



## **SWEDEN: INSUFFICIENT IMPLEMENTATION OF THE ISTANBUL CONVENTION**

AMNESTY INTERNATIONAL SUBMISSION TO THE GROUP OF EXPERTS ON ACTION AGAINST VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (GREVIO) ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN SWEDEN

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# 1. INTRODUCTION

Amnesty International submits this briefing to the Group of Experts on Action against Violence against Women and Domestic Violence, GREVIO in advance of the first thematic evaluation of Sweden dedicated to Building trust by delivering support, protection, and justice, in 2023-2024.

In this submission, Amnesty International sets out its concerns about the implementation of key obligations in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), with a focus on the rights of survivors of sexual violence and violence in close relationships to access justice and remedy including medical care, counselling, and support services.

This submission should not be seen as an exhaustive list of concerns.

# 2. MAJOR AREAS OF CONCERN

## 2.1 VIOLENCE AGAINST WOMEN

Preventing and eradicating violence against women has long been a key goal of the Swedish government's policy on gender equality. In 2017, the former government launched a 10-year National strategy to prevent and combat men's violence against women, as part of "Power, goals and agency - a feminist policy for a gender equal future".<sup>1</sup> The stated aim of the strategy was to move from a reactive to a proactive approach and to promote effective preventive measures to combat violence against women.

Despite a manifest political will, strategies, and resourced action plans to prevent and eradicate gender-based violence against women and girls over the past decades, such violence remains pervasive. According to the official Swedish Crime Survey, 2.7% of the female population between 16- 84 years stated they had been subject to physical abuse in 2019.<sup>2</sup> The equivalent figure in 2022 was 2.3%.<sup>2</sup>

Most survivors never report the crime they experienced. Physical abuse is only one form of violence against women, yet in 2022, a total of 29,224 offences of physical abuse against women were reported to the police. In 80% of these offences the crime was committed by a person known to the victim.<sup>3</sup> In addition, there were 10 confirmed cases of lethal violence against women by their current or former partner.<sup>4</sup>

Young women seem to be at particular risk. Studies have shown that 23% of young women aged 16–24 have been subjected to humiliating and degrading treatment, or attempts to curtail their

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<sup>1</sup> Government Communication, *Power, goals, and agency – a feminist policy for a gender-equal future*, 2016, [https://www.regeringen.se/contentassets/287eb2554fa941b8a3ceb1efdd7e65d2/rk-22393\\_skrivelse\\_en\\_ta\\_webb-2.pdf](https://www.regeringen.se/contentassets/287eb2554fa941b8a3ceb1efdd7e65d2/rk-22393_skrivelse_en_ta_webb-2.pdf)

<sup>2</sup> The Swedish National Council for Crime Prevention, Brå, Swedish Crime Survey, Summary report, 2023, [https://bra.se/download/18.126e8d3a18afe99a9721db1/1696838115678/2023\\_Swedish\\_Crime\\_Survey\\_2023.pdf](https://bra.se/download/18.126e8d3a18afe99a9721db1/1696838115678/2023_Swedish_Crime_Survey_2023.pdf)

<sup>3</sup> The Swedish National Council for Crime Prevention, Brå, *Violence and physical abuse*, (in Swedish), [https://bra.se/download/18.126e8d3a18afe99a9721db1/1696838115678/2023\\_Swedish\\_Crime\\_Survey\\_2023.pdf](https://bra.se/download/18.126e8d3a18afe99a9721db1/1696838115678/2023_Swedish_Crime_Survey_2023.pdf)

<sup>4</sup> Ibid.

freedom, or threats, harassment, physical abuse, or sexual offenses by a current or former partner.<sup>5</sup>

The government tasked the Swedish National Council for Crime Prevention (Brottsförebyggande rådet, Brå)<sup>6</sup> to conduct research about potential measures to counteract violence in close relationships among young people. Brå published their report in 2021. Problems identified by Brå included lack of knowledge, both in 'the authorities' knowledge production' and ways of organising and that the 'knowledge is low among many professionals who work on the issue at a strategic level' or work directly with children and young people. The report further found that research is scarce and only few prevalence studies exist, society's 'lack of ability to detect both exposure to violence in young people's relationships', shortcomings in preventive work, especially 'lack of focus on risk factors for young people to commit violence' and difficulties for young victims to access support.<sup>7</sup>

## 2.1.1 RESPONSIBILITY OF THE MUNICIPALITIES

**Article 20: General support services,**

**Article 22: Specialist support services**

**Article 23: Shelters**

Despite the responsibilities laid down by law, many municipalities are not doing enough to address violence against women in intimate relationships.

Nearly 20 years ago, Amnesty International raised concerns about differences in access, quality, and effectiveness of the work at the municipal level to support and protect women subjected to violence by their partners.<sup>8</sup> Amnesty International called for a change in the law to clarify the municipalities' responsibility and obligations to provide support and protection. An amendment of the Social Service Act was made in 2008 to clarify the municipalities' obligation to provide support to women subjected to violence.<sup>9</sup>

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<sup>5</sup> The Swedish National Council for Crime Prevention, Brå, *Crimes in close relationships among youth*, Short analysis, 2018, (in Swedish), [https://bra.se/download/18.c4ecee2162e20d258c4a9ea/1553612799682/2018\\_Brott\\_i\\_nara\\_relationer\\_bland\\_unga.pdf](https://bra.se/download/18.c4ecee2162e20d258c4a9ea/1553612799682/2018_Brott_i_nara_relationer_bland_unga.pdf)

<sup>6</sup> Brottsförebyggande rådet, Brå, is an agency under the auspices of the Ministry of Justice and a knowledge centre for the criminal justice system. The agency's mandate is to contribute to the development of knowledge within the criminal justice system and the criminal policy area, as well as to promote crime prevention work. Brå is responsible for the official criminal statistics and other statistics, which includes producing, following, analyzing, and reporting on criminality and the criminal justice system's responses to crime. For that purpose, Brå generates statistics which are based on large-scale surveys and other special data collection.

<sup>7</sup> The Swedish National Council for Crime Prevention, Brå, *Intimate partner violence among young people*, 2021, (in Swedish), [https://bra.se/download/18.79079f9d17cc01fce50bb/1635487700517/2021\\_15\\_Vald\\_i\\_ungas\\_parrelationer.pdf](https://bra.se/download/18.79079f9d17cc01fce50bb/1635487700517/2021_15_Vald_i_ungas_parrelationer.pdf)

<sup>8</sup> Amnesty International Sweden, "Not a Priority Issue". *A Review of the Work of Swedish Municipalities to Combat Men's Violence against Women*, 2005, (in Swedish), <https://docplayer.se/45647-Har-er-prioriterat-fragan-en-undersokning-om-svenska-kommuners-arbete-for-att-bekampa-mans-vald-mot-kvinnor.html>

<sup>9</sup> According to the Social Service Act (chapter 5, § 11) the Social Welfare Board in municipalities must pay particular attention to the fact that women who are or have been subjected to violence or other abuse by a closely related person may be in need of support and help to change their situation. The Social Welfare Board is responsible for ensuring that a child who has been the victim of a crime and their relatives receive the support and help they need. The Social Welfare Board must also pay particular attention to the fact that a child who has witnessed violence or other abuse by or against a family member is a victim of a crime and is responsible for ensuring that the child receives the support and help that the child needs.

However, Amnesty International is concerned that the level of support offered to survivors is still partly determined by their place of residence, rather than by the individual woman's situation and needs.

Subsequent oversight reviews by the Health and Social Care Inspectorate of the municipalities' support to women subjected to violence and their children have identified shortcomings in most municipalities under review. Problems include inadequate competence, knowledge, and quality.<sup>10</sup> One recent review showed that only one of the 14 municipalities examined fully met the legal and regulatory requirements. Some shortcomings were of such a nature that they may jeopardize a legally secure handling of cases of violence in close relationships and risk adversely affecting the survivors' access to support. For example, goals for the work with victims of violence were missing in several municipalities, the Social Boards' preliminary assessments and investigations were of varying quality and had a number showed shortcomings, the Social Boards often lacked knowledge that they were obliged to investigate applications for support and protection even from people who do not live in the municipality, several Social Boards lacked sufficient staff, and existing staff sometimes lacked the necessary knowledge and competence.<sup>11</sup>

Reviews by other government bodies have also noted serious shortcomings in the services available to women who have experienced violence. Under certain circumstances, the National Board of Health and Welfare has a legal duty to conduct a "serious case review" in cases of murder, manslaughter or attempted murder of a child or the murder, manslaughter, or attempted murder of an adult by a current or former intimate partner. The purpose of the investigations is to identify any shortcomings by authorities including the police, social services, schools, and health care that must be addressed to prevent children from being harmed and adults being subjected to violence or other abuse by close relatives. Between 2018 and 2021, 57 such case reviews were made in which adults were killed or subjected to lethal violence by a close relative, mostly a partner or former partner.<sup>12</sup> 43 of the 57 victims were women. Many of the victims and perpetrators had had extensive contacts with various authorities the year prior to the crime, such as health care and social services and the police. In many cases, the most recent contacts had taken place shortly before the crime.

The National Board of Health and Welfare identified various shortcomings on part of the authorities, including the social services, where violence against close relatives was rarely noticed in these cases. The review found that questions about exposure to violence were not asked to the extent needed; risk assessments were often lacking; safety planning for the protection of victims of violence was inadequate; victims of violence were not able get help to access permanent housing to escape the perpetrator; follow-up of the situation of victims of violence were lacking; and the social network were not involved to strengthen support.<sup>13</sup>

The conclusions of the "serious cases review" related to adult victims indicated among other things, that further regulation may be needed to ensure that victims receive the support and protection they require, such as regulations on following up ongoing interventions to assess whether ongoing measures were adequate or if they should be supplemented or changed. Also,

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<sup>10</sup> The National Board of Health and Welfare and the Country Administrative Boards, *Women subjected to violence and children who have witnessed violence The responsibility of all municipalities. Final report from a national inspection*, 2009, (in Swedish), <https://gendertruce.files.wordpress.com/2014/04/socialstyrelsen-vc3a5ldsutsatta-2008-2009.pdf>

<sup>11</sup> The Social Care Inspectorate, *Review of municipalities' work with violence in close relationships 2018. A report with the Social Care Inspectorates' observations from 14 municipalities' work*, 2019, (in Swedish), <https://www.ivo.se/globalassets/dokument/publikationer/rapporter/rapporter-2019/rapport-ivo-granskning-av-vald-i-nara-relationer-2018-reviderad.pdf>

<sup>12</sup> The National Board of Health and Welfare, *Serious case reviews by the National Board of Health and Welfare to prevent certain injuries and fatalities 2018-2021*, 2021, <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2022-2-7777.pdf>

<sup>13</sup> Ibid.

guidelines for security planning to protect victims of violence by the social service are limited and currently there are no regulations on the matter.<sup>14</sup>

Access to efficient, timely, quality support and help is crucial to escape further violence and for survivors to rebuild their life free from violence.

Temporary sheltered accommodation<sup>15</sup> is one of the measures that social services can decide on to support and help women subjected to violence in close relationships and so-called 'honour related' violence.<sup>16</sup>

For decades, municipalities have relied on non-profit women's shelters as the main provider of temporary sheltered accommodation.<sup>17</sup> According to a mapping report by the National Board of Health and Welfare covering the year of 2019, temporary sheltered accommodation existed in about half of the 290 municipalities. In recent years the proportion of shelters run by private-for-profit companies has been increasing.<sup>18</sup> This raises complex questions about quality, regulation, oversight, and accountability of private sector companies that provide and carry out interventions decided by the social services.

Currently, there are no specified quality requirements for temporary sheltered accommodation and no permit is required to operate a shelter. The responsibility to ensure interventions are of good quality lies with the social services.

In October 2023, the government presented a bill aimed at strengthening the rights of children and adults in temporary sheltered accommodation. According to the proposal, from April 2024 private actors and associations that seek to professionally operate sheltered accommodation will need to apply for a permit from the Health and Social Care Inspectorate. Anyone who already carries out such an activity must apply for a permit within four months of the requirement being introduced.<sup>19</sup>

In addition to these steps, Amnesty International is concerned that further measures may be needed to improve access to, and the quality of temporary sheltered accommodation for survivors with physical or mental disabilities and other marginalized groups, including survivors with

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<sup>14</sup> Ibid.

<sup>15</sup> Temporary sheltered accommodation is not defined in law. The National Board of Health and Welfare has defined sheltered accommodation as "accommodation that provides round-the-clock accommodation intended for people who need assistance in the form of protection against threats, violence or other abuse, together with other relevant interventions.", <https://termbank.socialstyrelsen.se/>

<sup>16</sup> Sheltered housing is not explicitly mentioned or defined in the Social Service Act. The National Board of Health and Welfare's regulations and general advice on violence in close relationships, include protected accommodation as follows:

"If necessary, the social welfare board must offer victims (adults as well as persons under 18 years of age), who have been subjected to violence or other abuse by their partner, or a person under the age of 18 who has been subjected to honour-related violence, support and assistance in the form of suitable temporary accommodation that corresponds to the victim's need for protection based on investigation and risk assessment. If the victim needs support and help in a sheltered accommodation, the shelter should have sufficient staffing and protective devices to be able to offer protection against threats, violence, and other abuses. The accommodation offered to the victim of violence should be suitable for any accompanying child, regardless of the child's age and sex. If the shelter receives children, there should be staff in the shelter with knowledge of children's needs."

The National Board of Health and Welfare's regulations and general advice, SOSFS 2014:4, (in Swedish), <https://lagen.nu/sosfs/2014:4>

<sup>17</sup> Amnesty International Sweden, "Not a Priority Issue." *A Review of the Work of Swedish Municipalities to Combat Men's Violence against Women*, 2005, (in Swedish), <https://docplayer.se/45647-Har-er-prioriterat-fragan-en-undersokning-om-svenska-kommuners-arbete-for-att-bekampa-mans-vald-mot-kvinnor.html>

<sup>18</sup> The National Board of Health and Welfare, *Mapping of protected accommodations in Sweden*, 2020, (in Swedish). <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2020-6-6817.pdf>

<sup>19</sup> Government proposition: Prop.2023/24:31, *Strengthening the rights of children and adults in sheltered accommodation*, 2023, (in Swedish), <https://www.regeringen.se/rattsliga-dokument/proposition/2023/10/prop.20232431>



substance abuse or addiction problems, to fully realise their human rights.<sup>20</sup> Similarly, more efforts may be needed to support survivors of violence to find permanent accommodation.

Temporary sheltered accommodation is a short-term solution, but women who are trying to move away from a family member or partner who is violent often find it hard to access permanent housing. A majority of Sweden's municipalities report a general shortage of housing. As detailed below, women who have been subjected to violence by their partner may face considerable and additional difficulties in finding a new permanent place to live for themselves and their children after leaving temporary sheltered accommodation, due to, inter alia, the consequences of economic violence that they may have experienced.<sup>21</sup>

A survey of the scope and nature of homelessness in 2017 showed that 41% of those in a situation of acute homelessness<sup>22</sup> were women, of whom almost two-thirds were born in a country other than Sweden. For a third of the women, intimate partner violence was a factor that contributed to their situation of acute homelessness.<sup>23</sup>

A 2022 survey of the municipalities' efforts to help victims of violence, with or without children, to arrange permanent housing after a stay a shelter or other temporary accommodation, showed that the municipalities' efforts varied between municipalities.<sup>24</sup> It concluded that support for women subjected to violence to arrange permanent housing needed to improve.

#### Conclusions:

Amnesty International is concerned that the level of support offered to survivors of gender-based violence is still partly determined by their place of residence, rather than by the individual woman's situation and needs. Amnesty International recommends that the Swedish authorities ensure that all municipalities fulfil their legal obligation to provide timely, adequate, and quality support and protection to women subjected to gender-based violence, according to their needs, including women with physical or mental disabilities, survivors with substance abuse or addiction problems and other marginalized groups.

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<sup>20</sup> The National Board of Health and Welfare, *Mapping of protected accommodations in Sweden*, 2020, (in Swedish), <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2020-6-6817.pdf>

For example, women with substance abuse or addiction problems often find themselves in life situations that increases the risk of being subjected to violence. The health care and social services, often focus on the problem of substance abuse, and the violence that women are subjected to tends to be overlooked. Addicted women are particularly vulnerable in situations where they need urgent protection, as few shelters offer them a place. In the National Board of Health and Welfare's survey of temporary sheltered accommodation, which included data from 282 sheltered accommodations, only 22% of the shelters stated that they can receive people with substance abuse or addiction problems. Further, women with physical disabilities are often subjected to violence by persons they are dependent on, such as partners, personal assistants, transport service staff, staff in group homes. 62% of all shelters in the mapping referred to above, stated that they receive people with physical disabilities and state that they receive this target group. Persons in need of personal assistants, home care services or assistance dogs can be accommodated by more than half of the shelters in the detached apartments.

<sup>21</sup> County Administrative Board of Västerbotten, *Towards permanent housing. Mapping of municipalities' efforts to help victims of violence, with or without children, to arrange permanent accommodation after a stay in sheltered accommodation or other temporary accommodation*, 2022, (in Swedish), <https://catalog.lansstyrelsen.se/store/34/resource/85>

<sup>22</sup> The National Board of Health and Welfare, *Homelessness 2017 – scope and nature*, 2017 (in Swedish), <https://www.socialstyrelsen.se/api/publication/huvuddokument?artikelnummer=2017-11-15>

Acute homelessness was defined as: Persons who are referred to emergency accommodation, shelters, emergency accommodation, sheltered accommodation or equivalent. People sleeping in public places, outdoors, in stairwells, tents or equivalent. The period measuring the scope of homelessness was comprised by one week, 3-9 April 2017.

<sup>23</sup> Ibid.

<sup>24</sup> County Administrative Board of Västerbotten, *Towards permanent housing. Mapping of municipalities' efforts to help victims of violence, with or without children, to arrange permanent accommodation after a stay in sheltered accommodation or other temporary accommodation*, 2022, (in Swedish), <https://catalog.lansstyrelsen.se/store/34/resource/85>

## 2.2 RAPE AND SEXUAL VIOLENCE

### **ARTICLE 8: FUNDING**

### **ARTICLE 15: TRAINING OF PROFESSIONALS**

### **ARTICLE 49: GENERAL OBLIGATIONS**

### **ARTICLE 50: IMMEDIATE RESPONSE; PREVENTION AND PROTECTION**

For over 15 years Amnesty International has identified failures to prevent rape and other forms of sexual violence, protect women and girls from such crimes and ensure justice for all rape survivors, as a serious challenge to the protection of human rights of women and girls in Sweden.<sup>25</sup>

In 2018, Sweden took a significant step in this regard by adopting a new law on sexual crimes which criminalizes and defines non-consensual intercourse and comparable sexual acts with someone who does not voluntarily participate as rape. It also introduced a new offence of 'negligent rape'.<sup>26</sup>

A 2020 evaluation of the implementation of the new law showed a significant increase in prosecutions and convictions: from 190 convictions in 2017 to 333 in 2019, which is an increase of 75%.<sup>27</sup>

Despite this, most rapes are never reported to the police. The annual Crime Survey on exposure to and fear of crime in the adult population carried out by the Swedish National Council for Crime Prevention (Brottsförebyggande rådet, Brå) includes questions about experiences of sexual crimes which cover a wide range of offences such as offensive sexual comments, sexual molestation, and rape. Specific questions about the most serious sexual offences, equivalent to the (pre-2018) legal definitions of rape and sexual abuse, are also included.<sup>28</sup>

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<sup>25</sup> Amnesty International in Denmark, Finland, Norway, and Sweden, *Case closed: Rape and human rights in the Nordic countries*, 2008,

[https://amnesty.no/sites/default/files/news\\_attaches/AMNESTY\\_INTERNATIONAL\\_Case\\_Closed\\_2008\\_300ppi.pdf](https://amnesty.no/sites/default/files/news_attaches/AMNESTY_INTERNATIONAL_Case_Closed_2008_300ppi.pdf)

Amnesty International, *Case closed: Rape and human rights in the Nordic countries – summary report*, 2010, <https://www.amnesty.org/en/documents/act77/001/2010/en/>

Amnesty International, *Sweden: Submission to the UN Committee on the Elimination of Discrimination Against Women*, 2016, <https://www.amnesty.org/en/documents/eur42/3305/2016/en/>

Amnesty International, *Europe: Time for Change: Justice for rape survivors in the Nordic countries*, 2019, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

Amnesty International, *Sweden: Rights for all? The case of rape survivors and “vulnerable EU citizens,”* 2020, <https://www.amnesty.org/en/documents/eur42/0974/2019/en/>

Amnesty International, *Sweden: Submission to the United Nations Committee on the Elimination of Discrimination against Women, 80<sup>th</sup> session*, October 2021, <https://www.amnesty.org/en/documents/eur42/4729/2021/en/>

<sup>26</sup> Swedish Criminal Code, Chapter 6, On sexual offences, in the official translation of the Swedish Criminal Code. <https://www.government.se/49f780/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf>  
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For further details on the rape legislation, see Amnesty International, *Sweden: Criminalization and Prosecution of Rape in The Sweden – Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences*, 2020, <https://www.amnesty.org/en/documents/eur42/2426/2020/en/>

<sup>27</sup> The Swedish National Council for Crime Prevention, Brå, *The new consent law in practice: An updated review of the changes in 2018 to the legal rules concerning rape*, 2020, <https://bra.se/bra-in-english/home/publications/archive/publications/2020-07-01-the-new-consent-law-in-practice.html>

<sup>28</sup> The Swedish National Council for Crime Prevention, Brå, *Swedish Crime Survey 2023, Summary report*, 2023, <https://bra.se/bra-in-english/home/publications/archive/publications/2023-10-11-swedish-crime-survey-2023.html>

The national crime victim survey has been conducted annually since 2006, although the methodology has changed over the years. The latest survey, published in December 2023 was based on data collected from a stratified unbound randomized sample of the population in 2022 and was conducted mainly via questionnaires sent by post and internet questionnaires. Brå's crime survey does not provide the full picture of actual exposure to crime because not all incidents are reported in the survey. Particularly marginalised groups, such as people experiencing homelessness or substance abuse, are rarely reached by this type of surveys. The experience of rape and other sexual violence of these groups to violence is therefore unlikely to be visible in the crime survey.

According to the latest Crime Survey from Brå, 1.5% of women (aged 16–84), stated that they were subjected to sexual offences through coercion in 2022. Brå extrapolated these results to the equivalent proportion of the population, which corresponded to about 64,000 women. Furthermore, 1.2% of the women stated that they were subjected to sexual offences by someone exploiting that they were in a “defenceless position” which, according to Bra, would correspond to about 52,000 women.<sup>29</sup>

The gap between women who said they had been raped in the survey conducted by Brå, and the number of rapes reported to the police is striking. In 2022, 9,635 of the sexual offences reported to the police were classified as rape (including aggravated rape, negligent rape, and attempted rape). In 8,976 of the reported rapes the victim was a woman or girl.<sup>30</sup>

In cases that have been reported, rape is predominantly a crime perpetrated by men and boys on women and girls. According to official crime statistics in 2022, 93% of the reported rapes were perpetrated on women or girls above 15 years of age, while 98% of the suspects were men or boys.<sup>31</sup>

## POLICE INVESTIGATION

A rape survivor’s chances of obtaining justice and redress are largely dependent on the quality of the preliminary investigation, as the evidence gathered will form the basis for the public prosecutor’s decision on whether to prosecute or close a case. Low prosecution rates may affect confidence among rape survivors and the public in the will and ability of the authorities to prosecute these crimes.

In its Baseline Evaluation Report on Sweden, GREVIO concluded that there is an urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations in cases of rape.<sup>32</sup>

According to the Code of Criminal Procedure, the preliminary investigation of serious crimes, including rape, should be led by a prosecutor. The prosecutor shall step in as soon the police have identified a suspect. The prosecutor then gives directives to the police investigator.

The initial measures to secure evidence can often have a decisive impact on the possibility of prosecuting these crimes. The survivor’s testimony is a key part of the evidence and often allows other evidence to be identified, such as the crime scene and possible witnesses. There may also be forensic evidence on the survivor’s body, which is perishable. It is therefore crucial that interviews with the complainants are held as soon as possible, and that robust and comprehensive evidence is thoroughly secured at the earliest stages of the investigation.

In 2010-2012, the Prosecution Authority and Police Authority jointly developed a best practice working model for the investigation of sexual offences against adults and violence in close relationships to ensure nationally uniform investigations of high quality. The working model

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The question asked in the survey reads as follows: “Were you sexually molested, forced or attacked by someone during last year (2022)? This can, for example, include sexually offensive comments in speech or writing or that someone touched you, forced you into a sexual act or raped you. It may have happened at home, in school, in the workplace, on the Internet or at another place”. The specific questions on exposure of serious sexual crime read as follows: “Did the event or any of the events include someone forcing or trying to force you into a sexual act by threatening, holding, or hurting you in some way? Did the event or any of the events mean that someone sexually exploited you when you were asleep or so intoxicated that you could not defend yourself?”.

<sup>29</sup> Ibid.

<sup>30</sup> The Swedish National Council for Crime Prevention, Brå, Official crime statistics on rape and other sexual crimes (In Swedish), <https://bra.se/statistik/statistik-om-brottstyper/valdtakt-och-sexualbrott.html>

<sup>31</sup> Ibid.

<sup>32</sup> GREVIO Baseline Evaluation Report Sweden, 2019.

included a set of templates, routines and checklists and other working tools to support implementation. The model was reviewed in 2016, resulting in what is known as “A developed best working model”<sup>33</sup>, and it was then amended again to reflect the 2018 legal reforms of the rape law.

However, this model is not always implemented. A 2019 joint thematic inspection by the Swedish Police Authority and Prosecution Authority found that the quality of rape investigations varied in different parts of the country and was better where “A developed best working model” was fully implemented. Higher prosecution rates were also noted in police districts that used the model. Furthermore, the joint inspection showed that video recording of the initial interview with the complainant was only used in 7.5% of the sample cases. Video or sound recordings were used in only 17% of interrogations of suspects, and sometimes held after a long delay or not at all. In 26% of the sample the suspect was not interrogated.<sup>34</sup>

Reliable evidence can be secured by videotaping interviews and give prosecutors, who rarely attend interviews with adult complainants, a better basis for their decision on whether to prosecute or not. It may also reduce the burden on survivors to give their statement repeatedly. Videotaped interviews may also reduce the risk of intimidation of complainants to pressure them to withdraw or amend their earlier statements during the hearing in court. Informed consent from the victim is needed to film the interview.

Although rape should be investigated by the Serious Crimes Units or Crimes in Close Relationships Units in the police districts (see organisation chart of the Police Authority),<sup>36</sup> the inspection found that a third of such crimes in the sample were investigated by local police without the necessary experience or expertise. Representatives from both the police and the Prosecution Authority also expressed concern that Serious Crimes Units deprioritized sexual crimes in favour of other types of crimes.<sup>35</sup>

## NEW INITIATIVE TO “STRENGTHEN AND INTENSIFY THE WORK OF THE POLICE”

In June 2019, the National Police Commissioner announced a special initiative (Decision Protocol RPC 112/2019).<sup>36</sup>

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<sup>33</sup> According to “A developed best working model”, some of the most important parts in the investigation of rape against adults and crimes in close relationships includes:

- Prompt handling of cases and - the total processing time shall not exceed six months.
- The prosecutor must step in as the head of the preliminary investigation within 48 hours after the reporting of the crime.
- The time from the reporting to the first interview with the complainant shall be not exceed seven days.
- A request for complainant’s counsel must be made [to the court] immediately after a preliminary investigation is initiated/reopened.
- Coercive measures [such as remand of the suspect] shall be considered.
- Relevant checklist for the initial phase of the investigation shall be used (for example to document interviews with the complainant and crime scenes on film).
- The plaintiff’s counsel must always be offered to be present at the other interviews with the complainant.
- The police shall document injuries or lack of injuries on the complainant.
- The police shall document injuries or lack of injuries on the suspect.
- Forensic medical reports shall be collected.
- A preliminary description of the offence with evidence should be drawn up by the prosecutor and used by the prosecutor and the police during the preliminary investigation in more extensive and complex cases.

<sup>34</sup> The Swedish Police Authority and Prosecution Authority, *Violent crimes in close relationships and sexual crimes against adults – A joint review of the police and the prosecutor’s handling*, 2019, (in Swedish), <https://www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2019-1.pdf>

<sup>35</sup> Ibid.

<sup>36</sup> The Swedish Police Authority, Decision Protocol RPC 112/2019. Record number / case A299.222 / 2019. Amnesty International received a copy of the decision at a meeting with the National Police Chief on 17 June 2019. The Swedish Police Authority, “*Measures focusing on particularly vulnerable crime victims*”, Press release, (in Swedish). Downloaded 2019-06-14 (no longer available), <https://polisen.se/aktuellt/nyheter/2019/juni/satsning-mot-sarskilt-utsatta-brottsoffer>

The reason behind this decision was the sharp increase in crimes of domestic violence, rape of adults and violence and sexual offences against children, during the preceding years, that few preliminary investigations led to prosecutions, and increased case backlog for several of the crime categories.

The initiative consisted mainly of three interrelated measures: implementation of “A developed best working model”; focus on securing evidence at an early stage; and reinforcing resources. Some 350 new employees, mainly investigators, were to be recruited by the end of 2019 to work on these crimes. The initiative involved a permanent increase in the budget of the police regions by about SEK 300 million annually.<sup>37</sup>

In April 2023, the Internal audit of the Police Authority (hereafter the Internal audit) published its review of the initiative. According to the review, there was a need for more attention and prioritization of “particularly vulnerable crime victims” within the police, as well as improved results in these cases. However, there was a lack of instructions for uniform implementation of the initiative in the police regions. The Internal audit assessed that the initiative had had a positive impact on the results during the first year, with an increase in number of investigated cases referred to prosecutors, an increase in the proportion of investigated cases, a decrease in the number of open cases, a decrease in number of cases that were open after more than 12 months, and a decrease of the average processing time of cases. However, the positive outcomes had largely stalled or had had a negative trend in 2021 and 2022.<sup>38</sup>

Amnesty International previously raised concerns about and campaigned for rape survivors’ access to justice and called on the Police Authority to ensure that rape and other sexual violence are prioritized by the police and to ensure that “A developed best working model” is fully implemented.<sup>39</sup> Amnesty International welcomed this initiative announced by the National Police Commissioner.

Amnesty International conducted interviews with representatives of several police regions as well as the national coordinator of the initiative at the National Operations Police Department (Development Centre West) in 2020, 2022 and 2023 to get a better understanding of how the initiative was being implemented over time.<sup>40</sup> Amnesty International held 15 interviews across six

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<sup>37</sup> Ibid.

A smaller part of the total budget was assigned to national police departments: human resources, finance, IT, and the National Police Operations Department.

<sup>38</sup> The Swedish Police Authority, “*Crimes against particularly vulnerable crime victims.*” Internal audit, 2023, (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

The Police Supervision Unit is located at the Office of the National Police Commissioner, with the National Police Commissioner as directly responsible for the operation. The supervisory unit shall independently supervise that the Police authority’s activities are conducted in accordance with the rule of law and established rules and working methods.

<sup>39</sup> Amnesty International, *Europe: Time for Change: Justice for Rape Survivors in the Nordic Countries*, 2019, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

<sup>40</sup> Amnesty International interviewed representatives of six out of the seven police regions: four regions in 2020, six in 2022 and five in 2023. All police regions interviewed by Amnesty International had appointed a person or group to facilitate/coordinate and follow the implementation of the initiative at the regional level, but their functions and positions varied. In addition, interviews with the national coordinator of the initiative were also held in 2020, 2022 and 2023. In total, 18 semi structured interviews were held by phone and lasted for about an hour. The conversations focused less on quantitative results and more on efforts to improve the work, identified shortcomings in the implementation of “A developed best working model” and other challenges. Interviews were conducted as follows:

26 November 2020: Police Region North.

27 November 2020: Police Region East.

1 December 2020: Police District greater Göteborg, Police Region West.

2 December 2020: Police Region Middle.

7 December 2020: Anna Lindström, Inspector, national coordinator of the initiative.

17 February 2022: Police Region West.

21 February 2022: Police Region North.

22 February 2022: Anna Lindström, national coordinator of the initiative.

3 March 2022: Police Region East.

3 March 2022: Police Region Stockholm.

police regions and spoke with the National coordinator on three occasions. Although the initiative on “particularly vulnerable crime victims” also includes crimes against children, including sexual offences, the interviews focused primarily on violence in close relationships and rape against adults. Amnesty International asked questions about resources received, measures taken to implement “A developed best working model”, how it was monitored, outcomes, identified problems and challenges.

This provided Amnesty International with valuable insights and raised some concerns. These have been summarized below, so they can help inform the dialogue between GREVIO and the Swedish national authorities.

All police representatives interviewed by Amnesty International welcomed the initiative to strengthen and intensify the work related to “particularly vulnerable crime victims” and expressed that it was “long-awaited”. Most of the police representatives stressed that the initiative had facilitated an important “change of mindset”, “a paradigm shift”, “a journey of changing the culture”, referring to how these crimes were viewed and prioritized within the police. “We must hold on to it because as soon as we let it go, we will slip back to the views and approaches we had before”, as one of the police representatives put it.<sup>41</sup>

Many of the 15 regional representatives Amnesty International spoke with identified long-term thinking/approach and perseverance in the work as a major challenge. They said that it will take time to fully implement “A developed best working model” as there is a certain inertia in behaviours and in getting everyone to understand why they need to change their way of working, and that it takes time for the working method to “stick”.<sup>42</sup>

## Recruitment

The goal of the initiative was to recruit 350 new staff, mainly investigators, in 2020.<sup>43</sup> All seven police regions were allocated funds<sup>44</sup> to strengthen their capacity in the crime categories of violence in close relationships, rape against adults and violence and sexual offences against children. This resulted in more investigators being hired in 2019/2020, most of whom did not have any police training at the Police Academy. Representatives from some police regions told Amnesty International that the interest among police officers to apply for the new positions was generally very low. Many investigators were recruited from outside the police, of whom a majority were women. People who spoke with Amnesty International said these new recruits were committed, brought competence and “outside” perspectives, which was seen as positive, but they needed a longer “start-up” period.<sup>45</sup>

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10 March 2022: Police Region Middle.

24 March 2022: Police Region South.

15 May 2023: Police Region West.

15 May 2023: Police Region East.

19 May 2023: Police Region Stockholm.

31 May 2023: Police Region Middle.

31 May 2023: Anna Lindström, national coordinator of the initiative (left the post in March 2023).

18 July 2023: Police Region South.

<sup>41</sup> Interview with Police Region West, 2022.

<sup>42</sup> Interview with Region South 2022, Region East 2023, Region North 2020, Region West 2022 and 2023, Region Stockholm 2022.

<sup>43</sup> The Swedish Police Authority, “*Measures focusing on particularly vulnerable crime victims*”, Press release, 2019, (in Swedish), Downloaded 2019-06-15 (no longer available), <https://polisen.se/aktuellt/nyheter/2019/juni/satsning-mot-sarskilt-utsatta-brottsoffer>

<sup>44</sup> The allocation of funds between the police regions was based on statistics for the relevant crime codes. A weighting of 50% was made for incoming cases and 50% for “case balances” (i.e. backlogs). See the Swedish Police Authority “*Crimes against particularly vulnerable crime victims*”. Internal audit, 2023 (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

<sup>45</sup> Interviews with Police Region Middle 2020, 2023, Police Region North 2020, Police District greater Göteborg in Police Region West 2020, Police Region Stockholm (2022).

The allocated resources are now within the usual staffing budget allocations and not earmarked for the initiative, meaning that relocated investigators or those who resign are not necessarily replaced. Some representatives of police regions told Amnesty International that they experienced a high staff turnover and/or were not certain whether they had been able to retain staff resources that initially came with the initiative.<sup>46</sup>

According to the 2023 Internal audit mentioned above, the initiative had resulted in a total of 314 new recruitments made through adding new staff, and 130 positions filled through redeployment of staff to functions such as investigators of crime in close relationships, investigators of serious crimes, analysts, forensic scientists, and IT forensics. However, the Internal Audit noted that no consistent follow-up on staffing linked to the initiative was made after 2020. The annual report for the entire Police Authority showed that the total number of investigators for crimes in close relationships had decreased from 648 in 2020 to 615 by the end of 2021. Comparable figures for 2022 were not available.<sup>47</sup>

### Conclusions:

Amnesty International recommends that the Swedish authorities allocate sufficient human and financial resources to achieve nationally uniform investigations of high quality and continue the efforts to improve the work of the police related to “particularly vulnerable crime victims”.

### **Training**

Following the 2018 law reform on rape, some positive steps were taken to improve the knowledge, skills and working methods of the police, as previously documented by Amnesty International.<sup>48</sup>

A two-week training module on rape outside close relationships was developed for police with the aims to raise the status of working with sexual crimes and provide an opportunity for specialization. No such comprehensive training on rape had been held before and the first pilot course was held in 2018. However, to Amnesty International's knowledge, this training module has not become permanent, and has not been used in recent times.

Training initiatives are an important measure to strengthen the knowledge about and implementation of “A developed best working model”. In interviews with Amnesty International, people said that training initiatives had been carried out in all police regions where Amnesty International conducted interviews.<sup>49</sup> However, the Covid-19 pandemic had affected the situation and some trainings had to be postponed or held digitally, which was not seen as optimal.

Representatives from the regions mentioned planned or completed trainings to strengthen knowledge broadly, in different staff groups and parts of the regional police organisations, over and above staff directly responsible for investigating such crimes. These include the Police Contact Centre which receives most of all reports in this type of crime by phone, the Regional Command Centre which sends police patrols when receiving alarms about recent/on-going crimes and police managers on all levels. The regional police representatives told Amnesty International of the importance of such trainings to ensure sensitive treatment of victims, setting aside sufficient time when a victim contacts the police to report a crime, and ensuring that on-site police patrols are given sufficient time to secure evidence and conduct initial interviews before

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<sup>46</sup> Interviews with Police Region Middle 2022, Police Region Stockholm 2022, 2023, Police Region South 2022, National coordinator 2023.

<sup>47</sup> The Swedish Police Authority, “*Crimes against particularly vulnerable crime victims*”. Internal audit, 2023, (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

<sup>48</sup> *Europe: Time for Change: Justice for Rape Survivors in the Nordic Countries*, 2019, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

<sup>49</sup> Interviews in 2020: Police Region North, Police Region East, Police District greater Göteborg, Police Region West, Police Region Middle.

2022: Police Region West, Police Region North, Police Region East, Police Region Stockholm, Police Region Middle, Police Region South.

2023: Police Region West, Police Region East, Police Region Stockholm, Police Region Middle, Police Region South.

being sent on new callouts. Other, more specialized tactical trainings that had been held focused on improving crime scene investigations.

Regional police representatives told Amnesty International that the trainings had improved knowledge and capacity in different staff groups. One police representative told Amnesty International that knowledge and understanding is not enough; it is important to find ways to make police officers feel secure and comfortable in concrete situations, such as filming the first statement of the victim at the crime scene, presenting a case to the prosecutor, holding interrogations when the defence lawyer is present, etc. This region, Västra Götaland, had developed a new model where police trainees are placed at the Crimes in Close Relationships Unit, tasked with several activities that the trainee must be able to handle. An experienced investigator is the mentor. The model had resulted in more new police officers applying for positions as investigators for these types of crimes.<sup>50</sup>

#### Conclusions:

Amnesty International believes that there is a strong need for frequent and continuous training in different parts of the police, especially when there appears to be high staff turnover, to ensure that police have the necessary knowledge, skills, and capacity to receive, handle and investigate these cases.

#### **Securing evidence: Implementation of “A developed best working model”**

In addition to training initiatives, a methodology for self-monitoring has been developed by the police themselves and was used by all police regions. As a part of this, a number of closed cases are randomly selected and reviewed manually by each of the police regions themselves three times per year to identify shortcomings in the investigation as well as good examples. The review is based on questions related to “A developed best working model”, with the aim to ascertain whether the routines, checklists, and other working tools to support implementation working methods were used. The results provide a basis for feedback on the work done, further improvement and learning, and results are also compiled at the national level.

For example, this self-monitoring confirmed that the initial interview with crime victims, i.e. the victim’s first statement, which often takes place in their home, was rarely videotaped, even though “A developed best working model” recommended it.<sup>51</sup> The self-monitoring identified technical problems as a contributing factor and subsequently an app was developed for the police’s mobile phones that allowed video footage to be added directly to the case database. However, despite improved national technical tools, videotaping of the initial police interviews is not sufficiently done.<sup>52</sup> One region had held workshops with police officers on duty to get an in-depth picture of what the barriers were and what was needed to overcome these problems.<sup>53</sup> Some of the police representatives Amnesty International spoke to, wondered whether police officers were uncomfortable with filming, thinking it could lead to them to being scrutinised about how they conduct these interviews. Another police representative stressed that the victims’ consent is needed, and the police must be able to explain to survivors why videotaped interviews are important and how they can be used.<sup>54</sup>

The first police interview with a victim of a crime often contains valuable information, forms a better basis for the prosecutor’s decision on whether to prosecute, and may lead to fewer complainants being threatened or pressured by the suspect or others to retract or change their testimony in court.

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<sup>50</sup> Interviews Police Region West in 2022 and 2023.

<sup>51</sup> Interview with the National coordinator in 2020, 2022 and 2023. Also, all police regions monitored by Amnesty International in 2020, 2022 and 2023 brought up that video recordings were not sufficiently conducted.

<sup>52</sup> Ibid.

<sup>53</sup> Interview Police Region Stockholm 2022.

<sup>54</sup> Interview Police Region East 2022, 2023.



Since 1 January 2022, videotaped interviews with victims and witnesses by the police can be used as evidence on their own in court. The importance of recorded interviews has thus increased, and a new interrogation manual for the police is underway: from January 2024, all interviews and interrogations should be videotaped.<sup>55</sup>

Other areas of improvements that have emerged through the self-monitoring, include documenting injuries/absence of injuries on the suspect; conducting the first interview with the complainant as soon as possible after reporting; asking if they want the assistance of a complainant's counsel (of their choice, free of charge) and improving crime scene investigations.<sup>56</sup>

The 2023 Internal audit of the initiative found that the knowledge and implementation of "A developed best working model" greatly varied between the different organisational units in the police regions and was not fully implemented in the regions covered by the supervision. The Internal audit also pointed out that action plans were rarely drawn up based on the results of the self-monitoring in the police regions.<sup>57</sup>

#### Conclusions:

Amnesty International is concerned that although a best practice working model for the investigation of sexual offences against adults and violence in close relationships was developed over a decade ago, it is not fully implemented. While self-monitoring seems to help identify shortcomings in that respect, and provide a basis for further improvement and learning, Amnesty International believes that concrete plans on how to address these shortcomings are needed, to ensure national implementation of "A developed best working model".

#### **Backlog**

Several police representatives told Amnesty International about an "unsustainable situation" before the start of the initiative to strengthen and intensify the work related to "particularly vulnerable crime victims". The large number of such cases had led to a considerable backlog and many reported cases were not investigated for long periods of time.<sup>58</sup> In some interviews, representatives stated that cases which normally are investigated by specialized units in the police districts, were handed over to the local police.<sup>59</sup> They noted that increased resources helped to address that situation, which made it possible to respond to "fresh" cases without delay. In addition, police representatives interviewed by Amnesty International said that after the initiative, fewer investigation resources were moved to other serious crimes than before, which meant less disruption in cases of crimes in close relationships.<sup>60</sup> Nevertheless several people Amnesty International spoke with said that resources were strained, and some felt the workload was still heavy for those who investigate such crimes.<sup>61</sup>

Crimes in close relationships are investigated by Crimes in Close Relationships Units. However, depending on who the perpetrator is, rape cases are allocated to different investigation units. Rape by a former or current partner is handled by Crimes in Close Relationships Units while the Serious Crimes Units generally deals with other types of rape, for example rape by friends,

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<sup>55</sup> Interview with Anna Lindström, National Coordinator, 2023.

<sup>56</sup> Interview with Anna Lindström, National coordinator in 2020, 2022 and 2023.

<sup>57</sup> The Swedish Police Authority, "*Crimes against particularly vulnerable crime victims*", Internal audit, 2023, (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

<sup>58</sup> Interviews with Region West 2021, 2022 and Region Stockholm 2022.

<sup>59</sup> Interviews with Region West in 2021 and 2022, Region Stockholm 2022, and the National coordinator in 2020, 2022 and 2023.

<sup>60</sup> Interviews with Police Region Middle 2022, 2023, Police Region West 2022, 2023, Police Region East 2023, Police District greater Göteborg 2020.

<sup>61</sup> Interviews with Region North 2020, Region East 2020, Region Middle 2022 and 2023, Region West 2023, Region East 2023, Region Stockholm 2023.

acquaintances and other persons known to the victim, as well as unknown and unidentified perpetrators. If the suspect is a teenager, the case may be investigated by units at Youth sections.

While this is the most common way of organising the work in the regions, one of the regions monitored by Amnesty International had established special units for sexual crimes that investigate all types of rapes.<sup>62</sup> In another region the Crimes in Close Relationships Units investigate all rape crimes, regardless of who the perpetrator is.<sup>63</sup>

Anna Lindström, the National coordinator, told Amnesty International that rape cases investigated by Serious Crime Units are often put aside when other serious crimes occur.<sup>64</sup> The National coordinator raised concerns that rapes outside close relationships were not sufficiently addressed within the ongoing initiative to strengthen and intensify the work related to “particularly vulnerable crime victims”. She told Amnesty International that in some parts of the country rape cases continue to be handed over from Serious Crimes Units in police districts to the local police who may be able to prioritise cases but lack the necessary experience and expertise. The national coordinator underlined that rape is a very serious crime that also affects LGBTIQ people and boys and men, albeit to a lesser extent. She felt that there was still a need to fight for rape cases to be prioritised within the police to make sure that survivors of such crimes do not have to wait for police interviews and for the crime to be investigated.<sup>65</sup>

The 2023 review by the Internal audit of the Police Authority showed that the number of rape investigations that were still open after 12 months had increased by 22% between 2021 and 2022 and investigations of intimate partner violence that were still open after a year had increased by 36%.<sup>66</sup>

The crime trend in Sweden in recent years, with an increased number of shootings, explosions, and killings in the wake of organised network violence and organized crime, has led to increased pressure on Serious Crime Units in several police regions in Sweden. This situation also means that resources may be moved from Crimes in Close Relationships Units.

A representative of one police region told Amnesty International that they had had several serious crimes in the streets in the region, such as murder and shootings, which had affected some of the work with “particularly vulnerable crime victims.” Therefore, more resources in the form of investigators had been allocated which would hopefully lead to the work becoming less disrupted.<sup>67</sup> Another representative said: “Gun violence is like a wet blanket over the police's activities, everything suffers”.<sup>68</sup>

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<sup>62</sup> Interviews with Police Region Stockholm 2022, 2023.

Three out of four police districts in Stockholm have established special investigation units for all types of rape. The first unit started in 2019 and has been evaluated by Brå. The evaluation showed, among other things, that it has led to the development of specialisation, competence, and effective routines, that the same investigator is in charge of a case from start to finish, that the quality of the investigations has increased and that the investigations are conducted more promptly, which means that the investigation times have been shortened compared to before. However, the number of cases reported to prosecutors only has increased marginally.

The Swedish National Council for Crime Prevention, Brå, *Evaluation of the Sexual Crimes Unit in Stockholm North*, 2021, (in Swedish), <https://bra.se/publikationer/arkiv/publikationer/2021-04-29-utvardering-av-sexualbrottsgruppen-i-stockholm-nord.html>

<sup>63</sup> Interview with Region Middle 2022.

<sup>64</sup> Interviews with Anna Lindström, National coordinator, the National Operations Police Department (Development Centre West) on 7 December 2020, 2 February 2022, and 31 May 2023.

<sup>65</sup> Ibid.

<sup>66</sup> The Swedish Police Authority, “*Crimes against particularly vulnerable crime victims*”. Internal audit, 2023, (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

<sup>67</sup> Interview Region South 2022.

<sup>68</sup> Interview with Region East 2023.

According to the major daily newspaper *Dagens Nyheter*, sexual crimes reported to the police have not been swiftly investigated while organized network violence was prioritized, with rape survivors having to wait months for their first police interview.<sup>69</sup>

Long waiting periods before rape survivors are called for the first interview, resulting in prolonged processing times, may have a significant negative impact on the survivor's motivation and well-being, affect their right to access legal aid,<sup>70</sup> and drastically impede the possibility of securing evidence, all of which ultimately undermine survivors' access to justice.

The Swedish Prosecution Authority's handbook on crimes in close relationships, including rape, states that the first interview with (adult) complainants must be held as soon as possible after the reporting to the police and shall not exceed seven days. The processing time for rape against adults should not exceed six months.<sup>71</sup> Preliminary investigations where the complainant is under the age of 18 must be completed and a decision made on the matter of prosecution as soon as possible and within three months.

Rape carries a minimum sentence of two years in prison and therefore there is a presumption of remand of suspects in rape cases unless there is an obvious reason why they should not be remanded and "the reasons for the measure outweigh the infringement or harm that it entails for the suspect".<sup>72</sup> A 2010 report by the Prosecution Authority found that the probability of rape investigations leading to prosecution increased sevenfold when the suspect was remanded compared with investigations where the suspect was not detained. One reason cited was that remand led to these cases being prioritized and all necessary investigations being carried out more promptly.<sup>73</sup>

#### Conclusions:

Despite the commitment and intention expressed by the National Police Commissioner's 2019 decision and initiative related to "particularly vulnerable crime victims", and several positive efforts in the police regions, as the above findings indicates, concerns persist about whether rape survivors can effectively access justice.

Crimes against "particularly vulnerable crime victims", i.e. crimes in close relationships, rape against adults, crimes against children in close relationships and sexual offences against children account for about 40 percent of all violent crimes reported to the police.<sup>74</sup> These are serious crimes that affect tens of thousands of people, predominantly women and girls, but also men and boys, transgender, and non-binary people in Sweden every year. The pervasiveness of these crimes requires long-term priority and efforts to combat, prevent and improve investigative capabilities of law enforcement authorities to enable access to justice and redress for survivors of such crimes.

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<sup>69</sup> Dagens Nyheter, "Sexual crimes pile up when gang violence is prioritized", 2023-07-08, (in Swedish), <https://www.dn.se/sverige/sexualbrott-laggs-pa-hog-nar-gangvald-prioriteras/>

<sup>70</sup> Following the 2018 legal reforms, a request for complainant's counsel should be made to the court immediately after a preliminary investigation of sexual crimes is initiated or reopened, unless it is obvious that the complainant does not need one. The investigating officer should immediately inform the victim about their right to counsel of their choice, free of charge. See: Law on complainant's counsel (in Swedish), [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1988609-om-malsagandebitrade\\_sfs-1988-609/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1988609-om-malsagandebitrade_sfs-1988-609/)

<sup>71</sup> The Prosecution Authority, Development Centre Göteborg, *Processing of crimes in close relationships. Handbook*, 2017, (in Swedish), <https://www.aklagare.se/globalassets/dokument/handbocker/handlaggning-av-brott-i-nara-relation.pdf>

<sup>72</sup> According to the Procedural Code there is a presumption of remand of persons suspected of crimes which carry a minimum sentence of 18 months in prison. Rättegångsbalken (Procedural Code) Chapter 24, 1 §, (in Swedish), <https://lagen.nu/1942:740#K24>

<sup>73</sup> Cited in Amnesty International, *Europe: Time for Change: Justice for rape survivors in the Nordic countries*, 2019, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

<sup>74</sup> The Swedish Police Authority, "Crimes against particularly vulnerable crime victims", Internal audit, 2023, (in Swedish), <https://polisen.se/om-polisen/organisation/tillsynsfunktionen/>

## 2.3 LACK OF SUPPORT TO SURVIVORS OF RAPE AND OTHER SEXUAL VIOLENCE

### **ARTICLE 25: SUPPORT TO VICTIMS OF SEXUAL VIOLENCE**

Access to comprehensive support is crucial to enable rape survivors to heal and participate with confidence throughout the legal process. While the right to legal aid was further clarified by the 2018 legal reforms,<sup>75</sup> access to psychological counselling, trauma care and social support services remains a concern.

In 2008, the National Centre for Knowledge on Men's Violence Against Women (NCK) produced a handbook and guidelines on providing care and collecting evidence after rape at the request of the Ministry of Justice to ensure quality care for victims of sexual crimes and better procedures for evidence collection and documentation.<sup>76</sup>

In its Baseline Evaluation Report on Sweden, GREVIO warned that the collection of evidence after rape is a lengthy process which can be traumatizing and invasive if carried out by medical staff who are not properly trained, including in crisis intervention.<sup>75</sup> However, only a few cities, including Stockholm, have specialized emergency clinics for victims of rape which, in addition to securing evidence, offers comprehensive care and treatment, including counselling. Where there is no specialist clinic, survivors are referred to regular emergency clinics, women's clinics, youth clinics or local health centres. Male rape survivors and transgender or non-binary people may face obstacles in seeking help from health centres.

Exposure to sexual violence can cause psychological damage, trauma and long-term suffering if left untreated. GREVIO expressed concern that "mid- and long-term psychological counselling, psychosocial support and trauma care and other services (...)" are not generally available across the country and strongly recommended that the authorities ensure that sexual violence counselling services are available to all victims.<sup>77</sup>

In June 2020, the Swedish Association of Local Authorities and Regions, SALAR, published a national survey on whether the health care system meets the needs of adults who have been subjected to sexual violence.<sup>78</sup> SALAR identified several shortcomings, including the failure by health care providers to detect exposure to sexual violence, despite prolonged contact with the health services; a lack of clarity about what care is available and offered, both for patients, healthcare professionals and others, as well as limited availability and accessibility, particularly to trauma treatment. SALAR concluded that there is a need for specific skillsets to better meet the needs of patients with complex problems and trauma. The support and care must also be

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<sup>75</sup> Law (1988:609) on Complainant's counsel, (in Swedish), [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svenskforfattningssamling/lag1988609-ommalsagandebitrade\\_sfs-1988-609/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svenskforfattningssamling/lag1988609-ommalsagandebitrade_sfs-1988-609/)

<sup>76</sup> National Center for Knowledge on Men's Violence Against Women, NCK, *Handbook: National Action Program for the Health Care and Medical Services' Reception and Care for Victims of Sexual Assault*, 2008, <https://kunskapsbanken.nck.uu.se/nckkb/nck/publik/fil/visa/484/nck-handbook-national-action-programme-sexual-assault-english-2008.pdf>

See also National Center for Knowledge on Men's Violence Against Women, NCK, *Guide to Care Following Sexual Assault*, 2008, NCK, <https://kunskapsbanken.nck.uu.se/nckkb/nck/publik/fil/visa/490/nck-guide-to-care-following-sexual-assault-english-2008.pdf>

<sup>77</sup> Ibid.

<sup>78</sup> The Swedish Association of Local Authorities and Regions, "Health care in cases of sexual violence. Current situation and ways forward", 2020 (in Swedish), <https://skr.se/tjanster/merfranskr/rapporterochskrifter/publikationer/vardenvidsexuelltvad.33436.html>

adapted to meet the needs of particularly marginalized groups, such as LGBTQI+ people, people with disabilities and those living in “social vulnerability” or with substance abuse.

The GREVIO and SALAR analysis largely resonates with the findings of Amnesty International's 2019 report on this issue. Some service providers interviewed by Amnesty International at the time were NGOs founded by women who had experienced sexual violence themselves. Many people seeking their support had often had contact with psychiatric health services without ever being asked about experience of sexual violence or receiving adequate treatment.<sup>79</sup> Other service providers expressed concern that the psychiatric services do not always meet individuals' needs due to lack of knowledge about interpersonal violence and/or the limited appropriate long-term trauma treatment available within the public health care system.<sup>80</sup>

In March 2023, the Government commissioned the National Board of Health and Welfare to explore possible measures to support equal and knowledge-based care for people who have been subjected to sexual violence. In-depth mapping and proposals for appropriate and cost-effective initiatives to develop healthcare are included in the assignment. The need for a national support function should be analysed, as well as the need to develop knowledge support and educational initiatives for health and medical care. The results of the assignment should contribute to a “strengthened and uniform work throughout the country”.<sup>81</sup> The final report of the assignment is to be submitted to the Government no later than 15 December 2024.

#### Conclusions:

Amnesty International is concerned that survivors of rape and other sexual violence face difficulties in accessing psychological counselling, trauma care and social support services. Shortcomings that have been identified by SALAR need to be systematically addressed to ensure that mid and long-term psychological counselling, psychosocial support, trauma care and other necessary services are available and accessible to all survivors of rape and other forms of sexual violence, regardless of age, gender, sexual orientation, gender identity, ethnicity, or social background.

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<sup>79</sup> Amnesty International, *Europe: Time for Change: Justice for Rape Survivors in the Nordic Countries, 2019*, <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

<sup>80</sup> Ibid.

<sup>81</sup> Swedish Government, “Government assignment to implement measures to support equal and knowledge-based health and medical care for people who have been subjected to sexual violence”, 2023 (in Swedish), <https://www.regeringen.se/regeringsuppdrag/2023/03/uppdrag-att-genomfora-insatser-for-att-stodja-en-jamlik-och-kunskapsbaserad-halso--och-sjukvard-for-personer-som-har-utsatts-for-sexuellt-vald/>

# 3. RECOMMENDATIONS FOR ACTION BY SWEDEN

## AMNESTY INTERNATIONAL CALLS ON GREVIO TO URGE THE SWEDISH AUTHORITIES TO IMPLEMENT THE FOLLOWING RECOMMENDATIONS:

1. With regard to ensuring support to all survivors, including temporary sheltered accommodation and help to access permanent housing, as required by articles 20, 22 and 23 of the Istanbul Convention:

1.1. Ensure that all municipalities fulfil their legal obligation to provide timely, adequate, and quality support and protection, including temporary sheltered accommodation where relevant, to women subjected to gender-based violence, without discrimination of any kind and according to their needs, including women with physical or mental disabilities, survivors with substance abuse or addiction problems and other marginalized groups.

2. With regard to measures to prevent, protect, investigate, and punish violence against women including rape and other sexual violence, as required by articles 7, 8, 15, 49 and 40 of the Istanbul Convention

2.1. Develop a comprehensive, long-term preventive strategy against rape and other sexual violence, particularly targeting young people.

2.2. Give long-term priority to combatting widespread sexual violence and provide adequate, sustainable resourcing to ensure that the police and Prosecution Authority have the capacity to conduct thorough, timely investigations of high quality into all cases of rape.

2.3. Ensure that the work initiated in 2019 within the Police Authority to strengthen and intensify the work of the police related to victims of crimes in close relationships (domestic violence), rape against adults, sexual offences against children and crimes in close relationships against children continues, is allocated sufficient human and financial resources, is further enhanced, including by continuous training, and is monitored.

3. With regard to holding the rights of rape survivors' access to support services, as required by article 25 of the Istanbul Convention

3.1. Ensure that mid- and long-term psychological counselling, psychosocial support, trauma care and other necessary services are available and accessible to all survivors of rape and other forms of sexual violence, regardless of age, gender, sexual orientation, gender identity, ethnicity, or social background.

3.2. Ensure that such services are affordable, available, and accessible to all rape survivors irrespectively of whether they have reported the crime to the police or not, and regardless of where in the country they live.

# 4. ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

*Sweden: Submission to the United Nations Committee on the Elimination of Discrimination against Women, 80<sup>th</sup> session, October 2021* (Index: EUR 42/4729/2021).

*Sweden: Criminalization and Prosecution of Rape in Sweden – Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences.* June 2020. (Index: EUR 42/2426/2020).

*Sweden: Rights for all? The case of rape survivors and “vulnerable” EU citizens, Submission for the United Nations Universal Periodic Review, 35<sup>th</sup> session, 20-31 January 2020.* (Index: EUR 42/0947/2020).

*Europe: Time for Change: Justice for Rape Survivors in the Nordic Countries.* April 2019. (Index: EUR 01/0089/2019).

*Case Closed. Rape and Human Rights in the Nordic Countries. Summary report.* March 2010. (Index: ACT 77/001/2010).

*Case closed: Rape and human rights in the Nordic countries.* Amnesty International in Denmark, Finland, Norway, and Sweden, 2008, [https://amnesty.no/sites/default/files/news\\_attachments/AMNESTY\\_INTERNATIONAL\\_Case\\_Closed\\_2008\\_300p\\_pi.pdf](https://amnesty.no/sites/default/files/news_attachments/AMNESTY_INTERNATIONAL_Case_Closed_2008_300p_pi.pdf)

*“Not a Priority Issue”. A Review of the Work of Swedish Municipalities to Combat Men’s Violence against Women,* 2005, Amnesty International in Sweden.



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