were tightened.

The government has subsequently appointed a special investigator to review the contact ban legislation further with the aim of ensuring that the legislation to the greatest extent possible satisfies the interest of preventing and providing protection to mainly women and children who are exposed to violence and other violations in close relationships⁷². The assignment was to be reported no later than August 7, 2023, but was extended to February 7, 2024 with additional directives⁷³.

⁷⁰ Jämställdhetsmyndigheten 2022:1 p. 85

⁷¹ Jämställdhetsmyndigheten 2022:1 p. 85

⁷² Dir. 2022:114.

⁷³ Dir. 2023:36.

No legislative measures have yet been introduced.

If yes, please specify whether:

- a. emergency barring orders may remain in place until a victim can obtain a courtordered protection order in order to ensure that gaps in the protection do not arise; Today, prosecutors make decisions about restraining orders. It has previously been considered whether the Police Authority should be able to make certain decisions and this in order to increase efficiency, protection and support for the protected persons. The government's additional directive therefore includes reviewing the question of whether the Police Authority and prosecutors in certain cases should be able to make interim decisions in certain situations⁷⁴.
- b. support and advice are made available to women victims of domestic violence in a pro-active manner by the authority competent to issue an emergency barring order; 3 This question refers to the obligation contained in Article 59, paragraph 3. State parties that have entered a reservation in respect of Article 59 may reply to this question but are not required to do so.
- c. children are specifically included in contact bans issued under the emergency barring order; Today children are often excluded from contact ban and not explicitly mentioned in the legislation. It is also more difficult to get a restraining order for abused women if joint custody.
- d. any exceptions to contact bans are made and in which circumstances.

Please provide information on the measures taken to enforce protection orders and on responses to any violations of such orders.

Some legislative changes have been made to the no-contact legislation to tighten it, and further tightening legislation is under investigation. Today, contact bans can be combined with electronic monitoring and it can be decided on an extended contact ban that prohibits the offender from staying in a certain area, etc.

But in practice, the risk of being convicted of a breach of a contact ban order is not sufficient to deter the person covered by the order from seeking contact with a protected object. Violations of contact ban orders are not a priority by the authority's and there are also practical problems in the use of foot shackles.

In January this year, the Prosecutor's Office published an update of the legal guidance on contact order procedures⁷⁵. The letter from the Government to the Authority for 2023 includes a requirement to report on the measures taken to ensure consistent and effective enforcement of contact orders⁷⁶.

WONSA

The thematic report from the Swedish government refers to a report published in 2020 by SALAR (*Sexual violence care, the current situation and the way forward*). However, the government fails to present a clear picture of the findings regarding the situation for victims of sexual violence in Sweden. The SALAR report identifies six areas within the Swedish healthcare system that need improvement in order to more adequately address the healthcare needs of the patient group:

- 1) that medical staff need to better address and tend to victims of sexual violence. The lack of knowledge increases the risk of victims feeling judged, misunderstood or blamed for their experiences which may deter them from seeking care
- (2) better access to non-acute health care

⁷⁴ Dir. 2022:114, s. 8.

⁷⁵ Swedish Prosecution Authority Legal guidance 2023:1

⁷⁶ Swedish Prosecution Authority, Government Decision 2022 1:27, p. 1.

- (3) lack of knowledge when treating complex “problems” and severe trauma from sexual violence
- (4) equality of acute care regardless of geography
- (5) the need for the health system to meet the needs of especially vulnerable groups
- (6) the recourses within the health system need to be used more efficiently to better meet the needs within the patient group.

The main areas that WONSA would like to bring attention to are the lack of adequate non-acute healthcare throughout the country, the desperate need for wider knowledge on how to treat patients with severe trauma and complex injuries, and the need for better use of resources to more efficiently meet the needs of patients.

Most victims of sexual violence seek out non-emergency healthcare, and often for other medical issues than sexual violence, despite their injuries and symptoms stemming from their experiences of sexual violence. Most psychiatric care in Sweden today does not have the competence or experience of treating patients with trauma or dissociation resulting from sexual violence. This can cause great suffering for these patients and even elevated symptoms because of the complexity in these traumas. At present, many patients are being passed around within the healthcare system due to a lack of specialized care, and in the end, they only receive treatment for their symptoms but not the root cause. The National Centre For Knowledge On Men’s Violence Against Women (NCK) has developed emergency healthcare guidelines for victims of sexual violence. However, there are no intervention programs or national care programs or guidelines regarding non-emergency healthcare after sexual violence. Medical staff and the entire public healthcare system in Sweden remain ill-informed regarding the prevalence, injury development, assessment and treatment of patients with injuries after sexual violence.

The SALAR report further states that organizations specialized in treating patients with experiences of sexual violence are better equipped at seeing to patients’ needs and providing them with adequate treatment, but that currently no actor within the public system is specifically assigned responsibility for providing this kind of treatment.

Given the above we look positively upon the following statement from the government’s report:

“In the agreement that the Government has entered into with (SALAR) 2023...funds may be used to stimulate strengthened and long-term sustainable competence and equivalent care across the country for people who have been exposed to sexual violence and genital mutilation. This includes ensuring that there are clear care chains...Patients, including those with complex problems, must be offered care based on the best possible knowledge. To increase employees’ knowledge of sexual violence and genital mutilation, its consequences and how it can be detected, especially in cases where the girl or woman seeks care for other symptoms to improve healthcare’s treatment of the target group.”

The healthcare system needs improvement in identifying injuries and symptoms connected to experiences and trauma from sexual violence, and a clear chain of care is vital. However, we note that healthcare provisions in the agreement between the government and SALAR are not specifically allocated, but optional for the Regions to use to strengthen the care for victims of sexual violence.

Sweden has one specialist clinic (WONSA clinic), partly funded by the Stockholm Region that offers non-emergency trauma therapy to victims of sexual violence from 12 years and up, regardless of whether the sexual violence occurred recently or in the past. The clinic has four doctors, three psychologists, 13 licensed psychotherapists, four basic trained therapists, two licensed nurses and two licensed physical therapists. Two of the doctors are mainly financed by voluntary efforts. There are two public trauma clinics for children who are victims of sexual violence, one in Stockholm and one in Linköping^{77 78}. The WONSA clinic has room for treatment of approximately 100 patients annually. The two public trauma clinics for children who are victims of sexual violence in Sweden have room

⁷⁷ Child and Adolescent Psychiatry-Region Stockholm, BUP Trauma Unit

⁷⁸ Region Östergötland Trauma Clinic, BUP Trauma Units Linköping

for approximately 180 children annually. In 2022 The Swedish National Council for Crime Prevention (BRÅ) reported 9 635 cases of rape where 4 272 was cases of child rape (0-17 years)⁷⁹, but the number of unreported cases regarding adults are believed to be around 80% and children 90%⁸⁰. As such, the capacity of the existing clinics represents less than 0.4% of the actual need.

WONSAs specialist clinic received 7.8 million SEK from Region Stockholm for the period 1 Aug 2023 to 31 Dec 2024. It is described in the contract that the public procurement is made “in order to provide, in the short term, a supplement to the care of post-traumatic stress disorder (PTSD) which is currently offered within the ordinary specialist psychiatry, and to contribute to knowledge development in the area of adults in need of care for psychiatric diagnoses and symptoms caused by exposure to sexual violence.” This co-operation between regionally-run healthcare and an NGO is a first step in the right direction and a recognition for the need of specialist services for victims of sexual violence. Stockholm is only one of 21 Regions, and we encourage Sweden’s other 20 Regions to follow Stockholm’s example. We want to highlight that the contract between specialist psychiatry in the Stockholm Region and WONSA is time-limited, does not fully cover the costs of the clinic (15 million SEK annually), and that the WONSA clinic has patients from the entire country waiting to receive treatment in a constantly growing queue. In other words, the availability of non-emergency, specialized trauma care for victims of sexual violence within the public healthcare system in Sweden has not improved.

We look forward to the result of the commission from the National Board of Health and Welfare (S2023/00970), especially regarding the need for a national support function. As clearly stated in the Shadow Report by Swedish civil society, 2022⁸¹, we believe that a National Centre for research, education and treatment is the fastest and most cost-efficient way to organize a patient-safe and coherent healthcare supply chain for victims of sexual violence across the country. It is also a concrete step towards gender equal healthcare.

To summarize, despite progress (notably in Stockholm), thousands of patients at high risk of suicide and premature death are still left without adequate healthcare in Sweden today. It is clear that there is still a great need for available, publicly funded specialist and trauma clinics for victims of sexual violence in every region of the country. WONSA would as a final comment also like to bring special attention to the additional Shadow report from Swedish civil society published 2022 where NGOs working with victims of sexual violence share their experience and expertise.

⁷⁹ BRÅ

⁸⁰ Bamahus 2014

⁸¹ Shadow report by the Swedish Civil Society 2022

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