



GREVIO

Baseline Evaluation Report Sweden

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



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
SWEDEN

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

GREVIO/Inf(2018)15

Published on 21 January 2019

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on Preventing and Combating Violence against Women and Domestic Violence
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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“the Istanbul Convention”) by the parties to the convention. It is composed of 10 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Sweden. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of the Swedish legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. The term “violence against women” used throughout this report thus refers to all forms of violence against women, which is criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the convention, which are psychological violence, stalking, physical violence, sexual violence – including rape – forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, it proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. The verb “strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the convention. A third level of urgency is indicated by the use of “encourages”, which is used for shortcomings that require attention, though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- a state dialogue with representatives of the party on issues emanating from the state report;
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;

¹ With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

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- comments by the party on GREVIO's draft report;
 - publication of GREVIO's report after its adoption together with any comments received from the party.

In addition, GREVIO collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Sweden, GREVIO received a written contribution from the International Organization for Self-Determination and Equality (IOSDE).

The state report and the written contributions submitted by civil society are in general public and available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as at September 2018. Developments since that date are neither covered in the analysis nor taken into account in the conclusions and proposals therein.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70 paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Swedish authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the Convention. These include written reports (a state report submitted by the Swedish authorities and additional information submitted by NGOs), a state dialogue between GREVIO and the Swedish authorities on a select number of issues as well as a 5-day evaluation visit to Sweden. A list of the bodies and entities with which exchanges have been held can be found in Appendices II and III.

The report highlights Swedish leadership in placing gender equality high on the political agenda nationally and internationally, and in framing the eradication of violence against women and domestic violence as a gender equality issue. The gendered nature of violence against women is clearly recognised in all policies, measures, training documents and public discourse. Sweden’s leading role in preventing and combating violence against women also finds expression in law making. The Women’s Peace Reform in 1998 is the first example of legislation that fully recognises the gendered nature of violence against women resulting from an imbalance in the power relations between women and men. By introducing the criminal offence of “gross violation of a woman’s integrity”, it is gender-specific in nature and an early example of legislation aimed to criminalise the continuum of violence which women often experience in abusive relationships.

Equally praiseworthy is the affirmative consent approach of the newly amended criminal offence of rape. This amendment is a fundamental departure from the previous wording which required the use of force, threats, or the taking advantage of a vulnerable situation of the victim. GREVIO welcomes this approach for its firm anchoring in consent: any sexual act that is not voluntary is a crime. The onus is squarely on the perpetrator to establish whether the act is engaged in voluntarily. Failure to do so will incur criminal liability under the newly introduced criminal offence of “negligent rape”. Although it is too early to assess its practical implementation, GREVIO values the legal innovation and shift in responsibility that lies in the concept of “negligent rape” and welcomes the desire to push the boundaries of legislation in order to ensure respect for women’s physical, sexual and psychological integrity.

Moreover, GREVIO notes with appreciation the strong focus which the Swedish Government places on evidence-based policy making in the area of preventing and combating violence against women. Studies and inquiries are routinely commissioned by the Government to assess where improvements are needed in law, policy and practice. This constant striving for improvement is testament to Sweden’s leading role in policy making and to some extent, trend-setting, in the area of gender equality and combating violence against women.

In line with some of these findings, and on the basis of its own assessment, GREVIO has observed a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. These relate largely to the fact that the extensive policy attention to combating violence against women does not always extend systematically to groups of women who belong to national minorities, women with disabilities, migrant women and other women exposed to intersectional discrimination. Although social welfare committees are instructed to consider the specific needs of all victims of violence, very few measures exist that would address the increased vulnerability of some women, in particular those belonging to an indigenous population such as the Sami, but also Roma women, women substance abusers and migrant women. There is a worrying absence of knowledge and research into the specific experiences of violence against Sami women, their cultural specificities and constraints as well as the barriers they face in seeking support – despite numerous calls on

Sweden made by international human rights mandates and treaty bodies. Specific action must be taken to make social services more accessible in every way to the Sami and Roma women, thereby encouraging them to turn to social services for help in connection to abuse and violence they may experience.

On a more general note, GREVIO notes the varying degrees of diligence and efficiency with which social services in the 290 municipalities across Sweden discharge of their statutory duty to provide support and assistance to victims of domestic violence, including child witnesses thereof. The ongoing trend towards increased specialisation within social services is resulting in a less holistic approach to the support provided to domestic violence victims. Instead, victims are required to deal with a number of different social services sections and case workers – not all specifically trained on domestic violence. This is compounded where public health services and law enforcement agencies are involved. GREVIO raises concerns over the lack of any formal requirement or protocol that would ensure co-operation across the different public sector agencies. The problems that arise from the fragmented provision of social services as well as the low level of inter-agency co-operation are well documented in Sweden and must be addressed.

Another area of concern is the back-log of domestic violence and rape cases which GREVIO fears will further impact on women's willingness to report such incidents. Reporting rates of intimate partner violence and sex offences are generally low in Sweden, and women from migrant communities, Roma and Sami women are even less likely to seek help from law enforcement agencies for lack of confidence in the Swedish authorities. Although measures are being taken to address the shortage in resources among law enforcement agencies, GREVIO points to the urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations and follow-up in cases of rape and domestic violence.

Providing safety and protection to domestic violence victims links in – at times - with effective investigations, which is why GREVIO addresses a range of issues with the legal framework of emergency barring and protection orders in Sweden. Rather than placing the onus on the victim and her children of finding safety at sheltered accommodation, GREVIO calls for improved statutory powers for law enforcement authorities and prosecution services to remove perpetrators of domestic violence from the residence.

While GREVIO welcomes Sweden's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of priority issues requiring further action by the Swedish authorities to comply fully with the convention's provision. Drawing from the above and in addition thereto, these relate to the need to:

- ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3;
- ensure, among local and regional authorities and social services, higher degrees of awareness and cultural sensitivity towards the specific situation of women from national minorities in Sweden who experience gender-based violence;
- enhance and formalise multi-agency co-operation structures in relation to cases of all forms of violence against women to ensure co-ordination and co-operation on individual cases among all relevant actors within and across local authorities, government agencies, the public health sector and women's specialist support services;
- improve awareness as to how decisions on child custody, residence and visitation rights can impact negatively on the safety and protection of abused women and their children among family law sections of social services and the relevant courts with a view to ensuring that child contact decisions do not jeopardise their safety and protection;
- take swift measures to ensure the necessary support and counselling, including for post-traumatic stress disorder, and continued access to education to children residing in domestic violence shelters with their mothers;
- reinforce the capacity of law enforcement authorities in order to reduce the back-log of investigations into domestic violence and rape cases and to ensure a prompt and appropriate response in all cases of violence against women;

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- revamp the system of protection orders and to equip the competent authorities with the power to expel a perpetrator of domestic violence from the joint residence; and to
 - conclude discussions on and introduce a data collection system that would allow cases on violence against women to be tracked across the criminal justice system in order to study, among others, rates of and causes for attrition in such cases.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among others, to the need to ensure accessible and long-term funding for domestic violence shelters and NGO-run specialist services, the need to study the prevalence of the different forms of violence against women among members of the Sami community in Sweden, the intensification of training efforts for all professionals, in particular social services and members of the judiciary, the increase in specialist support services with a gendered approach and offering in particular longer term psychological counselling, trauma care and sexual violence counselling services, as well as greater use of standardised, evidence-based risk assessment tools in domestic violence cases – in co-operation with all relevant authorities to ensure the effective protection by a multi-agency network of professionals.

Introduction

Sweden ratified the Istanbul Convention on 1 July 2014. In accordance with Article 78, paragraph 2, of the convention, Sweden reserves the right not to apply the provisions laid down in Article 44, paragraph 3, and Article 58 of the convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Sweden by letter and transmission of its questionnaire on 3 May 2017. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Swedish authorities subsequently submitted their state report on 4 September 2017 – the deadline set by GREVIO. Following a preliminary examination of the Swedish state report, GREVIO held a state dialogue with representatives of Sweden on 21 February 2018 in Strasbourg. A list of representatives of the Swedish Government who participated in the state dialogue can be found in Appendix II. As a second step, GREVIO carried out an evaluation visit to Sweden which took place from 22-29 March 2018. The delegation was composed of:

- Marceline Naudi, First Vice-President of GREVIO
- Iris Luarasi, Member of GREVIO
- Louise Hooper, Barrister, United Kingdom
- Maria Eriksson, Professor of Social Work, Mälardalen University Sweden
- Johanna Nelles, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention
- Cigdem Kaya, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix III of this report. GREVIO is grateful for the valuable information provided by all of them.

The state dialogue and evaluation visit was prepared in close co-operation with Lena Mirow of the Ministry of Health and Social Affairs who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Swedish authorities.

As a first baseline evaluation, GREVIO has looked into the measures of implementation taken by the Swedish authorities with regard to all aspects of the convention and reviewed data from the years 2015 and 2016. For the sake of brevity, this report prioritises some provisions over others. It addresses all chapters of the convention (except Chapter VIII); it does not, however, present detailed assessments and conclusions on every provision in each of these.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General Principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, the fact that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private spheres, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also emphasise that a gender perspective must be integrated in the implementation of the convention and the evaluation of its impact.

2. Achieving full gender equality in law and in practice has long been a policy goal of the Swedish authorities, resulting in far-reaching international recognition for its innovative approaches in this area. In this context, preventing and combating violence against women has, for several decades, featured prominently on the political agenda. An example of Swedish political ambition is the Women's Peace Reform in 1998, which sought to enhance criminal legal protection for women exposed to violence in heterosexual relationships and to promote gender equality. It is the first example of legislation that fully recognises the gendered nature of violence against women resulting from an imbalance in the power relations between women and men. The criminal offence of "gross violation of a woman's integrity" introduced by this reform is praiseworthy for its stated aim of criminalising the continuum of violence often experienced by women in an abusive relationship but difficult to encapsulate in criminal law. It is equally innovative as regards its gender-specific nature, which aims at capturing men's violence against their female intimate partners, past or present.

3. Legal innovation also lies in the approach to the implementation of Article 36 of the Istanbul Convention: the introduction of a criminal offence of sexual assault and rape based on involuntary participation followed by an offence of "negligent rape" in order to ensure criminal liability for perpetrators of sexual acts who ought to have been aware of the victim's lack of consent. Although discussed in more detail in Chapter V of this report, it is testament to the on-going political commitment of the Swedish authorities and law makers to push the boundaries of legislation in order to ensure respect for women's physical, sexual and psychological integrity.

4. This is perhaps not surprising for a government which qualifies itself as feminist and that has vowed to place gender equality at the centre of all policy making.² GREVIO welcomes this official anchoring of a gender equality perspective in all areas of governance and policy making and recognises with appreciation that Sweden already ranks highest in the Gender Equality Index developed by the European Institute for Gender Equality (EIGE).³

5. From the above, and as confirmed in a wide range of additional information reviewed for this report, it clearly transpires that in Sweden violence against women is framed as a gender equality issue and that the gendered nature of such violence is fully incorporated into official documents, policies and, to some extent, legislation. The terminology used in Sweden is that of "men's violence against women" to point to its gendered nature and this is done consistently throughout all relevant areas of policy making. GREVIO welcomes the fact that this term has become standard language for governmental and non-governmental actors and agencies alike.

² State report by Sweden, p.2-3; see also #swefeministgov.

³ EIGE Gender Equality Index, issued in October 2017, available at: <http://eige.europa.eu/gender-equality-index>.

B. Scope of application of the convention and key definitions (Articles 2 and 3)

6. The conceptualisation of violence against women in Sweden as men's violence against women ensures that all kinds of physical, psychological and sexual violence, and threats thereof made by men against women, are covered. The concept also includes forms of intimidation, control, coercion and the use of force exerted to enforce value systems that are based on the chastity of girls and women and the control of their sexuality to uphold family "honour" ("honour-related violence"). Forced marriage and FGM are mainly dealt with as manifestations of such "honour"-related violence, but the term is also used more generally to cover other forms of intimidation, control and deprivation of liberty employed by family or community members in relation to girls and boys.

7. The Swedish concept of men's violence against women also extends to the commercialisation and exploitation of the female body in the media, advertising and pornography in cases where the aim is to reproduce ideas of women's subordination. GREVIO welcomes this approach as it addresses the practices and products of industries which often perpetuate notions of women's subordination and objectification and which play a large role in shaping unhealthy attitudes towards male and female sexuality (see Chapter II, Articles 12 and 17).

8. Sweden is internationally well known for framing prostitution and trafficking in women for purposes of sexual exploitation as men's violence against women. The Istanbul Convention, however, covers neither of these two phenomena and it is subsequently not within the remit of GREVIO's mandate to examine/consider this approach.

9. Rather, GREVIO notes with satisfaction that as far as the scope of the Istanbul Convention is concerned, the Swedish concept of men's violence against women is fully aligned with Article 2, in particular as far as the recognition of the gendered nature of violence against women and domestic violence is concerned. Moreover, all policy documents and legislation reviewed for the purposes of this report operate on definitions of "violence against women", "domestic violence", and "gender", for example, which are either in line with or more extensive than the definitions set out in Article 3 of the convention.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

10. In many ways, the Swedish anchoring of gender equality principles and goals to all areas of policy making and governance is exemplary. All line ministries are responsible for gender equality policies in their respective areas and most civil servants have been trained to that effect. GREVIO welcomes such wide-ranging efforts at mainstreaming gender into all policy areas and notes with appreciation that gender impact assessments and gender equality analyses are routinely carried out.

11. The Instrument of Government which forms part of the Constitution of Sweden lays out the principle of equality between men and women by prohibiting the promulgation of any law or other statutory provision contrary to Sweden's commitments under the European Convention of Human Rights (ETS No. 5) (Chapter 2, Article 19 of the Instrument of Government) which has had the status of Swedish law since 1995. Furthermore, public authorities are required to exercise their work with respect for the equal worth of all (Chapter 1, Article 2) and to combat discrimination on the basis of gender among many other grounds (Chapter 1, Article 2, paragraph 5). Furthermore, the principle of non-discrimination between men and women is also laid out in Chapter 1, Section 1 of the Swedish Discrimination Act of 2008.

2. Intersectional discrimination

12. Article 4, paragraph 3 of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds for discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12⁴ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination against certain groups of women, for example at the hands of law enforcement agencies, the judiciary or service providers, is still widespread.⁵

13. In Sweden, GREVIO has observed a number of barriers which women from national minorities,⁶ women with addictions, women with disabilities and other women exposed to intersectional discrimination face in seeking quality interventions for any of the forms of violence covered by the convention.⁷ Although social welfare committees are instructed to consider the specific needs of all victims of domestic violence, for example for reasons of disability, national minority status, migrant background, drug abuse and addiction, the implementation of such regulations and guidance seems to vary. The need for more extensive training for social services in this regard has been recognised by the authorities in relation to some marginalised groups,⁸ which GREVIO welcomes. Concerns remain, however, regarding the fact that the extensive policy attention to combating violence against women does not always extend systematically to groups of women who belong to national and other minorities and whose circumstances, life options, cultural context and dependencies differ significantly from those of majority women in Sweden.

14. Although the Swedish National Strategy to Prevent and Combat Men's Violence against Women 2017-2026 contains some references to particularly vulnerable women, very few measures exist that would address the increased vulnerability of these women – both to experiencing violence and to re-victimisation by statutory agencies and practitioners. Their individual characteristics as women and, for example, members of an indigenous population such as the Sami, or as substance abusers, interact in a way that compounds discrimination. If the response to violence against women does not adequately seek to produce interventions that are culturally sensitive, mindful of an individual's characteristics and tailored to the specific needs of such women, then barriers may be created against those who seek or wish to seek help.

15. GREVIO is concerned that the support provided by the social services and public health care sector to women victims of domestic and sexual violence who are in addiction and/or prostitution fails to focus on their victimisation (see Chapter IV - Article 20 General support services). GREVIO is equally concerned at the lack of specific research into Sami women's experiences of domestic or sexual violence, their prevalence rates and the general level of unawareness among the authorities at local, regional and national level of the cultural specificities, constraints and barriers which Sami women face in seeking support. This absence of knowledge on the violence which minority women face in their own communities and how their membership of

⁴ The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

⁵ See paragraphs 52-54 of the Explanatory report to the Istanbul Convention.

⁶ The national minorities recognised by Sweden are Jews, Roma, Sami, Swedish Finns and Tornedalians.

⁷ The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee has repeatedly stated that discrimination against women is inextricably linked to other factors that affect their lives. Such factors may include "ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders". CEDAW General Recommendation No.35, CEDAW/C/GC/35, p.4.

⁸ In a recent Government Decision, the National Board of Health and Welfare has been requested to provide the social services with additional training on domestic violence and violence against women focusing particularly on women in vulnerable situations due to, for example, old age, disabilities, drug use and experiences of prostitution and trafficking (Government Decision S2018/03930/FST).

an indigenous population limits their capacity to act is particularly alarming against the backdrop of an otherwise established practice of sound, evidence-based policy making. It is also worrying given the repeated calls on Sweden made by international human rights mandates and treaty bodies.⁹

16. Finally, GREVIO is concerned about the difficulties which women without a residence permit in Sweden face in seeking safety from domestic violence in shelters. It is mainly for reasons of funding that numerous NGO-run shelters cannot admit women who have not been formally referred by social services, as the costs of their stay will not be covered. Access to domestic violence shelters is also limited for women with disabilities, although some shelters actively try to accommodate them.

17. **GREVIO urges the Swedish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3.**

D. State obligations and due diligence (Article 5)

18. Aspects in relation to the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

⁹ For an overview of Sweden's international human rights obligations and compliance therewith relevant to combating violence against women from minority and indigenous populations see: Monica Burman, "Men's intimate partner violence against Sami women – a Swedish blind spot", *Nordic Journal on Law and Society*, Vol.01, no.01-02 (2017), pp.199-200.

II. Integrated policies and data collection

19. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

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

20. Sweden looks back on a long history of addressing violence against women in law and policy, often with innovation and the intention to lead. FGM, for example, was criminalised as early as 1982. Subsequently, awareness of the gendered dimension of domestic and sexual violence rose among the public and law makers, leading to the adoption of the Women's Peace Reform in 1998. It introduced, for the first time in Europe, a gender-specific criminal offence that aimed to capture the repeated nature of domestic violence in all its components: physical, sexual and psychological violence, and has earned Sweden a solid reputation in preventing and combating violence against women. Swedish commitment to gender equality and combating violence against women extends to its development co-operation and humanitarian assistance which actively promotes women's rights and empowerment.

21. A range of national action plans (NAPs) and other measures have since been implemented and evaluations and research are continuously carried out to improve the knowledge base further and design strategic interventions. These include action plans on "men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships", on "prostitution and human trafficking for sexual purposes" and on "preventing and hindering young people from marrying against their will" – all implemented from 2006 to 2010. Violence against women has consistently been framed as a gender equality issue. Its gendered dimension is clearly underscored by policy documents and official statements. In fact, one of the sub-goals of Sweden's current gender equality policy is putting a stop to men's violence against women.¹⁰

22. The current National Strategy to Prevent and Combat Men's Violence against Women 2017-2026 and its action plan are based on lessons learned from previous NAPs. Findings from the ongoing reviews and evaluations of measures by government agencies¹¹ as well as inquiries commissioned by the government have also greatly contributed to its design. Some of the gaps and conclusions identified overlap with the key requirements of the Istanbul Convention. These include the need to improve co-ordination and co-operation with a view to the provision of quality services to victims across the country, long-term strategic interventions by public officials on the basis of effective working methods and systematic training of officials to reduce local and regional differences in response to violence against women. GREVIO welcomes the stated will to address these issues in the next decade and hopes the national strategy's four main objectives will contribute to this end.¹²

23. A key step in ensuring better co-ordination and implementation of measures set out in the national strategy has already been taken: the setting up of the new Gender Equality Agency. Among its tasks is that of co-ordinating implementation around the national strategy by all actors, and GREVIO welcomes the institutionalisation of co-ordination by way of a government agency. This seems much needed, as the multitude of existing and planned measures, operational entities and stakeholders, as well as the many parallel funding streams for service provision and advocacy

¹⁰ See the Swedish Government Communication 2016/17:10 entitled "Power, goals and agency – a feminist policy for a gender-equal future".

¹¹ Examples of relevant government agencies in this context are: the National Board of Health and Welfare, the Swedish Council for Crime Prevention (Brå), and the Swedish Agency for Public Management.

¹² The four objectives of the National Strategy to Prevent and Combat Men's Violence against Women 2017-2026 are (1) Increased and effective preventive work to combat violence; (2) Improved detection of violence and stronger protection for and support to women and children subjected to violence; (3) More effective crime-fighting; (4) Improved knowledge and methodological development.

work by NGOs in the area of violence against women, call for rigorous co-ordination in order to be effective.

24. Co-ordination in many ways also implies co-operation among the various stakeholders and service providers. For this reason, the implementation of any adopted policies by way of effective multi-agency co-operation is an important element of Article 7 of the convention. This may, for example, mean the joining of forces of law enforcement agencies, the judiciary, women's NGOs, child protection agencies and other relevant partners on a particular case.

25. GREVIO has, however, witnessed very little evidence of inter-institutional co-operation as a standard practice in Sweden. Although shelters such as those aimed at women victims of domestic violence are generally respected partners of the municipalities (which are responsible for local interventions in all cases of violence against women), few examples exist of structured local level co-operation. The integrated domestic violence programme entitled "Concept Karin" in Malmö serves as a nationwide model of such co-operation in the form of a "one-stop shop" but this has not been rolled out across the country. Other forms of multi-agency co-operation such as case conferences or multi-agency risk assessment conferences do not seem to form part of standard procedure in Sweden, although the County Administrative Boards have been commissioned by the Government of Sweden to promote collaboration between municipalities, county councils, the regional entities of government agencies as well as civil society.¹³ GREVIO welcomes such a step and is hopeful that this initiative will result in the significant increase of multi-agency co-operation. In order to serve the best interests of individual victims – often facing a set of interlocking issues – it is crucial to develop efficient and smooth intervention systems at the local level involving a wide variety of actors.

26. Although most, if not all, forms of violence covered by the Istanbul Convention seem to be addressed under the different action plans and measures, GREVIO notes the absence of measures that would identify and address the specific situation of women from minority groups and other groups of women who are facing violence as covered by the convention. Factors such as disability, social status, or simply belonging to a tight-knit community such as the Roma and Sami communities, may create barriers that differ significantly from those experienced by Swedish women belonging to the majority population. Comprehensive policies would need to reflect this in order fully to serve women of all backgrounds.

27. GREVIO strongly encourages the Swedish authorities to develop methods for multi-agency co-operation to ensure co-ordination and co-operation on individual cases of violence against women among all relevant actors, in particular local authorities (law enforcement agencies, social services, unemployment agencies) and the public health sector as well as the specialist support services for women victims of violence. GREVIO further encourages the Swedish authorities to ensure that any methods developed to this extent fully reflect the specific needs of women who are or might be exposed to intersectional discrimination, in particular women belonging to minority groups in Sweden, women in addiction and/or prostitution, and migrant women.

B. Financial resources (Article 8)

28. Government funding for services and measures to prevent and combat violence against women is made available in different ways. Most victims receive support first and foremost from the extensive Swedish welfare system designed to meet the needs of all, including victims of gender-based violence, and GREVIO notes that funding is readily available for this purpose. The national telephone hotline on violence against women (*Kvinnofridslinjen*) is also fully funded by the government. In addition, a total of 814 million Swedish krona (SEK) (around € 81 million¹⁴) have been allocated for the period of 2017-2020 to implement the National Strategy to Prevent and

¹³ Government Decision S2017/07420/JÄM. The County Administrative Boards are expected to report back by 29 March 2019.

¹⁴ For ease of reference an exchange rate of 10:1 is applied throughout the report.

Combat Men's Violence against Women, of which over 200 million SEK (around € 20 million) are earmarked for measures related to "honour-related violence". An impressive amount of resources is also set aside to fund research projects and institutes specifically dedicated to violence against women (see below section E.3 Research).

29. The Swedish Social Services Act (Chapter 5, Section 11) places an obligation on municipalities to ensure that victims of crime are supported through the respective social welfare committees. This obligation extends specifically to women who experience domestic violence and their children. It is in implementation of this obligation that the 290 municipalities in Sweden provide for sheltered accommodation and cover related costs. A variety of approaches exist, as municipalities may operate services directly or transfer responsibility for their delivery to private providers or NGOs which run domestic violence shelters.

30. Most shelters in Sweden are operated by women's NGOs, many with a long history of providing indispensable services. Despite their high level of recognition, difficulties in securing sufficient and long-term funding from municipalities seem to persist. While a large number of municipalities provide both basic funding and a per-capita rate for a woman's stay in a non-profit domestic violence shelter, others do not. Frequently, general grants aimed at supporting civil society organisations as a complement to the social welfare system without specific conditions regarding their activities are instead used to reimburse the costs of public service delivery by such organisations. Moreover, in many instances, the per-capita rates paid by municipalities do not match the actual costs of a shelter stay. All in all, GREVIO notes that the current practices by municipalities do not necessarily ensure sufficient funding for all sheltered accommodation operated by women's NGOs. The Swedish Government has attempted to boost funding for local women's shelters and young women's empowerment centres by ear-marking 475 million SEK (around €47 million) for a five-year period (2015-2019), which local NGOs can access upon application, to fund activities and work other than running costs (for example, advocacy, campaigning, networking or specific projects for children, counselling and psychological support for women, etc.). This is the largest ever financial contribution by the central government to local domestic violence NGOs. This funding may not be used to cover the operating costs of shelters run by local NGOs since covering such costs is a legal obligation of the municipalities.

31. Funding for work by NGOs at national level such as that carried out by the national shelter associations ROKS and UNIZON is available through grants distributed by the National Board of Health and Welfare.

32. In addition, the county administrative boards provide grants to NGOs working on "honour-related violence". The Crime Victim Fund also disburses around 30-35 million SEK (around €3-3.5 million) annually to civil society organisations. Grants for NGOs are also available from the Public Health Agency, the National Council of Crime Prevention and the Crime Victim Compensation and Support Authority, depending on the area of work.

33. GREVIO welcomes the large overall amount of funding that is set aside for measures, activities and research in the area of preventing and combating violence against women, which demonstrates a welcome level of political will to protect and support victims of violence. It is with particular appreciation that GREVIO notes the willingness of the central government to boost, through specific grants, the funding of specialist NGOs that are active in this field. GREVIO also commends the financial support provided by the central government to local and regional government structures in order to improve their work on particular aspects of combating violence against women and supporting victims.¹⁵

¹⁵ For example, for the years 2015-2016, 1 billion SEK (around €1 million) were made available annually to county councils in Sweden (regional government level) to improve their approaches to handling cases of sick leave and rehabilitation related to domestic violence following an official agreement with the Swedish Association of Local Authorities and Regions (SKL). A similar arrangement has been put in place for the years 2017-2019 whereby 500 SEK (around €50 million) are available annually to county councils and regions wishing to improve the detection of victims of violence in pre-and post-natal care and their referral to specialist services.

34. However, it is with some concern that GREVIO notes the difficult situation faced by women's NGOs offering sheltered accommodation regarding the core funding they receive from municipalities. Despite the multitude of funding streams, the main funding source for the running costs of shelters is the local municipality. Whether this is on the basis of per-capita funding for victims formally referred by social services or the provision of more stable core funding for 12 months or more, it rarely seems to meet the full costs of quality service provision. In some municipalities NGO-run shelters depend on non-public funding to maintain the necessary staff/client ratio, and many do not have the means to offer essential services such as psychological counselling for women and children. Moreover, GREVIO is concerned that the current system may create dependencies at local level and might stand in the way of critical service delivery in an independent and autonomous manner.

35. Compounding the above, the additional government grants seem to be difficult to access for some NGO-run women's services and advocacy groups. Application criteria may not always fit the needs, purposes or working methods of all NGOs, whereas the under-resourcing of others simply does not allow time for lengthy application procedures. Most NGO representatives GREVIO met with expressed the need for more funding security through longer-term funding schemes available at local level that would cover all operational costs and essential services.

36. GREVIO strongly encourages the Swedish authorities at all levels of government, in particular the local level, to step up measures that would assure easily accessible funding which is long term and sufficiently covers all relevant operational costs of domestic violence shelters and other women's NGOs which provide specialist services to women victims of violence. The aim should be to ensure that funding is available and accessible for all relevant services, including psychological counselling to women and children where necessary.

C. Non-governmental organisations and civil society (Article 9)

37. In Sweden, NGOs working in the area of preventing and combating violence against women and domestic violence have long been respected partners for the Swedish authorities. A wide range of counselling and specialist support services for women victims of violence are operated by NGOs and civil society organisations, providing essential women-to-women services. The Swedish Government clearly recognises their key role and expertise and seeks to involve women's NGOs officially in dialogues around new policies and the outcome of government inquiries. Moreover, all county administrative boards in Sweden are instructed to co-operate with NGOs within the remit of their responsibilities (for example, supporting the co-ordination of local interventions, developing regional strategies and action plans and providing knowledge and working methods).

38. NGOs working on the different forms of violence against women by providing services or advocacy are generally publicly funded (see above). The complex system of funding streams, however, seems to pose a problem for some of the NGOs that provide services to victims. Those that provide overnight accommodation, either as a domestic violence shelter or a shelter for victims of "honour-related violence", rely on referrals from the social services for significant parts of their funding. The per-capita funding scheme described above means that without constant high occupancy rates, the service may not be sustained.

39. From the information obtained during the evaluation procedure, GREVIO is concerned that some NGOs which provide highly specialised services for victims of violence with a set of interlocking issues are witnessing a significant decline in the number of referrals by social services. In one particular case, the lack of referrals and subsequent lack of per-capita funding is threatening the very existence of the service. The reasons for the decline remain unclear but NGOs indicate that it might point to a decrease in recognition of the work of such organisations.

40. Another issue brought to GREVIO's attention is the concern of some NGOs working to prevent and combat "honour-related violence" regarding the lack of a vetting system prior to allocating funding to civil society organisations. As a result, government grants for work on the prevention of "honour-related" violence appear to be allocated without any particular checks regarding the value system that organisations are promoting through their work, and whether they uphold fundamental values such as equality between women and men and human rights. NGOs which advocate for the equality of girls and women among migrant communities in Sweden consider that their work is undermined by more conservative organisations also funded by the government.

41. GREVIO recalls the importance of ensuring that all entities and organisations working to address violence against women and domestic violence apply the fundamental principles of the Istanbul Convention, which are, in particular, women's empowerment, a gendered understanding of violence against women and women's equality with men. It welcomes the recent initiative by the Government of Sweden to review the requirements of democratic values, including the upholding of gender equality principles, in rules and regulations on grants for civil society organisations as well as their application in practice.¹⁶

42. GREVIO encourages the Swedish authorities to ensure that public funding allocation continues to strengthen the basic principles of equality between women and men, including women experiencing complex interlocking issues.

D. Co-ordinating body (Article 10)

43. According to the Swedish authorities, the Division for Gender Equality of the Ministry of Health and Social Affairs serves as the co-ordinating body as required by Article 10 of the Istanbul Convention. It appears to be the principal unit tasked with the responsibility of setting the policy agenda on violence against women. All ministerial proposals for relevant policies and measures are subject to the approval of this entity. Its mandate is to ensure co-ordination on the National Strategy to Prevent and Combat Men's Violence against Women.¹⁷ Moreover, it supports all relevant ministries in their execution of duties relating to violence against women. In addition, the Gender Equality Agency established in January 2018 has the mandate to monitor the implementation of the national strategy at the operational level.

44. Although the Division for Gender Equality appears to be the principal co-ordinating body in Sweden, GREVIO notes that it has not been specifically designated as such and that this role may not have been sufficiently communicated externally. It is therefore uncertain as to what extent the role and mandate as set out in Article 10, paragraph 1, is known to other relevant line ministries and agencies and whether specific human and financial resources have been made available for the discharge of this role. GREVIO also notes that the absence of an official designation may prevent it from gaining recognition and support from other relevant government agencies. This may bear the risk of overlap and/or gaps in implementation of the convention.

45. GREVIO strongly encourages the Swedish authorities to designate officially the Division for Gender Equality within the Ministry of Health and Social Affairs to serve as co-ordinating body within the meaning of Article 10 of the Istanbul Convention. GREVIO also strongly encourages the Swedish authorities to equip this division with clear mandates, powers and competences and to communicate these to all relevant entities.

¹⁶ Government-initiated commission of inquiry which is expected to submit its final report in June 2019.

¹⁷ National Strategy to Prevent and Combat Men's Violence against Women 2017-2026.

E. Data collection and research (Article 11)

1. Administrative data collection

46. In Sweden, the disaggregation by sex of any statistical data is a legal requirement set out in section 14 of the Ordinance of Official Statistics. The Official Statistics Act sets out additional rules regarding the compilation of official statistics. As a result, all public authorities offer, in their annual reports, statistics broken down by sex.

47. GREVIO welcomes this approach and notes with appreciation the stated aim of the Swedish authorities to make women's realities in Sweden visible through the systematic disaggregation by sex of all official data.¹⁸ As a result, a wealth of information regarding the specific situation of women in all aspects of life compared to that of men has emerged in Sweden. Specific gender equality indicators have been developed on the basis of the national gender equality objectives and are fed with statistical information by Statistics Sweden. This makes developments in the area of gender equality transparent and information on progress and setbacks accessible to all.¹⁹ Men's violence against women is one of the gender equality indicators, and the information presented thereunder is based on data compiled by the National Council for Crime Prevention.

48. As per the legal requirement, all data on violence against women are disaggregated by sex, but are also broken down by age group. Additionally, the Swedish law enforcement agencies use data categories such as "acquainted with victim" and "not acquainted with victim" in order to establish the relationship of the perpetrator to the victim for all reported offences as well as those successfully investigated, together with the data categories "indoors" and "outdoors". While GREVIO acknowledges that this is helpful to some extent, these data categories appear too broad to capture the true nature of the relationship between those involved. A notable exception exists with regard to assault against women older than 18 years of age, where it is possible to record whether the offence was committed within a close relationship. For all other offences it is much more difficult, if not impossible, to identify the percentage of offences which have been committed by intimate partners or within the domestic/family unit. For instance, categories to record the relationship between perpetrator and victim are entirely absent in relation to the criminal offences of "unlawful threat" and "unlawful harassment". Hence, important elements regarding the occurrence and prevalence of forms of violence such as ex-partner stalking go unnoticed.

49. The assumption seems to be that intimate partner violence by men against women constitutes a "gross violation of a woman's integrity", that is, the Swedish domestic violence offence (see Chapter V for details) and would be recorded as such. However, from the data provided it does not seem possible to distinguish between relationships past or present, or whether perpetrator and victim have lived together.

50. In this context, data categories such as "indoors" and "outdoors" appear to be of limited use, as the location of a rape or assault will only in very few cases allow for conclusions to be drawn as to the context of the crime.

51. All information on cases handled by law enforcement agencies and the judiciary is collected with the help of specific codes developed in relation to the offences set out in the Swedish Criminal Code. As the information is collected from different case management systems within law enforcement authorities without a simple link between information that relates to the same case, individual cases cannot always be tracked across the various stages in the criminal justice chain. Aware of the limitations of this approach, discussions have long been under way among the Swedish authorities to improve the exchange of information in the criminal justice process. The aim

¹⁸ "Women and Men in Sweden, Facts and Figures 2016", published by Statistics Sweden, p.4.

¹⁹ Ibid, and Statistics Sweden, Gender Equality Portal, available at www.scb.se/jamstalldhet/.

is to allow information to be followed throughout the criminal justice system – from reporting to indictment and beyond. Similar debates have been launched to allow criminal offences committed for reasons of “honour” to become more visible in the data collection system.

52. GREVIO welcomes these debates and stresses the need to assess the availability of criminal justice to women victims of violence by identifying any problems there might be with the way in which a case moves through the different stages of the procedure. Attrition rates in domestic violence and rape cases, for example, are generally high across Europe, and efforts must be stepped up to identify their root causes. The fact that no official data exists in Sweden on the rate of convictions (from indictment to conviction) indicates an urgent need to introduce a system that allows cases to be adequately tracked across the criminal justice system.

53. Similarly, the data kept on the number of restraining and protection orders in Sweden do not allow conclusions to be drawn as to their effectiveness in offering protection for a domestic violence victim. Only the total number of orders issued per jurisdiction seems to be recorded, as well as the total number of violations.²⁰ Neither of these figures, however, is broken down by sex, nor by relationship of the perpetrator to the victim and no information is systematically collected regarding the duration of the procedure and whether the protection orders issued may be considered an emergency measure.

54. GREVIO strongly encourages the Swedish authorities to develop data categories for use by the law enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim in order to document the nature of their relationship more specifically.

55. GREVIO urges the Swedish authorities to conclude the ongoing work on introducing case management systems that would enable cases of violence against women to be tracked from reporting to indictment and beyond in relation to all criminal offences required by the convention. GREVIO further urges the authorities to use such data to analyse attrition rates, clarify underlying causes of attrition, follow trends in this area and use the findings to create evidence-based policies and/or make changes to legislation. In this manner, the well-established practice of the Swedish authorities to rely on sound evidence-based policy making would be confirmed and further strengthened.

56. Data on contacts with the health sector are recorded by the National Patient Register – but only in relation to contacts with providers of inpatient and specialist care for injuries resulting from assault. General practitioners and all other providers of primary care are exempted from such data recording obligations. As a result, a large number of contacts with primary health care providers for reasons of domestic violence go unrecorded, as this is frequently where women turn first. Moreover, the recorded data do not include information on the relationship of the perpetrator to the victim. Aware of these limitations, the Swedish authorities are currently identifying ways in which to incorporate primary health care data in the National Patient Register. Work is also under way by the National Board of Health and Welfare to study options for the improvement of health care statistics on violence.²¹

57. GREVIO notes with appreciation that since 2015 the National Patient Register has recorded the annual number of health care contacts made by women in Sweden in relation to FGM. The codes available allow the recording of an acquired absence of genital organs, a pregnancy complicated by FGM and, since 2015, the category of FGM status (positive). With the help of these codes, reliable data on the existence of FGM in Sweden is starting to emerge.²²

²⁰ According to information provided by the authorities, a total of 6 696 restraining orders were issued in 2015 and 2016. The number of sanctions imposed for breaches of such orders amount to 4 237 for the same period.

²¹ The report on a recent government commission suggests the introduction of indicators to follow up the four main objectives of the national strategy. Report issued on 21 March 2018, available at <http://www.socialstyrelsen.se/publikationer2018/2018-3-21/Sidor/default.aspx> (Swedish only).

²² In 2015, 403 women with positive FGM status approached the health sector compared to 568 in 2016. Source: Additional information provided by the Swedish authorities.

58. **GREVIO strongly encourages the Swedish authorities to pursue its current efforts in ensuring the contribution of the primary health care sector to data recorded by the National Patient Register with a view to documenting contacts with the health care sector for reasons related to violence, disaggregated by sex, age and relationship of the perpetrator to the victim.**

59. Sex-disaggregated data are also regularly collected by the Swedish Migration Agency on the number of asylum applications in Sweden annually and their outcome (refugee status, subsidiary protection, particularly distressing circumstances, other protection needs or rejection/withdrawal). The agency does not, however, collect data regarding the grounds which gave rise to recognition as a refugee. An internal review of cases from a gender equality perspective conducted by the Swedish Migration Agency in 2016 revealed that 26% of successful applications by women are granted on the basis of gender-based persecution. GREVIO welcomes such a gendered evaluation of case processing by the Swedish Migration Agency but points to the need for more systematic data collection on gender-based persecution. If built into the official data recording of the agency, its practice in terms of recognition of asylum applications on the basis of gender could more easily be assessed, including over time.

60. **GREVIO encourages the Swedish authorities to introduce a data collection system that would allow asylum claims on the basis of gender-related persecution and their outcomes to be recorded.**

2. Population-based surveys

61. Several recurring national population-based surveys exist in Sweden which provide information on the prevalence of different forms of violence against women. For example, the Swedish Crime Survey (NTU) is regularly conducted by the National Council for Crime Prevention and contains questions on exposure to assault, threats, sexual offences, robbery and harassment. In 2014, this survey contained more specific questions regarding offences in close relationships. Lifetime prevalence amounted to one in four women (compared to one in six men), whereas victimisation in the past 12 months was at 7% of women and 6.7 % of men. The survey also showed that it was more common for women to experience more serious violence (that is, incidents requiring medical care). The Swedish Crime Survey is currently undergoing a methodological change – from telephone interviews to online and postal inquiries with a wider sample and different data collection design.

62. The Living Conditions Survey regularly conducted by Statistics Sweden via telephone interviews also contains questions on exposure to violence in general terms, and its correlation with socio-economic factors such as education, housing, income and occupation allows for a more extensive analysis of the prevalence of violence – but not necessarily specific to domestic violence. One of its findings in 2016 was that 23% of women had refrained from going out alone at night for fear of being assaulted or threatened. A third national survey that is conducted regularly and which also contains questions on exposure to violence is the national public health survey conducted by the Public Health Agency of Sweden.

63. Most of the above surveys are limited to exposure to violence in the last 12 months and do not, as a standard, contain dedicated questions on violence in intimate relationships or on other forms of gender-based violence. The resulting prevalence rates thus differ significantly from dedicated surveys such as the 2014 prevalence study carried out by the National Centre for Knowledge on Men's Violence against Women (NCK)²³ or the 2002 survey Captured Queen which focused specifically on women's exposure to violence by men.

²³ "Violence and Health in Sweden – A national Prevalence Study on Exposure to Violence among Women and Men and its Association to Health", report published in 2014

64. The latter surveys both aim to capture lifetime exposure to physical, sexual and psychological violence, including in intimate relationships, and its subsequent health consequences. While one was dedicated exclusively to women's experience of violence, the 2014 study by the NCK covered both men and women. It found that 14% of women had been subjected to violence or threats thereof by a current or former partner, while an additional 20% of women had experienced repeated and systematic psychological violence by a current or former partner. Slightly more than 10% of women in Sweden reported experiencing forced sexual intercourse after the age of 18, most often by current or former partners. A similar number of women reported having experienced forced sexual intercourse or attempts thereof before the age of 18, either by a perpetrator of the same age or by an adult. The results from the 2002 Captured Queen survey show similar, if not higher, prevalence rates.²⁴

65. GREVIO notes that the more regularly available prevalence data in Sweden stem from general surveys containing a limited number of questions which are specific to violence, though only in general terms, while the dedicated surveys have not, to date, been repeated. In order to identify trends over time and to arrive at an accurate picture of women's exposure to the forms of violence covered by the Istanbul Convention, it would be useful to invest in more regular dedicated surveys on violence against women.

66. While GREVIO acknowledges the advantages of integrating questions about physical assault and sexual violence into regular crime surveys, it wishes to emphasise that such surveys, even if conducted at regular intervals, cannot replace specialised, dedicated surveys on all forms of violence against women. Only such dedicated surveys can produce the data that are necessary for evidence-based policy making – an approach Sweden is renowned for.

67. GREVIO also notes that although specific survey-based research exists on the health of Roma which revealed that 24% of Roma women had been subjected to some form of violence in their lives,²⁵ no survey in Sweden aims to identify Sami women's exposure to sexual, domestic or other forms of gender-based violence. GREVIO welcomes, however, that a study, supported by the Government of Sweden, is under way which seeks to assess the health and living conditions, including exposure to domestic violence, in traditional Sami areas.²⁶

68. GREVIO strongly encourages the Swedish authorities to conduct dedicated surveys on violence against women at regular intervals and to carry out a population-based survey to assess Sami women's exposure to sexual and domestic violence as a starting point for further policy measures.

3. Research

69. In Sweden, a solid knowledge base exists in relation to many aspects of preventing and combating violence against women and domestic violence. Government commissioned inquiries are routinely conducted in order to identify gaps and shortcomings in responses to violence against women by law enforcement agencies, social services and the judiciary. Considerable amounts of funding are being allocated to different actors, including universities, research councils or administrative authorities for research projects on a wide range of issues. "Honour-related violence" and violence in same-sex relationships seem to be topics which are currently receiving particular attention through research, which GREVIO welcomes.

70. To a large extent, the broad range of available and ongoing research in the area of violence against women is the result of a strong focus on evidence-based policy making by the Swedish authorities, which GREVIO notes with appreciation. Several of the studies and inquiries currently under way address aspects of Sweden's national response to violence against women which,

²⁴ The survey Captured Queen showed that 46% of adult women had been subjected to violence perpetrated by a man at one time in their lives and that 34 % had experienced sexual violence by a man after the age of 15.

²⁵ Report issued by the National Public Health Agency in 2015.

²⁶ Study conducted by Umeå University and the Centre for Sami Research (Vartoe), with results expected in October 2019, Government Decision S2018/03552/FS.

GREVIO notes, reflect its own assessment of areas which offer room for improvement. This constant striving for improvement is testament to Sweden's leading role in policy making, and to some extent, trend-setting, in the area of gender equality and combating violence against women.

71. In this context, GREVIO notes with appreciation the existence of a government commissioned research centre dedicated exclusively to the study of men's violence against women: the National Centre for Knowledge on Men's Violence against Women (NCK). It carries out both government commissioned studies and own-initiative research and is strongly focused on improving the response of professionals who come in contact with victims of violence against women, in particular health care professionals. Its research reports, guides and handbooks cover a wide range of topics and serve as a basis for training – also frequently delivered by the NCK.

72. GREVIO also notes that recent research grants allocated by the Swedish authorities specifically fund research into how Sami women are served by and benefit from the current national response to violence against women. GREVIO appreciates such diversification of research and recalls that a solid knowledge base should also lead to action to repair any shortcomings. The many government inquiries point to a range of very specific issues that need to be addressed, but not all have translated into action. GREVIO therefore reiterates the importance of ensuring appropriate government follow-up to the various inquiries.

73. GREVIO encourages the Swedish authorities to maintain the approach of evidence-based policy making with a view to ensuring the closure of any gaps and shortcomings of existing policies and measures as identified through the various government inquiries.

III. Prevention

74. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness-raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

75. In Sweden, a wide range of primary, secondary and tertiary prevention measures exist and are particularly developed in relation to domestic violence. One of the aims of the National Strategy to Prevent and Combat Men's Violence against Women is to strengthen preventive action across all levels of government and in relation to all forms of violence against women, including sexual violence, forced marriage, FGM, "honour-related" violence and coercive control. Work with perpetrators in and outside of prison is highly developed and strongly encouraged, and educational establishments at all levels have been identified as strategic gateways to working with parents of migrant background regarding gender equality principles and life opportunities for girls and boys in Sweden. Moreover, the Swedish Work Environment Authority carries out preventive work on sexual harassment, addressing yet another widespread form of violence against women. A national crime prevention programme (Combating crime together) was launched in 2017 to reduce crime and to prevent re-offending, including violence against women.

76. GREVIO welcomes the fact that preventive action is strongly embedded in the overarching policy goal of a gender equal future and that it specifically addresses attitudes and norms around masculinity as well as those arising from "honour-based" value systems.

A. Awareness-raising (Article 13)

77. In this broader context, GREVIO welcomes the existence of numerous awareness-raising activities at local, regional and national level which are either directly funded by the government or through the provision of grants to civil society and government agencies (for example, the Swedish Agency for Youth and Civil Society (MUCF) and the Swedish Crime Victim Compensation and Support Authority (BrOM)). The Swedish Association of Local Authorities and Regions, county councils, county administrative boards, local police and the equality ombudsman all play an important role in offering information about the different forms of violence against women, how to set boundaries and where to get help. The subjects covered include, *inter alia*, equality between men and women, non-discrimination and equality, domestic violence, "honour-related violence", violence in intimate relationships and sexual violence. A wide range of groups are targeted, ranging from the general public to trade unions, young people in schools, municipalities and perpetrators. A particularly inspiring example is the online portal www.youmo.se which offers young migrants answers to important questions around sexuality, family relations, marriage and violence/control and what their rights are in Sweden. The material is available in six languages.

78. Another interesting example is the "Come to us" campaign launched by the Swedish police which ended in 2015.²⁷ Information was provided online in 18 different languages on the importance of reporting crimes such as domestic violence, forced marriage and "honour-related violence", how to report such crimes, how a criminal investigation is conducted and the help that is available to victims. GREVIO welcomes such efforts to reach out to the both the general public and victims and notes that this may positively impact the number of reported cases. However, such initiatives must tie in with an increase in efforts to respond adequately and efficiently to high numbers of reporting. In recent years, the capacity of the Swedish law enforcement agencies to investigate and prosecute complaints of rape and other forms of violence against women has been

²⁷ "Kom till oss", <https://polisen.se/Kom-till-oss/>.

criticised. In response, measures have been introduced by the Swedish Government to increase the number of serving law enforcement officers, among others (see Chapter VI). GREVIO notes that without viable means to respond swiftly and professionally to complaints filed with law enforcement agencies, campaigns seeking to encourage reporting will only result in secondary victimisation and, over the long term, risk dissuading victims from coming forward.

79. GREVIO further notes that there is a need to adapt awareness-raising activities to the specific needs and realities of women who are or might be exposed to intersectional discrimination, in particular because of factors such as disability or national minority status, so that the messages and information disseminated are relevant to the challenges they face. While the existing campaigns and measures seem readily to incorporate the perspective and needs of women with disabilities, women belonging to national minorities such as Sami or Roma women, or women in addiction seem to be less specifically addressed.

80. GREVIO encourages the Swedish authorities to ensure that awareness-raising activities are followed up by adequate responses on the part of law enforcement agencies. GREVIO also encourages the Swedish authorities to develop targeted campaigns on the harm caused to children who witness domestic violence and to incorporate the specific needs and realities of more marginalised groups of women such as women belonging to national minorities (for example, Sami and Roma) and women in addiction.

B. Education (Article 14)

81. In Sweden, the potential offered by the national education system to serve as a catalyst for changes in attitude, non-stereotyped roles for girls and boys and healthy relationships between the sexes is well recognised. With a view to laying the foundation for a gender equal society, a multitude of measures exist to harness this potential.

82. The Swedish national curriculum defines goals and guidelines based on fundamental values, including gender equality and the prevention of degrading treatment and harassment, as per Section 5 of the Swedish Education Act. The National Agency for Education supports providers of compulsory and upper-secondary education by offering material and professional development in the area of equal treatment and non-discrimination. Starting at the level of pre-school, efforts are made to counteract gender stereotypes and gender roles that limit girls and boys in exploring their abilities.

83. In terms of teaching material, the syllabi of several courses contain components on sex education as a cross-curriculum subject. Head teachers are under the obligation to ensure that the learning goals required in this regard are reached by all students. Issues around sex and intimate relationships, consent to such acts, reproduction and sexually transmitted diseases form part of these goals, among others.²⁸ It is unclear, however, to what extent this is done in practice, as reports have emerged that not all schools, in particular non-state schools, actively ensure such teaching.²⁹ The Swedish Schools Inspectorate has thus recently assessed the quality of sex education in compulsory and upper-secondary education.³⁰ Results are mixed in terms of quality and comprehensiveness but seem to indicate that schools which prioritise such teachings across

²⁸ An overview of sex education in Sweden is available in English at https://www.skolverket.se/om-skolverket/publikationer/visa-enskild-publikation?_xurl_=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwpubext%2Ftrycksak%2FBlob%2Fpdf3580.pdf%3Fk%3D3580.

²⁹ "Islamic schools in Sweden: institutional context, societal conflicts and the limits to tolerance", Fredrik Hertzberg and Hans-Ingvar Roth (Department of Education, Stockholm University); p.16; available at http://www.suits.su.se/polopoly_fs/1.179898.1402394340!/menu/standard/file/Islamic%20schools%20in%20Sweden-%20institutional%20context,%20societal%20conflicts%20and%20the%20limits%20to%20tolerance.pdf. The issue was also raised during meetings with civil society representatives and meetings with representatives of the Ministry of Education and Research.

³⁰ State Report, p.27.

the board create a more positive learning environment with lower levels of sexual harassment among the student body.³¹

84. The national school system has also been identified as key in preventing “honour-related violence” in Sweden. Information material for teachers and students exists on notions around “honour” and student health staff are trained on forced marriage, family control and pressure placed on girls and boys around their sexuality and other manifestations of “honour-related violence”. Girls’ groups have been created in some schools as a preventive measure to address such issues directly with other girls and identify those affected. Moreover, newly arrived migrant parents are invited to a meeting upon registering their children in school in order to learn about the importance placed in Sweden on equality between women and men and of girls’ rights to make their own choices.

85. Criticism has emerged, questioning the discourse on “honour-related violence” and its reflection in central policy documents and material, including those used in schools, for its strong focus on “the other”. “Honour-based” value systems and their implications for girls and boys seem to be discussed as exclusively foreign-bred and prevalent among non-ethnic Swedes. As a result, the current preventive work and efforts to identify victims in the school system are criticised for singling out migrant communities by focusing on their membership of a collective rather than being embedded in a more encompassing attempt at identifying children who might be confronted with violence and control, for example as victims or witnesses of domestic violence.³²

86. While GREVIO notes the importance of preventing violence against girls and women resulting from restrictive views on their autonomy, in particular in relation to their choice of intimate partners and spouses, GREVIO cautions against any measures that stigmatise certain communities within Swedish society and may add to their barriers towards integration. Instead, emphasis should be laid on the underpinning principles that all forms of violence against women share: the power and control over a girl/woman – her body, her mind, her economic situation, her sexuality or her reproductive functions. GREVIO recalls that it is for this reason that violence against women is covered by the Istanbul Convention as a manifestation of gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately.

87. GREVIO encourages the Swedish authorities to review their central policy documents and materials, including school materials, in order to ensure that specific forms of violence against women and girls are addressed without stigmatisation of and discrimination against those women and girls exposed to them.

C. Training of professionals (Article 15)

88. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation. The questionnaire drawn up by GREVIO lists, in the table appended to it, the professional groups which GREVIO considers relevant and in need of such training.³³ Against this background, the information obtained by GREVIO from the Swedish state report and during the

³¹ The CEDAW Committee, in its concluding observations on the combined eighth and ninth periodic reports of Sweden, has stated its concern regarding the high number of girls suffering from sexual harassment in school. CEDAW/C/SWE/CO/8-9, paragraph 32.

³² For a comprehensive discussion of these issues see Sabine Gruber, “In the name of action against honour-related violence: National nations, gender and boundaries in the Swedish school’s ambitions to combat violence and oppression”, *Nordic Journal of Migration Research*, p.126; Institute for Research on Migration, Ethnicity and Society (REMESO), Linköping University Campus Norköping.

³³ These are, at a minimum, police and other law enforcement officials, prosecutors, judges, social workers, medical doctors, nurses and midwives, psychologists (in particular counsellors and psychotherapists), immigration and asylum officials, educational staff and school administrators, journalists and other media professionals, servicemen and women.

evaluation visit reveals a mixed picture regarding the level of training on violence against women undertaken by members of the various professions.

89. Although formally required to include teachings on men's violence against women in a number of fields of study, a report issued in 2015 by the Swedish Higher Education Authority, found that educational programmes focus more generally on human rights rather than imparting knowledge specifically on violence against women.³⁴ Programmes that lead to a degree in teaching, in particular, have been assessed to be insufficient regarding the teaching of violence against women. In response to these findings, the Higher Education Ordinance was amended with effect from the academic year 2018-2019. Students in the degrees of Bachelor of Science in Physiotherapy, Master of Law, Master of Science in Medicine, Master of Science in Psychology, Bachelor of Science in Psychology, Bachelor of Science in Nursing, Master of Science in Dental Surgery and Bachelor of Science in Social Work will be required to demonstrate knowledge of men's violence against women.

90. GREVIO welcomes the introduction of men's violence against women as a compulsory and credit-earning subject matter in higher education and expresses its hope that this will have a bearing in particular on the new generations of social services staff and judges. Although the Social Services Act specifically requires staff to be appropriately trained and to have sufficient experience, GREVIO observes that in relation to domestic violence, forced marriage and other forms of "honour-related violence" this does not always seem to be the case. Specific training on domestic violence is mainly ensured for case workers responsible for social welfare investigations but not for staff providing personal assistance services in other social service sections. Plans to ensure domestic violence training for all types of case workers exist only in one third of the municipalities.³⁵ Guidelines and written routines, where they exist, do not compensate the absence of formal knowledge acquired through training. As a result, the social services' response to individual cases of domestic violence is not always based on sound knowledge of the issue and adequate risk assessment. In addition, the lack of training impedes the detection of victims of domestic violence by all branches of the social services (health, financial support, housing, addiction etc.).

91. In relation to forced marriage, FGM and other forms of "honour-related violence", victims who turn to social services are even less likely to come across a well-trained social worker. GREVIO has been informed of several cases where social services first consider ways to confront parents with the allegations made by their daughters without any prior assessment of the risk or other safety arrangements.³⁶ GREVIO notes that training on "honour-related violence" is being provided by the County Administrative Board of Östergötland and that handbooks exist.³⁷ The authorities are aware of the need to step up efforts to ensure wider levels of training of the relevant staff in order to guarantee quality interventions from social services – an obligation placed on municipalities by law. GREVIO welcomes the efforts that are underway and the in-service training for social services staff on domestic violence provided by the National Board of Health and Welfare and the County Administrative Boards but points to the need to ensure systematic in-service training on other forms of violence as well.

92. GREVIO strongly encourages the Swedish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all social service staff.

³⁴ State Report, p. 28.

³⁵ Open Comparisons of the municipalities' work with violence in close relationships 2017 ("Öppna jämförelser"); available at: <http://www.socialstyrelsen.se/oppnajokforelser/valdinararelationer>.

³⁶ Information received during the evaluation visit.

³⁷ County administrative boards are government agencies which co-ordinate state policy in the 21 Swedish counties. In addition to its task in relation to Östergötland County, the County Administrative Board of Östergötland has been mandated by the Swedish Government to co-ordinate and implement measures to prevent and combat "honour-related violence" and oppression.

93. As to the training of the judiciary, in-service training exists only in relation to general topics such as sexual crimes, gross violation of a woman's integrity, the judge's role (including training on how to act in court and how to address the parties and others) and the choice of sanction (including how abuse in a close relationship affects the sanction). In this respect, GREVIO notes that the general nature of these courses, their participation on a voluntary basis and short duration (two to three days) make it difficult to assess to what extent judges are equipped with the necessary knowledge to deal with victims of abuse. GREVIO has further been informed that judges working at district courts do not receive any specific training on the subject of how to recognise children as victims of domestic violence when they have witnessed it. This has a bearing on decisions regarding custody and visitation rights (see Chapter V).

94. Police officers follow a two-year long educational and professional training course, during which 12 weeks are dedicated to domestic violence and key topics, such as the prevention and detection of violence, equality between men and women, the needs and rights of victims and the prevention of secondary victimisation. While GREVIO welcomes the complete nature of the training provided to newly appointed officers, the subsequent in-service training courses appear to focus mainly on the subject of crimes against children and young people. Out of a total of six sessions, only two, entitled "Crime in an intimate relationship - investigative methodology" and "Crime in an intimate relationship and honour-related crime," appear to be relevant in relation to cases of violence against women.

95. GREVIO notes with appreciation the existence of guidelines and protocols to support the above training; nonetheless such sources of information can be used efficiently only if there is pre-existing training providing the basic professional tools to intervene in such cases. Regarding prosecutors, the initial training offered by the Swedish Prosecution Authority encompasses a mandatory programme of 28 sessions on sexual abuse, domestic violence and "honour" crimes. This can be followed up, on a voluntary basis, through in-service training modules on the investigation of domestic violence and/or the specific subject of "honour-related violence". Where prosecutors wish to specialise in domestic violence or child abuse, specific training modules exist to help them acquire the necessary skills.

96. GREVIO strongly encourages the Swedish authorities to ensure systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for members of the judiciary and the law enforcement agencies.

97. The National Centre for Knowledge on Men's Violence against Women (NCK) has been commissioned to design training for the public health sector, and offers a range of training courses, handbooks and learning tools, including an online course widely used by health care staff. GREVIO welcomes the leading role of the NCK in this regard and notes in particular its national action programme for the reception and care of victims of sexual violence and rape which seeks to ensure quality routines to be applied by healthcare and medical services all over Sweden, including how to take samples and secure forensic evidence.³⁸

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

98. In Sweden, a wide variety of domestic violence perpetrator programmes exists both in custodial and non-custodial settings. The Swedish Prison and Probation Service run accredited programmes for convicted offenders and those on probation, whereas municipalities and civil society organisations run programmes for non-convicted perpetrators. All are voluntary in nature, but participation may impact positively on an offender's risk assessment prior to release, on decisions around special or early release or on custody and visitation decisions. The nature and extent to which providers of perpetrator programmes actively reach out to domestic violence

³⁸ NCK (2008), "National Action Programme for the Health Care and Medical Services' Reception and Care of Victims of Sexual Assault".

perpetrators varies, as do other important factors such as the quality of programmes, their level of co-operation with women's specialist services and their size and spread across the country.

99. The different programmes run by the Swedish Prison and Probation Service include the Integrated Domestic Abuse Programme (IDAP)³⁹ which is specifically designed to work with male perpetrators of intimate partner violence. Five prisons across Sweden offer such programmes and annually 250-350 convicted offenders complete them. The IDAP programmes are fully accredited and regularly evaluated, and are generally considered to be effective. Firmly rooted in a gendered understanding of domestic violence, they systematically feature a "partner-contact person" responsible for co-operation and communication with the victim. Women who have benefited from such support generally report high levels of satisfaction and a greater sense of safety.⁴⁰

100. All 290 municipalities in Sweden are under a legal obligation to organise a response to domestic violence, and many municipalities actively do so by offering domestic violence perpetrator programmes.⁴¹ The quality of these interventions seems to vary greatly, ranging from programmes run by specifically trained social workers and psychologists in close co-operation with the local women's services⁴² to less structured and less specialist interventions, which are often carried out in isolation. Overall, however, the systematic co-operation and information sharing with women's specialist support services seems to be the exception rather than the norm.

101. Although broad guidelines have been issued by the National Board of Health and Welfare for work with domestic violence perpetrators, no uniform standards exist. With as many as 63 providers of perpetrator programmes or interventions, the need for greater harmonisation of standards is evident. A review commissioned by the Swedish Government is currently under way to map the existence and experience of such programmes in non-custodial settings with a view to strengthening these. GREVIO welcomes such efforts and recalls the importance of ensuring harmonised standards for any work with perpetrators which place the safety of, support for and the human rights of victims at the centre by co-operating closely with specialist support services for victims.

102. Domestic violence perpetrator programmes in Sweden are more and more frequently confronted with perpetrators with belief systems based on the notion of family "honour". GREVIO notes with interest the attempts made to incorporate modules that address such belief systems as potentially being an underlying driver for violence in intimate relationships.

103. GREVIO welcomes the emphasis placed on preventing recidivism by working with domestic violence perpetrators. It notes, however, the need to ensure more standardised approaches and strongly encourages the Swedish authorities at all levels of government, including at the local level, to work towards uniform standards which place the safety of, support for and the human rights of victims at the centre by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3 of the Istanbul Convention.

2. Programmes for sex offenders

104. In Sweden, support programmes for sex offenders of all age groups exist throughout the country. The programme Relationships and Cohabitation (*Relation och Samlevnad* (ROS)) for convicted adult male sex offenders is offered in all six correctional institutions in which sex

³⁹ IDAP programmes were first developed in the United Kingdom on the basis of the Duluth Domestic Abuse Intervention Programs as the first probation-led pathfinder to treat domestic violence offenders and support the victims of these offenders.

⁴⁰ Evaluation of partner contact linked to IDAP – "Violence in close relationships and sexual offences 2008-2010", (title in Swedish: "Utvärdering av partnerkontakt kopplat till IDAP - Våld i nära relationer och sexualbrott 2008-2010"), Prison and Probation Service, Strategy area 8, Jenny Yourstone Cederwall and Ingrid Freij, 2010, p.25.

⁴¹ Data collected and published by the National Board of Health and Welfare in "Open Comparisons" (*Öppna jämförelser*), an annual publication on the type of responses provided to and level of involvement in helping victims of domestic violence by the social services across Sweden.

⁴² See the example of the municipal perpetrator programme Alternative to Violence based in Södertälje which works closely with the municipal domestic violence counselling service "AntiVåld Centre".

offenders are held. It is also available across Sweden in the framework of probation, as a large number of crime sentences in Sweden involve probation in one form or another. The focus of the Swedish criminal justice system lies on treatment and rehabilitation of offenders rather than punishment, and this applies also to sex offenders. Every year, around 200 perpetrators complete the programme while serving a sentence. An initial evaluation has shown that completion of the programme seems to lower the rate of recidivism.⁴³ Other custodial institutions such as forensic psychiatric care and juvenile detention centres also offer individual treatment for sex offenders.

105. Support, treatment and counselling is also offered in non-custodial settings for anyone at risk of offending. The Centre for Andrology, Sexual and Transgender Medicine (ANOVA, formerly known as CASM) at the Karolinska University Hospital, for example, offers treatment for adults across the country who self-identify as at risk of committing sexual offences. The Child and Adolescent Psychiatry Clinics (BUP clinics) offer similar services to children and adolescents with sexual behavioural problems as a preventive measure. Referrals can be made by school support staff, health care staff or parents. Moreover, the Karolinska University Hospital/ANOVA operates an anonymous national telephone helpline (PrevenTell) for men prone to committing sexual offences. GREVIO welcomes the availability of diverse support programmes for sex offenders and notes with appreciation the emphasis placed on low-threshold preventive counselling and support.

E. Participation of the private sector and the media (Article 17)

106. Several laws and self-regulatory rules exist to ensure respect for ethical standards by media and advertising companies. One example is the Radio and Television Broadcasting Act which enshrines the obligation for suppliers of media services to reflect the principle of equality and the freedom and dignity of individuals (Chapter 5, Section 1). Individual complaints can be addressed to the Swedish Broadcasting Commission which, as an independent body in charge of monitoring the compliance with the broadcasting regulations, may determine a violation.

107. In addition, the Code of Ethics for the Press, Radio and Television, issued by the Swedish Press Co-operation Committee in 2001, lists journalistic practices that associated media have committed to adhere to, such as accuracy of information, respect for privacy and the application of the principle of an adversarial process when reporting.⁴⁴ Complaints about alleged violations in relation to print media may be filed with the press ombudsman and the Press Council. GREVIO notes, however, that the existing instruments do not necessarily regulate the representation of women in a stereotyped and sexualised manner and observes that questionable images and messages continue to be spread by the media and advertising sector.⁴⁵

108. The Work Environmental Act requires employers to take measures to combat harassment in the workplace (Section 3). The mandate of the equality ombudsman includes taking private companies to court for liability for failing to take measures against harassment, as well as holding government entities responsible for violating the Discrimination Act.

109. GREVIO appreciates the steps taken to curb (sexual) harassment in the workplace but notes with concern the high number of Swedish women in a wide range of industries and employment sectors who have testified to their experiences of sexual harassment as part of the *#MeToo Campaign*.⁴⁶ GREVIO commends the Swedish Government for its swift response to these revelations and the watershed it represents for Swedish society. For example, the Ministry of

⁴³ "The treatment programme IDAP in the Prison and Probation Service – Evaluation of relapse of programme participants 2004-2007", (title in Swedish: *Behandlingsprogrammet IDAP i Kriminalvården - Utvärdering av återfall i brott för programdeltagare 2004-2007*), publication by the Swedish Prison and Probation Service, 2011.

⁴⁴ Fourth Opinion on Sweden, 16 October 2017, Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/IV(2017)004.

⁴⁵ Concluding observations on the combined 8th and 9th periodic reports of Sweden, 10 March 2016, United Nations, CEDAW Committee, CEDAW/C/SWE/CO/8-9, p. 7.

⁴⁶ Over 60 000 women in some 50 sectors signed a letter stating their experiences of sexual harassment in the workplace, including women in the health sector, lawyers, politicians, women in the technology sector as well as the service and construction industry.

Gender Equality and the Ministry of Justice met with the directors general of the Swedish Police Authority, the Public Prosecutor and the National Swedish Judiciary Administration to discuss sexual offences, sexual harassment and the working environment. The Ministry of Employment, together with the Ministry of Gender Equality, met with labour unions and employers' associations, the Work Environment Authority and the discrimination ombudsman. The chairs of all state-owned companies have been invited to a meeting with the Ministry for Gender Equality and the Ministry of Industry to discuss individual measures that can be taken. Moreover, the Ministry of Culture has taken measures to combat sexual harassment and promote gender equality in the workplace by organising training courses for media producers in receipt of public funding. GREVIO believes that this dialogue and the initial measures initiated by the Swedish Government with different actors of the work environment has helped to put the spotlight on prevention and adequate follow-up by the employment sector, but that this must be followed by the full implementation of the law.

110. With regard to sexist hate speech, GREVIO welcomes the National Action Plan *Defending Free Speech - measures to protect journalists, elected representatives and artists from exposure to threats and hatred* which protects women working as journalists, artists and elected officials against hate speech and threats. GREVIO has been informed that a public debate around the issue has arisen since the adoption of the action plan in July 2017. In order to enable media to break away from stereotypes and attitudes that condone discrimination and violence against women, GREVIO considers it instrumental to improve the position of women in the media sector, in particular by protecting them against any violence aimed at them because they are journalists and because they are women.

111. **GREVIO encourages the Swedish authorities to promote, with the media, the development and monitoring of the use of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women; and to pursue the dialogue initiated in response to the *#MeToo Campaign* with stakeholders of the private sector, the information and communication technology sector and the media to prevent and combat violence targeting women at work, in particular the sexual harassment of women.**

IV. Protection and support

112. Chapter IV of the Istanbul Convention aims at a multi-faceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

113. In line with the general multi-agency and comprehensive approach promoted by the Istanbul Convention, Article 18, paragraph 2 requires parties to ensure that there are appropriate mechanisms in place that provide for effective co-operation among the judiciary, public prosecutors, law enforcement agencies, local and regional authorities and NGOs. This would require structures such as round tables, case conferences or agreed protocols that would enable a number of professionals to co-operate around individual cases in a standardised manner. According to the Istanbul Convention, such co-operation must be based on a gendered understanding of violence against women and domestic violence and focus on the human rights and safety of the victim. Specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation.

114. In Sweden, examples of such co-operative approaches are few but recognition of their added value is growing. The experiences of local municipalities which have re-arranged their response to domestic violence so as to offer services to victims through a number of agencies, including law enforcement agencies, in a co-ordinated manner and under the same roof (so-called "one-stop-shops") are positive.⁴⁷ Similar to Children's Houses (*Barnahus*), a multi-agency model designed to respond to child sexual abuse, they offer a supportive environment in which a range of professionals apply their distinct perspective to the case, allowing for a holistic response and significantly reducing the risk of secondary victimisation.

115. While GREVIO welcomes the recognition of the need to strengthen and institutionalise co-ordination and co-operation between the multiple actors involved as expressed by the Swedish Government, it regrets that since the convention's entry into force, very few steps have been taken in this regard, despite the availability of promising practices to draw from, such as Concept Karin or the *Barnahus* model. GREVIO expresses hope that the emphasis which the National Strategy to Prevent and Combat Men's Violence against Women (2017-2026) places on enhanced co-operation – at local and at national level – will lead to a solid increase in effective multi-agency co-operation on individual cases in the near future. County Administrative Boards have already been commissioned by the Swedish Government to promote collaboration between municipalities, county councils, regional entities of government agencies as well as civil society with the aim to attain well-coordinated interventions in individual cases. The Boards shall also support the development of regional inter-agency resource centres for children and adults at risk of domestic violence and "honour-related violence" and oppression.⁴⁸

116. GREVIO strongly encourages the Swedish authorities to continue to pursue efforts in setting up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation. In particular, GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs in formal co-operation structures.

⁴⁷ See, for example, Concept Karin in Malmö, or *Relationsvåldscentrum* in Solna.

⁴⁸ Government Decision S2017/07420/JÅM. The County Administrative Boards are expected to report on their work in March 2019.

B. Information (Article 19)

117. Information on support services and legal measures available to victims of violence against women is provided in numerous ways. Examples of active outreach work to victims are the Come to Us campaign by the Swedish law enforcement agencies to encourage reporting of gender-based violence, but also the provision of practical information online through websites such as www.youmo.se (see Chapter III, Article 13).

118. At municipal level, the social services case workers and health care staff play an important role in making referrals to specialist support services and in offering general information on the next steps. For girls in the education system, school support staff are available to confide in and seek help from, and many are specifically trained in recognising and handling cases of children exposed to domestic violence, sexual abuse, forced marriage or other “honour-related” forms of violence.

119. Once a criminal complaint is made and a preliminary investigation has been officially launched, law enforcement agencies are under the obligation to inform victims of their right to legal support, the availability of non-contact orders and specialist support services.

120. GREVIO welcomes the diverse steps taken by different actors and levels of government to ensure victims of all forms of violence against women are informed of the help and support available to them and of the legal avenues they may wish to pursue. Particular efforts are aimed at boys and girls who are victims of sexual abuse.⁴⁹

C. General support services (Article 20)

121. Social services in Sweden are under a clear obligation to provide support and assistance to women who experience or are at risk of any of the forms of violence covered by the convention. 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. More specifically, social welfare committees are required to “pay particular attention to the fact that women 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” (Chapter 5, section 11, second paragraph). The provision also sets out that child witnesses of violence against a close relative are to be considered as crime victims and are thus entitled to support and assistance as well.

122. GREVIO welcomes the anchoring, in the Social Services Act, of a legal obligation to act, including in relation to child witnesses of domestic violence, but notes the varying degrees of diligence and efficiency with which this is done in practice by the 290 municipalities across the country. The ongoing trend towards increased specialisation where different sections deal with different parts of the procedure (social welfare investigations, individual assessment, formal decisions on support and its actual provision) is resulting in a less holistic approach to the support provided to domestic violence victims.⁵⁰ Instead, they are required to deal with a number of different social services sections and case workers, each shaped by their own professional traditions and focus. Additional factors such as mental health issues, disability, substance abuse, and children, if they are involved, require the intervention of yet more specialist sections and case workers. Not all are specifically trained on domestic violence.⁵¹

⁴⁹ For more information, see Chapter 4.A of the Swedish state report, p.42.

⁵⁰ Strantz, H., Wiklund, S., Karlsson, P., (2016), “People processing in Swedish personal social services. On the individuals, their predicaments and the outcomes of organisational screening” in *Nordic Social Work Research* 6 (3), pp.174-187.

⁵¹ While most case workers responsible for social welfare investigations for adult victims of domestic violence have received specific training, plans to ensure domestic violence training for other types of case workers exist only in one third of the municipalities. Source: Open Comparisons of the municipalities’ work with violence in close relationships 2017 (“Öppna jämförelser”); available at: <http://www.socialstyrelsen.se/oppnajamforelser/valdinarelationer>.

123. The provision of a co-ordinated and holistic response to a domestic violence case is even less likely where the public health sector and law enforcement agencies are involved. GREVIO is concerned by the absence of any formal requirement or protocol that would ensure co-operation across the different public sector agencies. As a result, very few of the local authorities currently have formal agreements with other agencies. Only 20% co-operate with the emergency services of the health system, 33% co-operate with NGO-run women's shelters, and around 20-25% with law enforcement agencies, youth clinics, and psychiatric services for adults or primary health care providers.⁵² Only 10% of municipalities report co-operation with all of the above to ensure a holistic protection and support system for victims.

124. The problems that arise from the fragmented provision of social services are well documented, as are the limited improvements made in this regard.⁵³ While GREVIO appreciates that the current National Strategy to Prevent and Combat Men's Violence against Women is to enhance co-ordination to some extent, GREVIO is concerned by the apparent lack of emphasis placed so far on effective multi-agency co-operation and the provision of holistic services to victims. The death investigations routinely carried out by the National Board of Health and Welfare in cases where women and children have died as the result of violence by a current or former relative seek to establish failures in the system, for example in relation to multi-agency co-operation, risk assessment or the provision of support and protection. The report from the period 2016-17 indicates that in most cases of lethal violence against women, a number of agencies, including the public health care sector, had been in contact with the victims but that no efforts were made to identify them as at risk. This is a concern, in particular as this seems to suggest that existing written routines and guidelines are not sufficiently respected in practice.

125. GREVIO urges the Swedish authorities to step up efforts to enhance and formalise co-operation structures in relation to cases of all forms of violence against women within and across local authorities, government agencies and women's specialist support services.

126. Moreover, GREVIO notes that social services across Sweden seem to be ill-equipped to tailor their response to the specific situation and challenges which domestic violence victims from close-knit minority communities such as the Sami or Roma may face. According to the Advisory Committee on the Framework Convention on the Protection of National Minorities, employees of municipalities and county administrative boards lack sufficient information about national minorities and their rights.⁵⁴ Even within the 19 administrative areas for Sami, where municipalities have specific obligations with regard to people who speak Sami, very few co-ordinators speak any of the Sami languages.⁵⁵ Interviews conducted in 2008 with Sami and Roma women who had turned to the social services in relation to domestic violence revealed their dissatisfaction with the support provided, referring to the social services' lack of understanding of the cultural specificities of belonging to such groups. For example, awareness seems to be low of the patriarchal nature of Sami communities, the dual exposure of Sami women to structural violence (from within the community and from outside), the importance of Sami identity and the consequences of divorce.⁵⁶ Sami and Roma women also indicated negative attitudes towards minorities and an overall lack of language skills among employees of social services.⁵⁷

⁵² Ibid.

⁵³ They first emerged during the public inquiry on the social services' work with violence against women in 2006 (SOU 2006:65) and were raised again by the report on a national strategy against violence against women in 2015 (SOU 2015:55). The "Open Comparisons" annually compiles, among others, the percentage of municipalities which co-operate with other relevant public agencies and NGOs and shows that progress has been very slow.

⁵⁴ Fourth Opinion on Sweden, published on 22 June 2017, ACFC/OP/IV(2017) 004, paragraph 21.

⁵⁵ Ibid, paragraph 17.

⁵⁶ For many Sami women, divorce from a Sami man means losing membership in the Sami community for themselves and their children.

⁵⁷ See Monica Burman's discussion of the results of 2008 government-initiated review into the experiences of abused women of national minorities carried out by the then National Public Health Institute through a questionnaire survey and individual interviews in Monica Burman (2017), "Men's intimate partner violence against Sami women – a Swedish blind spot", *Nordic Journal on Law and Society*, Vol. 01, No.01-02, pp.199-200.

127. Although there is some recognition in policy documents of the particular vulnerability of women belonging to national minorities, GREVIO has not observed any specific action initiated or taken in order to identify and reduce the obstacles which Sami and Roma women victims of violence perceive or face in accessing culturally-sensitive support from local authorities and social services. The need is urgent, as many interlocutors informed GREVIO of the reluctance with which Sami and Roma women turn to social services, for fear of discriminatory attitudes and secondary victimisation.

128. The recently introduced use of Roma mediators in social services and health care in pilot municipalities might help to reduce barriers and cultural gaps but it is unclear whether the role of these mediators includes specifically supporting Roma women victims of domestic and other forms of violence against women. Moreover, it remains unclear whether the National Strategy for Roma Inclusion, on which the introduction of Roma mediators rests, addresses any specific measures to ensure an adequate response to Roma women and girls who seek help from the authorities for experiences of gender-based violence.

129. GREVIO strongly encourages the Swedish authorities to ensure, among local and regional authorities and social services, higher degrees of awareness and cultural sensitivity towards the specific situation of women from national minorities in Sweden who experience gender-based violence. The aim of such heightened awareness must be the provision of adequate support tailored to the cultural and traditional specificities in particular of Sami and Roma women in Sweden.

130. The public health sector provides a range of important services to victims of various forms of violence against women, and in recent years training initiatives have sought to ensure heightened awareness of the different forms of violence against women to help their identification in the health sector. The National Board of Health and Welfare recommends that maternal health staff, general practitioners and other medical staff ask routine questions to identify domestic violence victims among their patients. Certain major hospitals offer specialist medical support for victims of FGM and rape. Sexual assault evidence collection kits (“rape kits”) have been made available to public and private health care providers across the country to ensure they can be administered and stored across the country.⁵⁸ Concerns around the adequacy of their storage have, however, been raised with GREVIO, as no guidelines seem to exist.

131. Another concern brought to the attention of GREVIO relates to the attitudes which women victims of violence who are in addiction and/or prostitution face when turning to the health sector. Their vulnerability to physical and sexual violence by men in their environment, including by current or former partners, is significantly heightened. Moralising and discriminatory attitudes seem to persist among health care staff, and information on questionable health care practices in relation to substance abusing women has become available.⁵⁹

132. GREVIO strongly encourages the Swedish authorities to address negative attitudes and stereotypes that stand in the way of adequate protection and support to victims of all forms of violence, irrespective of their characteristics and background.

D. Specialist support services (Article 22)

133. In Sweden, a number of specialist services exist, operated both by NGOs and municipalities. Examples include sheltered accommodation and counselling for women at risk of forced marriage, controlling behaviour of the family/community, FGM, sexual assault and rape, and domestic violence. Most, if not all, services are clearly framed in feminist approaches and a gendered perspective of violence against women.

⁵⁸ The National Board of Health and Welfare is currently examining whether a two-year minimum period of storing samples for preservation of evidence within the health care system is deemed sufficient.

⁵⁹ Testimony of “Anette” regarding the use of anaesthesia and the denying of cancer therapy for women in addiction; available at: <http://www.causeofdeathwoman.com/anette>. Information on similar incidents was shared with GREVIO during the evaluation visit.

134. GREVIO welcomes this variety of specialist support services, in particular the efforts made in recent years to set up and support specialist counselling services for anyone experiencing “honour-related violence”. Services such as those provided by Origo, Somaya and the National Association against Honour-related Violence (GAPF) to individuals affected and their outreach and training efforts are crucial in addressing this issue. GREVIO notes the importance they attach to achieving change from within the communities and working with families/parents to this effect. Most efforts of the specialist services, NGOs and the social service sector, however, seem currently to centre on ensuring safety for girls by removing them from their families. GREVIO is hopeful that the strategy on supporting parenting, recently adopted by the Swedish Government, will enhance efforts to reach out to families and communities to achieve long-term change.

135. In terms of geographic spread, GREVIO notes that although efforts are made to ensure comprehensive geographic coverage of all services, specialist services such as counselling and support for “honour-related violence” and FGM agglomerate around Stockholm and other urban areas. GREVIO welcomes in this regard the national support helpline for professionals and volunteers who come into contact with girls and boys exposed to controlling behaviour of the family/community, forced marriage and FGM.⁶⁰ This helpline serves as an important first point of contact for professionals in those parts of the country where specialist support services on the ground do not exist.

136. A service that seems to be less readily available in Sweden is long-term psychological counselling and trauma care for victims of sexual assault and domestic violence. Although some pockets of excellence exist, such as the in- and outpatient clinic run by the National Centre for Knowledge on Men’s Violence against Women at Uppsala University, mid- and long-term psychological counselling, psycho-social support, trauma care and other services needed to provide holistic support for rape victims are not generally available across the country. Similarly, long-term psychological counselling and trauma care for domestic violence victims, in particular to address post-traumatic stress disorders, are rarely available within the public health care system. Most often, any psycho-social counselling and support available to victims of domestic violence will end with their stay at a shelter. In some of the northern parts of the country, psychological support and counselling is not available at all for victims of domestic violence,⁶¹ and GREVIO notes that no dedicated services exist for Sami women in the north, such as a Sami-run hotline, a counselling service or shelter for Sami women victims of domestic violence and sexual assault/rape.

137. GREVIO strongly encourages the Swedish authorities to take measures to ensure specialist support services with a gendered approach and targeted at creating change, including longer term psychological counselling and trauma care throughout the country.

E. Shelters (Article 23)

138. There are around 200 shelters in Sweden which provide safe accommodation and protection to women victims of domestic and “honour-related violence”. Most are run by NGOs and are associated with one of the two shelter network organisations ROKS and UNIZON. Some shelters are operated by municipalities.⁶²

139. The range and quality of services provided by women’s shelters vary considerably, as does the way in which they are engaged and supported by municipalities. Some are staffed by experienced professionals which provide counselling and support, legal assistance and safe accommodation and run their own 24/7 helplines. Others are much smaller in size, operated by volunteers during limited hours. Past attempts at mapping the overall capacity of domestic violence

⁶⁰ This helpline was set up as part of the Swedish Government’s commission to the County Administrative Board of Östergötland to counter “honour-related violence” and oppression. See footnote 34.

⁶¹ Submission to GREVIO by the International Organisation for Self-Determination and Equality (IOSDE), p.3.

⁶² According to the state report (p.47), in 2012, 21% of women’s shelters were run by municipalities, 71% by NGOs and 8 % by private entities.

shelters in Sweden have revealed a total of 1 100 shelter places for adults in 2012. The common perception of representatives of the shelter movement is, however, that the number of shelter places is insufficient and that women are routinely being turned away for lack of space. According to UNIZON, out of every 10 women who sought to stay at one of their shelters only three could be admitted in 2016.⁶³ One of the reasons is the difficult housing situation in Sweden which prevents many women from moving on from a stay in a shelter. Affordable housing options are frequently not available for women intent on building a new life for themselves and their children after a stay in a shelter.

140. Although basic quality standards for sheltered accommodation have been issued by the National Board of Health and Welfare, the existing differences in staff, size, financing and co-operation agreements with the local social services have led to stark contrasts in the quality of the services they provide. Discussions are under way regarding the introduction of a legal definition of sheltered accommodation, more stringent quality requirements and possibly the introduction of a licensing regime to enhance the quality of services across the country.⁶⁴ While most social services formally place women victims of violence within shelters, including those run by NGOs or private providers, this type of accommodation is not currently legally defined in the Social Services Ordinance or elsewhere and subsequently does not formally constitute a form of housing provided by the social services. As a result, “sheltered accommodation” may mean anything ranging from a hotel room to a specialist domestic violence shelter. While this has a particular bearing on the accompanying children (see below), it also impedes quality support and protection for all victims of domestic violence in Sweden. Work is under way to identify measures that would increase the quality and the capacity of domestic violence shelters, and the extent to which shelters currently admit and offer quality support to women with drug-related problems and neuropsychiatric disabilities is being surveyed by the National Board of Health and Welfare.

141. GREVIO encourages the Swedish authorities to pursue their efforts to increase the quality and the capacity of domestic violence shelters, including by ensuring access to affordable housing for women exposed to violence and their children.

F. Telephone helplines (Article 24)

142. The national telephone helpline on violence against women (*Kvinnofridslinjen*) is run by the NCK. In addition, several other national helplines exist, such as the police hotline (114 14) and the national health care guide hotline (1177), which also refers victims of violence to more specialist services. The *Kvinnofridslinjen* is available 24/7, free of charge and operated by well-trained and experienced social workers and nurses who refer callers to locally available specialist support services. It receives over 30 000 calls annually, mostly from victimised women themselves. Very few calls concern FGM, forced marriage, stalking or other forms of violence against women, although the current recording system for incoming calls does not allow the helpline to record purposes other than threats, psychological, physical or sexual violence. The helpline is widely advertised and more than 50% of women in Sweden know of its existence.

G. Support services for victims of sexual violence (Article 25)

143. Sexual violence referral centres exist in some dedicated hospital settings, such as the in- and outpatient clinic run by the National Centre for Knowledge on Men’s Violence against Women at Uppsala University mentioned above. The policy pursued by the Swedish authorities is to ensure standard services for victims of rape and sexual assault throughout the country by enabling all medical practitioners to administer a rape kit and collect crucial forensic evidence. While GREVIO appreciates this approach, it notes that it does not, as such, offer specialist services to victims. The

⁶³ “How Sweden’s housing crisis is impacting domestic violence victims”, *The Local*, 5 April 2017 available at <https://www.thelocal.se/20170405/how-swedens-housing-crisis-is-impacting-domestic-violence-victims>.

⁶⁴ Proposals made by the Committee of Inquiry on a strengthened “child-rights perspective” in sheltered accommodation, set up in November 2016.

collection of evidence from a rape victim is a lengthy process which can be traumatising and invasive if physicians are not properly trained to do so. In addition, not all physicians may be trained in crisis intervention and the importance of referral of rape victims to specialist support services. It is unclear to what extent NGO-run sexual violence counselling centres/services such as *Novahuset* in Linköping exist throughout the country to offer crisis intervention and counselling. In the absence of such supportive counselling services, GREVIO observes that the current approach of securing forensic evidence is but one element of the services as required by Article 25 of the convention.

144. The sufficient availability of rape crisis and sexual violence referral centres with their distinct set of services is all the more important in the face of the difficulties which persist in holding perpetrators of rape accountable (see Chapters V and VI). The high number of reported rapes and sexual assaults, together with the accounts of sexual violence in the framework of the *#MeToo Campaign* in the fall of 2017 showed with painful clarity how important it is to ensure victim's access to holistic support services.

145. GREVIO strongly encourages the Swedish authorities to comply fully with Article 25 of the convention by ensuring sexual violence counselling services are available to all victims. It further encourages the Swedish authorities to amend the current recording system of the *Kvinnofridslinjen* to enable identification of all forms of violence covered by the Istanbul Convention.

H. Protection and support for child witnesses (Article 26)

146. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any child witnesses. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

147. Research has shown that children who witness one parent's assaults on another in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁶⁵ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities. In Sweden, this is usually in the course of a woman's relocation to a domestic violence shelter, as emergency barring and protection orders are rarely used to remove the perpetrator of domestic violence from the joint residence (see Chapter VI). A large number of children thus accompany their mothers to domestic violence shelters, and given the differences in the size, funding and quality of these shelters, children are not guaranteed, and rarely receive, the tailored support and counselling they urgently need. Although some activities for children exist and shelter staff are acutely aware of the need for more, their human and financial situation does not easily allow for this.⁶⁶

148. In this context, GREVIO notes that the legal obligation to ensure that children who have witnessed domestic violence receive adequate support and assistance lies with the municipal social services, not the shelter movement. Currently, children who move to domestic violence shelters with their mothers cannot be formally placed there by social services because such shelters do not currently constitute a form of "placement" under the Social Services Act. This means that children in domestic violence shelters do not benefit from any follow-up, monitoring or formal assistance from social services. The work of the government-initiated Committee of Inquiry on a strengthened "child rights perspective" in sheltered accommodation, published in December 2017, summarises the worrying consequences this has on children and concludes that crucial

⁶⁵ Jeffrey L. Edleson, "Problems associated with children's witnessing of domestic violence", VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf, accessed on 6 January 2017.

⁶⁶ As discussed in Chapter II, Article 8 on financial resources, a grant scheme introduced by the Swedish Government does exist to fund activities/services for children, but many shelters seem to find it difficult to apply for.

rights of children, such as their right to education, are not met.⁶⁷ Moreover, children in shelters are not referred to child and adolescent psychiatric services which are available within the public health sector across the country. This means they are denied crucial support in dealing with the psychological effects of witnessing domestic violence (such as post-traumatic stress disorder of which up to 25% of all children in shelters display symptoms⁶⁸).

149. GREVIO is concerned at the situation of children who accompany their mothers to domestic violence shelters but recognises that remedies are being proposed. GREVIO urges the Swedish authorities to swiftly implement the proposals made by the Committee of Inquiry on a strengthened “child rights perspective” in sheltered accommodation to ensure that the necessary support and counselling, including for post-traumatic stress disorder (PTSD), as well as continued access to education, can be provided to children residing in domestic violence shelters with their mothers.

⁶⁷ The summary of findings of the Committee of Inquiry on a strengthened “child-rights perspective” in sheltered accommodation states that children are very often deprived of schooling, sometimes throughout the entire stay in a domestic violence shelter, which can be up to one year. GREVIO has received similar information during its evaluation visit to Sweden.

⁶⁸ Ibid.

V. Substantive law

150. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, both in the area of civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

151. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any wrong-doing by state actors. If a state agency, institution or individual official has failed diligently to prevent, investigate, and punish acts of violence (Article 5 of the convention) victims and/or their relatives must be able to hold them accountable.

152. The Swedish Tort Liability Act allows for civil lawsuits to be initiated for any personal injury, damage to property or loss suffered as the result of a wrongful act or omission in the course of, or in connection with, the exercise of public authority. This would seem to include wrongful acts or omissions by local authorities (social service, law enforcement agencies and others) in providing support and protection to domestic violence victims. No information, however, has been provided to GREVIO to indicate to what extent this is a viable legal avenue for women victims in Sweden and how many cases exist before the courts annually. Anecdotal information seems to suggest that women victims of domestic violence are not necessarily aware of the option of suing state actors for liability, and that financial and language barriers prevent many women, in particular migrant women, from doing so.⁶⁹ Wrongful decisions taken by social services may be appealed to the administrative courts. Where this proves unsuccessful and the wrongful decision is upheld, causing harm to an individual, the due diligence principle would require state liability.⁷⁰

153. A new provision in the Swedish Tort Liability Act makes it possible for natural or legal persons to obtain damages from the state or municipality for violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

154. An avenue which might be easier to pursue in order to hold public officials accountable for an act of omission or wrong-doing is a complaint to the parliamentary ombudsmen. Their annual reports list a range of individual complaints in response to decisions taken by social services and the exercise of the functions of law enforcement officials.

155. Compensation for any acts or omissions by a public authority may also be brought by way of petitioning the Chancellor of Justice in accordance with section 3 of the Ordinance on the Administration of Claims for Damages against the State.

⁶⁹ Submission to GREVIO by the International Organization for Self-Determination and Equality (IOSDE), p.3.

⁷⁰ In some cases, however, it seems difficult to have wrongful decisions by social services overturned. In the case of Eva-Maree Kullander, the decisions by social services seem to have been guided by personal attitudes towards her past experiences as an escort girl rather than her need for protection from abuse by the father of her children. Social services granted single custody to her abusive ex-partner and father of her two young children who later stabbed her to death during a supervised visitation. Legal action against this decision was not successful. No inquiry seems to have been carried out into the circumstances of the case and the role of social services therein. For more details see "Where hookers do not exist" ("*Là où les putains n'existent pas*", original title in French), documentary by film-maker Éloïse Becht ("Ovidie"), 2017; "Sex workers cry foul over activist's death", 11 July 2013, The Local, available at: <https://www.thelocal.se/20130717/49120>.

156. **GREVIO strongly encourages the Swedish authorities to ensure through all available means that women victims of any of the forms of violence against women are aware of, and given the practical means to challenge and address, any wrong-doing by state actors.**

2. Compensation (Article 30)

157. Claims against the perpetrator for compensation for criminal acts suffered can be made either during criminal proceedings or by bringing a separate civil law suit. Compensation may also be obtained as a result of a case brought by the equality ombudsman under the Discrimination Act.

158. To the extent that compensation cannot be obtained from the perpetrator or through insurance, victims may apply to the Victim Compensation and Support Authority to have their damages and losses rewarded. This appears to be a simple and speedy procedure which is free of charge, with payments usually issued within two months of registering an application. Where the perpetrator is unknown, a preliminary inquiry following a report made to the police is sufficient to demonstrate that the claimant has suffered a criminal act. Where the perpetrator has been identified, a conviction or summary imposition of a fine is required in principle. Crime victim compensation is then paid to the extent that the damage is not covered by any other compensation such as under an insurance or by the perpetrator. There is no threshold regarding the level of severity of the crime, and compensation is granted for physical and psychological suffering.

159. Women victims of intimate partner and other forms of violence frequently apply for compensation, but the recording system does not allow for information on the forms of violence for which women seek subsidiary state compensation to emerge. Estimates suggest that their number is around 500-700 annually. The compensation granted ranges from 2 500 SEK (around €250) for every month of suffering to lump sum payments of 40 000 SEK (around €4 000).

160. GREVIO notes with interest that children who have witnessed violence against a parent by an intimate partner are also specifically entitled to criminal injuries compensation from the state – if it has harmed the child's confidence and trust in a person with whom he or she has a close relationship. GREVIO welcomes this strong recognition of the suffering of children who witness domestic violence and notes with appreciation that around 300 children annually receive compensation in this respect.

161. GREVIO welcomes the general availability of and easy access to compensation but notes that no information exists on the number of perpetrators ordered to pay compensation to women victims of crime.

162. **GREVIO invites the Swedish authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim.**

3. Custody and visitation rights (Article 31)

163. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the convention, in particular incidents of domestic violence. Furthermore, it requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular, in cases of domestic violence, issues regarding children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face-to-face.⁷¹

⁷¹ Explanatory report, paragraph 176.

164. In line with the stated family policy of increased parental equality between women and men, joint custody is the norm in Sweden rather than the exception (Children and Parents Code, Chapter 6, Section 3). The best interest of the child is the guiding principle in all decisions around custody, residence and visitation, and attention must be paid to the risk of children or other members of the family being subjected to abuse (Children and Parents Code, Chapter 6, Section 2. a).

165. GREVIO welcomes this specific requirement but notes that it is unclear to what extent it is implemented in practice, both by social services (family law sections and secretaries) and the courts. The latest public inquiry into the family law area showed that both the courts and social services perform risk assessment more often today than they did a decade ago, but that evidence-based assessment tools are rarely used.⁷² Courts seem to rely on “in-house models” and the letter of the law. GREVIO notes that prosecutors are now required to inform the relevant social welfare committee when a child lives with an abuser (irrespective of custody) – a step which might lead to improved risk assessment by social services. Interviews with social workers have, however, revealed a widespread absence of critical assessment of abusive fathers and their parenting abilities, while the notion of an abused mother as unfit to fully care for her children is more established.⁷³

166. Information provided to GREVIO seems also to suggest that not all family law judges are fully aware of the possible impact which witnessing domestic violence by one parent against the other has on children. This is in contrast to the formal recognition of such suffering by the Victim Compensation and Support Authority (see above). Rather, judicial practice does not seem to reflect any real concern as to how family law processes impact on protection and support for victims of domestic violence and their children.

167. The insufficient training of judges in this particular area might serve as an explanation.⁷⁴ It would also explain the lack of knowledge around how joint custody and/or visitation rights of an abusive father can seriously endanger the safety of a woman and her child. GREVIO has been repeatedly informed of domestic violence shelters which ask women to move out if their perpetrator is suspected of using visitation with his children to locate the whereabouts of the family, and subsequently, the shelter. Without any other means of reining in the danger of disclosure of its secret location, women and children are requested to leave, and, for lack of alternative options, often return to the abuser.

168. The problematic nature of a child’s contact with the alleged perpetrator during a stay in a shelter has been highlighted by the recent government inquiry on a strengthened child-rights perspective in sheltered accommodation. As a first step, it recommends special training measures for judges and courts about the situation of children in shelters and what it means for them to have to spend time with the very person from whom the shelter is supposed to protect them and their mothers.⁷⁵ As a second step, it recommends the introduction of a model for children’s contact with the alleged abuser which would be based on the viewpoint of the child and the perpetrator’s responsibility for the violence.

169. Measures such as these might indeed help to reconcile the existing tensions around child custody and safety in working with victims and perpetrators of domestic violence. GREVIO notes with interest that they may also address the underlying bias that seems to exist at least in some parts of the judiciary towards domestic violence perpetrators of a non-Nordic background and their right to child custody and visitation. A recent review of case law from three district courts in

⁷² “See the child”, government inquiry, results published in 2017.

⁷³ Maria Eriksson (2010), “Children who ‘witness’ violence as crime victims and changing family law in Sweden, *Journal of Child Custody*, 7:2, p.107.

⁷⁴ The lack of systematic recognition of domestic violence by family courts in child custody decisions and the need for more judicial training has been expressed by the CEDAW Committee in its concluding observations on the combined eighth and ninth periodic reports of Sweden, paragraphs 38-39.

⁷⁵ Although not all custody and visitation decisions will have been formally concluded during a shelter stay, most professionals, including shelter staff, advise women to ensure their children’s contact with the alleged perpetrator in order to be seen as “co-operative”.

Sweden has revealed that visitation rights are much more frequently limited in the context of domestic violence where the alleged perpetrator has a non-Swedish name.⁷⁶

170. Lastly, GREVIO notes that in Sweden the concept of “supervised” visitation has been replaced by “supported” visitation, which is intended to enable the non-resident parent to develop a relationship with the child that would allow him or her, within a year’s time, to take on a larger caring responsibility with more extensive visitation rights. Although this was not intended to apply to families with a history of domestic violence or where there is a danger to the child, a recent study documents a range of cases where “supported” visitation had been ordered in relation to an abusive father, with the prospect of “normalising” the relationship between him and his child in order to eventually gain unrestricted visitation rights.⁷⁷ These included cases where children lived at a protected address with their mothers, which is a measure only taken in response to an elevated safety risk that is documented and recognised (see Chapter VI of this report).

171. GREVIO welcomes recent steps to ensure quality risk assessment by social services and courts in the context of decisions on child contact in domestic violence cases. GREVIO is nonetheless concerned that not all actors are fully aware of the possible negative impact on the safety and protection of abused women and their children, of decisions taken on child custody, residence and visitation rights. GREVIO therefore urges the Swedish authorities to ensure that in the determination of child custody decisions, the family law sections of social services and courts take all appropriate measures to ensure that such decisions do not jeopardise the safety of abused women and their children. In this context GREVIO stresses the need for more effective training and support to be provided to family law judges.

B. Criminal law

172. Swedish criminal law gives effect to most of the provisions of the Istanbul Convention. All offences required by Articles 33-40 of the convention are matched by one or more criminal law provision and form part of either a specific or a general criminal offence. Several of these have existed since well before the convention came into existence, such as the criminalisation of FGM since 1982, and some have represented a real shift in paradigm, such as the introduction of a gender-specific domestic violence offence in 1998.

1. Domestic violence

173. The criminal offence of “gross violation of a woman’s integrity” (Chapter 4 on Crimes against liberty and peace, Section 4. A, paragraph 2 of the Swedish Criminal Code) is a specific domestic violence offence which aims to capture the continuum of violence – psychological, physical and sexual – which women face at the hands of men who were or still are their spouse or live-in intimate partner. It is comprehensive in nature as it applies to a range of threatening or violent behaviour by current and former spouses and partners, irrespective of whether the couple has lived together. It is a milestone in that it specifically recognises domestic violence as a gendered phenomenon by defining men as perpetrators and women as victims. It carries a sentence of nine months to six years. Sexual offences committed within marriage or intimate relationships, however, are usually prosecuted separately, in order to ensure a criminal sentence commensurate with the offence – a practice which GREVIO notes with appreciation. Any other incidents, for example physical assault, threats, coercion, and any other forms of psychological violence, may be grouped under this domestic violence offence and prosecuted as one.

⁷⁶ Linnea Bruno (2016), “Contact and evaluations of violence: an intersectional analysis of Swedish court orders”, in *International Journal of Law, Policy and the Family*, 29 (2), pp. 167-182.

⁷⁷ Ann-Sofie Berman and Maria Eriksson (forthcoming publication), *Supported visitation in cases of violence: political intentions and local practice*.

174. A similar provision exists for acts of physical assault, threats, coercion, sex offences, trespassing or vandalism committed against another person with whom the perpetrator has or has had a close relationship, entitled “gross violation of integrity” (Chapter 4, Section 4a, paragraph 1).

175. For psychological violence, additional general offences exist, such as “unlawful coercion” or “unlawful threat” (Criminal Code Chapter 4 on Crimes against liberty and peace, Sections 4 and 5 respectively). Other offences such as molestation (Chapter 4, Section 7) or defamation and insulting behaviour (Criminal Code Chapter 5 on Defamation, Sections 1 and 3 respectively) may also apply.

176. GREVIO notes that as of January 2019 the offence of insulting behaviour will be amended to cover a wider range of behaviour, including “direct accusations, disparaging comments or humiliating behaviour”, where it is intended to violate the other person’s self-esteem or dignity. This amended provision might capture more of the behaviour which domestic violence perpetrators employ against their intimate partners.

177. From the data provided on the number of reported cases of molestation, unlawful threat and gross violation of a woman’s (or girl’s) integrity and the number of cases that have led to the identification of a suspect (person-based clearances), it is, however, difficult to draw conclusions as to how operational these provisions are in holding domestic abusers accountable for psychological violence. The concerns raised by civil society organisations during the course of the evaluation procedure suggest their limited use in practice. This is corroborated by the fact that only a fraction of the reported cases leads to the identification of a suspect, although it is not known what percentage of these concern domestic violence cases and how many lead to prosecution and, ultimately, convictions.

178. GREVIO encourages the Swedish authorities to ensure the effective application of the full range of criminal offences relevant to psychological violence employed by one intimate partner against the other, by, among other things, stepping up training efforts as well as human and financial resources among law enforcement agencies.

2. Stalking (Article 34)

179. Stalking is criminalised as unlawful persecution in Chapter 4, Section 4. *b* of the Swedish Criminal Code. It comprises a range of offences which, if committed repeatedly in a way that violates a person’s integrity, constitute stalking. GREVIO notes with particular interest that this exhaustive list includes the violation of a non-contact order. This would seem to allow law enforcement agencies to deal with ex-partner stalking which many women victims of domestic violence experience after break-up, and to which restraining orders do not always put an end.

180. In addition, GREVIO welcomes the closing of a previously existing gap through the amendment to the offence of molestation (Chapter 4, Section 7 of the Criminal Code). This offence now covers a wider range of behaviour which is experienced as threatening to the victim, including silent phone calls, emails and other online and offline contact.

3. Sexual violence and rape (Article 36)

181. A recent amendment to the Criminal Code now ensures that all non-consensual sexual acts are criminalised. Sections 1 and 2 of Chapter 6 on Sexual offences criminalise intercourse or any other sexual act with a person “who is not participating voluntarily”. Participation in a sexual act must be voluntary and this must be perceptible. Passivity cannot be per se considered a sign of voluntary participation. Prison sentences may range from two to six years. This amendment is a departure from the previous offence of rape and sexual abuse which required the use of force, threats or the taking advantage of the vulnerable situation of the victim, and brings the Swedish Criminal Code in line with the requirement of Article 36, paragraphs 1 and 2 of the Istanbul Convention. Causing another person to engage in non-consensual acts of a sexual nature with a third person as required by Article 36, paragraph 1 c does not seem to be criminalised, however.

182. In addition, two new offences of "negligent rape" and "negligent sexual abuse" have been introduced, both carrying a maximum prison sentence of four years. The aim of these offences is to ensure criminal liability in cases where sexual acts or intercourse are carried out without any reasonable measures taken to establish the victim's consent. GREVIO commends the Swedish authorities for this holistic interpretation of what it means to ensure full respect for a person's sexual integrity and is particularly interested in the impact this innovative approach will have in practice.

183. This being a very recent development, GREVIO has not had the opportunity to assess its implementation by the judiciary. GREVIO nonetheless wishes to point out that with the new rape legislation the onus is on the perpetrator to ensure that all sexual acts are engaged in voluntarily. This shift in perspective is what is needed to move away from case law that all too often focuses on the behaviour of the victim, including her appearance and actions prior, during and after the act. It is thus of crucial importance to ensure, through training, awareness-raising and other opportunities for discussion and exchanges, that the members of the Swedish judiciary fully apply this shift in paradigm. Past case law on rape has revealed alarming assumptions around women's consent to sexual acts and how it may be expressed.⁷⁸ A window of opportunity has opened up and must be used by the judiciary to ensure criminal responsibility for all perpetrators of rape and sexual assault.

184. **GREVIO invites the Swedish authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1 c of the Istanbul Convention, which is not currently covered by the Swedish Criminal Code.**

4. Forced marriage (Article 37)

185. The Swedish Criminal Code fully complies with the requirements of the Istanbul Convention. Sections 4. c and 4. d of Chapter 4 on crimes against liberty and peace respectively criminalise forcing an adult or a child into marriage and the luring of an adult or child abroad for the purpose of a forced marriage. GREVIO notes with particular interest that both offences also cover the act of forcing someone into a customary marriage, if it is entered into in accordance with rules that apply within a group.

186. Despite the existence of criminal legislation and general awareness of the fact that girls and women in Sweden are being forced to marry against their will, very few cases are prosecuted and convictions are slow to emerge. The number of cases reported to law enforcement agencies is steadily rising (from 37 in 2015 to 90 in 2017). Reports are also starting to be made of women and girls lured abroad for the purpose of forcing them to marry.⁷⁹ Yet, only one case has so far led to the identification of a suspect, who was later convicted.

187. GREVIO welcomes the general political will to address the phenomenon of forced marriage in Sweden and notes with particular interest innovative approaches that seek to prevent girls from being taken abroad, particularly during the summer holiday period, to be married against their will.⁸⁰ It is in this context that GREVIO points to the need to bring perpetrators to justice by building strong cases for prosecution, at the investigative stage and through enhanced support for victims who might hesitate to be involved in a conviction of close family members.

188. An aspect of forced and child marriage that the Swedish authorities are currently grappling with is the large presence of married children, girls and boys, who have arrived in Sweden in recent years as asylum-seekers. Work is under way to identify and resolve the tensions between

⁷⁸ See the example of a case in 2013 where three men who raped a girl with a bottle until she bled were acquitted at first instance because the judge held that that "people involved in sexual activities do things naturally to each other's body in a spontaneous way, without asking for consent." <http://time.com/5288303/sweden-affirmative-consent-rape-law/>

⁷⁹ In the past three years, the number of reports has ranged from 11 to 14.

⁸⁰ The City of Gothenburg actively encourages girls who fear being forced into a marriage during a holiday in the country-of-origin of their family to carry a spoon in their underwear in order to set off the alarm at the security check. The aim is to allow the girl to be taken aside and speak to a trained counsellor about her fears/situation who can then take measures of support and protection.

Swedish law which prohibits child and forced marriage, and the realities and needs of married unaccompanied minors, in particular where they already have children themselves. The measures available to social services under their responsibility to protect do not necessarily fit all children concerned, and there is great inconsistency in approaches, some of which cause unintended harm.

189. A recent government commissioned study by the National Board of Health and Welfare aims to provide guidance to social services on how to strengthen support and protection to such children from a child rights and gender equality perspective.⁸¹ A recent Government proposal seeks to ensure that child marriages shall under no circumstances be recognised in Sweden. Discussions on the criminalisation of child marriages are also under way, as is the introduction of a ban on leaving the country for children who are at risk of being taken abroad to enter into marriage or for girls at risk of being subjected to female genital mutilation. GREVIO welcomes these initiatives and recalls that child, early and forced marriage is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations, including domestic violence. Such harmful practices have a disproportionately negative impact on women and girls and constitute a serious threat to multiple aspects of their physical and psychological health.

190. **GREVIO encourages the Swedish authorities to pursue their efforts in finding solutions to the conflicting rights, responsibilities and responses in relation to children who are married when arriving as asylum-seekers, with a view to preventing human rights violations such as domestic violence and harmful practices such as early or unwanted pregnancy.**

5. Aggravating circumstances (Article 46)

191. The Swedish criminal legislation contains a list of aggravating circumstances which judges shall give special consideration to in assessing the criminal value of a crime (Criminal Code Chapter 29 on the determination of punishment and exemption from sanction, Section 2). According to the Swedish authorities, this list is non-exhaustive and would allow judges to consider all aggravating circumstances as set out in Article 46 of the Istanbul Convention. However, the only aggravating circumstance specifically listed in Section 2 of Chapter 29 that is in line with the aggravating circumstances as required by Article 46 of the Istanbul Convention is “intention to harm the security and trust of a child in its relation to a related person”.

192. For other offences, circumstances such as those listed under Article 46 may form a constituent element of the crime and raise its criminal categorisation to that of “aggravated commission”. This is, for example, the case in relation to rape, which may amount to “aggravated rape” if committed by more than one person or in a particularly brutal manner (Chapter 6 on sexual crimes, Section 1, paragraph 3). Another example is that of “gross violation of a woman’s integrity”, which is intended to lead to harsher sentences for men who carry out acts of assault, coercion, threat or sex offences against a former wife or live-in intimate partner.

193. GREVIO notes that where the aggravated commission of sexual violence, physical assault, coercion, threat, etc. is explicitly stated in the Swedish Criminal Code, this includes mainly circumstances such as the use of a weapon or particularly serious violence. Other circumstances listed in Article 46 (such as commission of the act in the presence of a child or against a person made vulnerable by particular circumstances), do not qualify the offence as “aggravated” or “gross”. It appears to lie with the discretion of judges to take into account such circumstances as part of the open-ended list of aggravating circumstances set out in Section 2 of Chapter 29 of the Swedish Criminal Code.

194. It remains unclear to what extent this is done in practice and whether the entry into force of the Istanbul Convention has led to any training or guidance to ensure the uniform application of all aggravating circumstances, as listed in Article 46 of the convention.

⁸¹ National Board of Health and Welfare, (2017), “Children who arrive in Sweden and are reported to be married”.

195. **GREVIO encourages the Swedish authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary.**

VI. Investigation, prosecution, procedural law and protective measures

196. Full accountability for all acts of violence against women requires an adequate response from law enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law enforcement agencies

197. The Swedish police recently underwent a major reform which led to the creation of a single national police force in 2015, led by a central body and seven subordinate police regions, which are divided into a number of police districts and local police districts. The aim of the reform was both to improve effectiveness and local responsiveness. It has created new organisational structures and greater harmonisation in approaches to policing and investigation.

198. As a result, each of the newly created 27 police districts now have investigators specially trained on sexual offences and domestic violence, who are sometimes paired up with homicide investigators. A total of 568 investigators (law enforcement officials and civil investigators) with a specialisation in domestic violence and sexual offences existed across the country at the end of 2016.⁸² Checklists guide all investigators on which measures to take in cases of domestic violence and rape. Criminal investigations are opened in relation to a very high rate of reported cases of domestic violence and sexual assault (98% in domestic violence cases, 88% in cases of sexual offences). In 2017, the Police Authority decided that investigations into reported rapes should follow the police methodological support for serious violent crime (“PUG”), which is intended to ensure more robust investigations. As a result of the increase in reported rapes between 2015 and 2017, the workload of investigating officers has increased, which has led to an increase in case processing time. At the same time, the number of suspects prosecuted for sexual offences has increased by 14%.

199. On several occasions, GREVIO was informed that in recent years, a rise in gang-related violent crime, including homicide and the use of firearms, in particularly vulnerable areas⁸³ has tied resources at the expense of swift investigations into other types of crime, in particular into sexual offences.⁸⁴ The Swedish authorities are acutely aware of the worrying message this sends to victims of rape and domestic violence who often see many months go by after reporting before any action is taken. This includes cases in which victims have identified the alleged perpetrator and informed law enforcement officials of names and addresses. Law enforcement officials have publicly acknowledged that the unfortunate lapse in time between reporting a rape and apprehending the suspect(s) may allow additional sexual offences to occur. Once pre-trial detention is ordered, prosecution services are under the obligation to collect and corroborate evidence within two weeks to build a case. Where suspects are not in custody, investigations may take between six and nine months.

200. To alleviate the shortage of police employees, the Swedish Government intends to increase the number of employees at the police by 10 000 by 2024. To this extent, an additional 2 billion SEK (around € 200 million) have been allocated in 2018 to the Police Authority. More immediate solutions such as more efficient use of time are also being discussed. GREVIO welcomes these steps but

⁸² The overall total of all police investigators in Sweden was 5 261.

⁸³ A total of 61 vulnerable geographic areas have been identified by law enforcement agencies, of which 21 are regarded as “specially crime-affected”. The majority of these form part of the suburbs of the three major cities in Sweden, and have a comparatively high level of drug crime, with related violence involving firearms. Report by the Swedish Police Authority released in March 2017, see Radio Sverige report: “Vulnerable areas marred by crime and distrust in state authorities”, (15 March 2017), available at: <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6907521>.

⁸⁴ Information provided by the Ministry of Justice during the evaluation visit.

draws attention to the detrimental effects the current situation has on women's confidence in the Swedish law enforcement agencies, their protection from harm and, put in a wider context, their access to justice.

201. Women in Sweden are generally reluctant to report intimate partner violence or sex offences to law enforcement agencies, and fewer still report instances of "honour-related violence" or their risk of being forced into marriage.⁸⁵ Women from migrant communities, Roma women and, possibly, Sami women, are even less likely to seek help from law enforcement agencies, as their confidence in the Swedish authorities generally is weak.⁸⁶ The rising number of media reports of rape victims waiting for months to be interviewed by the police or for suspects to be taken into custody is likely to diminish women's confidence even further.

202. In relation to "honour-related" forms of violence such as forced marriage, controlling behaviour towards girls and women and FGM, the Swedish law enforcement agencies are trying to investigate actively, both *ex officio* or upon complaint. While law enforcement officials in urban areas seem to have more knowledge about "honour-related" crime, others seem to remain less aware of the motive of such crimes.

203. A national police competence team set up in 2017 seeks to level out these differences by offering guidance and advice on investigations. This is a service that is in addition to the helpline for professionals working with "honour-related violence" set up by the Östergötland County Administrative Board (see Chapter IV, Article 22 – Specialist support services). According to the law enforcement agencies, most cases of "honour-related violence" reported by victims concern controlling behaviour by family members which does not constitute a criminal offence under Swedish criminal law. In such cases, victims are usually referred to social services, especially if they are minors.

204. GREVIO urges the Swedish authorities, in particular the law enforcement authorities, to reinforce their investigative capabilities significantly to reduce the backlog of domestic violence and rape cases, and to take immediate measures to ensure a prompt and appropriate response by law enforcement agencies in all cases of violence against women, as required by Article 50, paragraph 1 of the Istanbul Convention.

2. The role of the prosecution services and conviction rates

205. The Swedish prosecution services have set up a prosecution development centre to develop methods for the investigation and prosecution of domestic violence cases and sexual offences. In co-operation with the Swedish Police Authority, checklists have been introduced to standardise procedures and also to ensure effective co-operation between law enforcement agencies and prosecution services. GREVIO welcomes this methodological approach to the investigation and prosecution of cases of domestic violence and sexual offences and the authorities' readiness to review and adapt their approaches where necessary.

206. GREVIO further notes with appreciation that a handbook for prosecutors on "honour-related violence" has been developed and that it is generally perceived by them as extremely useful. There is currently no system of flagging cases with an underlying "honour-related" motive, making it impossible to assess to what extent prosecutions in this area are successful. The number of prosecutions in cases of forced marriage is very low; although more and more victims are filing

⁸⁵ The Swedish National Council for Crime Prevention estimates that 75% of all cases of violence against women in Sweden are unreported to the Swedish law enforcement agencies. Swedish Council for Crime Prevention (2007), *Crime development in Sweden until 2007*, vol. 2008:23. (original title in Swedish: *Brottsförebyggande rådet: Brottsutvecklingen i Sverige fram till år 2007*).

⁸⁶ Some of the barriers to help-seeking from Swedish authorities are discussed in Chapter I, Fundamental rights, equality and non-discrimination (Article 4). Moreover, individual incidents such as the revelation of a database of members of the Roma community in Southern Sweden compiled by the local law enforcement agencies in 2013 have contributed to their further alienation and distrust. Many of those listed were minors or had no previous criminal record. <https://www.reuters.com/article/us-sweden-roma-idUSBRE98M0EM20130923>; see also ECRI Report on Sweden (Fifth monitoring cycle), 2018, CRI(2018)3, paragraph 72.

complaints with the law enforcement authorities (see Chapter V, Article 37 – Forced marriage). This seems to point to the need to reflect more extensively on measures to improve the outcome of investigations. One approach could be the strengthening of support provided to the women and girls concerned in order to enable them to go through with the case.

207. The importance of victim support in criminal procedures cannot be overestimated, and the Swedish authorities are aware of this, in particular in relation to cases of sexual violence and rape. Victim support lawyers are, in principle, available to victims of rape and other serious crime, and law enforcement officials are under the obligation to inform victims of this right once a preliminary investigation has been opened, usually upon the filing of a complaint. The reporting of a crime to the law enforcement authorities is simple and can be done online, over the phone or in person. Not all officials seem to inform victims of their right to the services of a victim support lawyer this early into the procedure, although the law and the checklist require them to do so. This lack of support and guidance has led to a certain degree of disaffection among some victims, which in turn affects the quality of the investigation and prosecution (see below). This is particularly important as the role of the victim in Sweden is not only that of witness but as a party in the trial alongside the prosecutor. Victim support lawyers thus have the authority to challenge proceedings, call new witnesses or request a tougher sentence.

208. Generally, all offences set out by the Istanbul Convention are prosecuted *ex officio*, which means investigations do not require a complaint by the victim. Where complaints have been made by the victim but are withdrawn at a later stage, this does not result in the discontinuation of the investigation or prosecution. It does, however, tend to affect the outcome of the case, as victims will no longer take an active role in the trial. In the opposite situation, where a decision to discontinue prosecution has been communicated to the victim, the victim may challenge this decision by appealing to the higher prosecuting authority.

209. GREVIO notes with concern that official data on conviction rates do not exist, neither from suspected to convicted perpetrator nor from indictment to conviction (see Chapter II, Article 11). This makes it difficult to assess the quality of prosecutions and the efforts of the criminal justice sector more generally in holding perpetrators of violence against women accountable for their acts. Academic research that has studied the question of conviction rates and the level of attrition in rape cases in Sweden has come to opposing conclusions.⁸⁷ Consensus does seem to exist around the fact that the number of reported rapes is much higher in Sweden compared to other European countries.

210. There are many factors that contribute to a solid investigation, prosecution and trial for sex offences. The collection of evidence, its assessment by prosecution services, the support given to victims and their role in the case feature prominently among these. Equally important is the role of the judiciary in handling these sensitive cases. Swedish criminal procedure allows for cross-examination, and the system is characterised as adversarial, with judges given the authority to instruct the accused and the injured party to produce new evidence. Judges therefore must display the utmost sensitivity in ensuring that all facts of the case emerge while giving due weight to the trauma and state of mind of the rape victim. It is possible for a judge to hear the victim without the presence of the accused, or over the telephone, or by video link, which GREVIO welcomes.

211. Reports suggest that these measures are not always taken in cases of sexual violence and that attitudes towards rape victims change depending on their social status. Stereotypical attitudes which consider that only innocent women and girls can be victims of rape seem to persist. This clearly impacts on the credibility of women in addiction or prostitution, young intoxicated women, women with mental health issues or women of migrant origin who are seeking criminal justice for rape and sexual violence.⁸⁸ These reports also show that stereotypes, personal beliefs and values

⁸⁷ One study suggests a conviction rate of 12% (Liz Kelly and Jo Lovett, "Different Systems, Similar Outcomes: Tracking Attrition in Rape Cases Across Europe", (2009), pp.96-97), while a more recent study sets the rate of convicted person to suspect at 53% in rape cases (Jörg-Martin Jehle, (2012), "Attrition and Conviction Rates of Sexual Offences in Europe: Definitions and Criminal Justice Responses", in *European Journal on Criminal Policy and Research*.

⁸⁸ Amnesty International, "Case closed: Rape and Human Rights in the Nordic Countries", (2010), p.17.

of professionals in the criminal justice sector significantly influence their decisions. Questions on sexual preferences, clothing and behaviour of the victim persist, while other evidence is not always given sufficient attention. This seems to be the case in particular among the lay judges who assist judges at the district courts. Several rape cases in which the lay judges overruled the assessment of the facts by the trained judge and acquitted the suspect have caused an outcry in the media and the general public. This has led to more media scrutiny of rape trials and has prompted a renewed debate of the system of lay judges, who are politically appointed and of senior age.

212. There is also a growing debate around the evidence required for rape trials. Although the Supreme Court of Sweden has ruled that where a victim is considered credible, a conviction may be based solely on her testimony, most district courts still require corroborating evidence of some form. This may include communication with friends or family (phone calls, text messages, or messages on social media) or any other supporting evidence. A review of the handling of rape cases by the criminal justice sector is currently being carried out by the Crime Prevention Council and will help to address the above.

213. GREVIO encourages the Swedish authorities to swiftly identify and address any factors which contribute to attrition in rape cases as well as other cases of violence against women in order to increase the number of convictions.

B. Risk assessment and risk management (Article 51)

214. Risk assessment and management in Sweden is the responsibility of the law enforcement agencies, the prison and probation service and of the municipal social services. Although social services readily use standardised assessment tools to identify victims of domestic violence and their level of risk, their use of the Swedish danger assessment tool FREDA developed by the National Board of Health and Welfare to assess and manage a victim's individual level of risk is much less widespread. According to the annual survey of the National Board of Health and Welfare "Open Comparisons of the municipalities' work with violence in close relationships 2017" 90% of municipalities indicate using at least one standardised assessment method within social services investigations. The use of the danger assessment tool FREDA, however, ranges from 25-67%, depending on the section. For example, to assess adult victims of violence and manage their risk, FREDA seems most widely used by sections on financial aid (67%) but is less frequently used by sections on disability support (34%).

215. Law enforcement agencies use a variety of internationally recognised risk assessment tools such as the Spousal Assault Risk Assessment (SARA) for domestic violence, the Stalking Assessment and Management (SAM) for stalking and the Assessment of Risk for Honour-Based Violence (PATRIARCH) for "honour-based violence". The information that feeds these assessment tools is mainly based on the initial police report and contacts with the victim. Social services and women's specialist support services may be contacted for information if the victim expressly agrees.

216. Once the level of risk is assessed, law enforcement agencies co-operate with social services to ensure a victim's placement in a domestic violence shelter or the institution of other protective measures.

217. GREVIO strongly encourages the Swedish authorities, for the purpose of effective risk and safety management, to ensure the widest possible use of standardised, evidence-based risk assessment tools by local authorities and social services, to assess and manage the individual level of risk a domestic violence victim may be in. GREVIO also strongly encourages that this be done in co-operation with all relevant authorities to ensure the effective protection by a multi-agency network of professionals. To this extent, GREVIO welcomes the recent initiative to provide municipalities and county councils/regions with

methodological support for systematic risk assessment with regard to violence against women and domestic violence.⁸⁹**C. Emergency barring and protection orders (Articles 52 and 53)**

218. Protection (restraining) orders exist both under (quasi) criminal and civil law. The Swedish Non-Contact Order Act introduced in 1988 envisages different types of protection orders to be issued by a public prosecutor within four to seven days from the victim's application, depending on the case. The protection order most commonly applied is a contact ban which aims to prevent the perpetrator from contacting, following or visiting the protected person (Non-Contact Order Act, Section 1). Where this is considered to offer insufficient protection, the contact ban may be extended to the victim's place of work, other specified locations or general areas which the victim regularly frequents ("extended" and "special extended contact ban", Section 2).

219. Perpetrators of domestic violence may also be barred from entering the residence they share with the victim if there is sufficient evidence of their intention to commit a crime against life or health, or against the liberty and peace of another person in the joint residence (barring order). For all other protection orders, the requirement is sufficient evidence of the intention to commit a crime, stalk or otherwise seriously harass another person. For the "special extended contact ban", a balancing of conflicting rights is required to ensure that the reasons for issuing such an order carry significantly more weight than the restrictions placed on the freedom of movement of the perpetrator (Section 2, paragraph 3). Recent changes to the Non-Contact Order Act allow for the electronic monitoring of extended restraining orders.

220. The civil law protection orders are available under the Marriage Code and the Cohabitants Act which allow civil law courts to prevent, upon application, a spouse or cohabiting partner from contacting the other spouse or partner during the process of divorce or separation. A protection order may be issued by civil courts until the division of property, including the use of the joint residence, has been decided on and implemented.

221. GREVIO welcomes the fact that protection and barring orders are generally available under Swedish law, and that breaches thereof are not only subject to fines or imprisonment but may amount to the offence of stalking (see Chapter V). The recent changes to the Non-Contact Order Act make breaches of non-contact orders with electronic monitoring a separate crime subject to a prison sentence of up to two years, which GREVIO welcomes. An assessment of the scope and legal requirements for such orders as well as their practical implementation, however, reveal a number of shortcomings regarding the requirements of Articles 52 and 53.

222. First, none of the available protection and barring orders qualify as an emergency barring order, as required under Article 52. This provision sets out the obligation to ensure that a perpetrator of domestic violence may be ordered to vacate the residence of the victim or person at risk in situations of immediate danger. The term "immediate danger" refers to any situation of domestic violence in which harm is imminent or has already materialised and is likely to happen again.⁹⁰ The aim of this provision is to provide safety for victims of domestic violence without forcing them to hurriedly seek safety in a shelter or elsewhere. Emergency barring orders are to serve as a tool for law enforcement agencies to react to a situation of immediate danger without lengthy procedures. Although there might be cases in which prosecutors issue barring orders soon after an investigation has been opened and the suspect has been brought in for questioning, the Non-Contact Order Act does not envisage this to be an emergency measure to be taken within 24 hours. Rather, prosecutors have up to four and seven days (for extended protection orders and general protection orders respectively) to issue such orders. For most victims, the wait and the uncertainty regarding the outcome may present too much of a safety risk and they will prefer to relocate to a domestic violence shelter. The general power conferred on the Swedish police to remove someone from a certain area or premises to avert the commission of a punishable act

⁸⁹ Government decision S2018/03516/JÄM.

⁹⁰ Explanatory report, paragraph 265.

may, in principle, be applied to domestic violence cases. It is, however, unclear, to what extent this is done in practice.

223. Second, the requirements for protection orders as set out in the Non-Contact Order Act and their restrictive interpretation by the prosecution service seem too high to serve as an effective protective measure in most domestic violence cases. Although differences exist, many prosecutors require evidence of the commission of a crime or of the abuser's intention to commit a serious crime in order to issue a protection order. This explains the preference which prosecutors seem to demonstrate for imposing pre-trial detention, which requires similarly high levels of evidence and risk of further crime but offers greater protection to the victim. Another protective measure frequently resorted to by law enforcement agencies in situations of immediate danger is the removal of victims and their children from the joint residence with the abuser and their relocation to a protected address. Global positioning system (GPS)-enabled emergency phones and alarms may also be provided to victims.

224. Although pre-trial detention and protected addresses may be acceptable options in some cases, GREVIO recalls that the purpose of emergency barring orders is to ensure the safety of domestic violence victims in full respect of their right to remain in their own home. The aim of such orders is to ensure the physical distance between victim and perpetrator by removing the perpetrator instead of uprooting victims and their children. As a measure of protection, emergency barring orders must not depend on the will of the victim but must be ordered *ex officio* as part of the state obligation to prevent any act of violence covered by the Istanbul Convention that is perpetrated by non-state actors (Article 5, paragraph 2). In Sweden, barring and protection orders require that an application be made by the victim or that "other reasons" would require the public prosecutor to consider such an order. It remains unclear, however, what these "other reasons" may be and to what extent use is made of this possibility of issuing emergency barring orders.

225. The data on protection orders provided by the Swedish authorities include all types of orders, allowing no conclusions to be drawn with regard to how much use is made of the barring order, whether *ex officio* or following an application by the victim.⁹¹ Data for the period 2000-07 show that barring orders make up only a fraction of all orders granted.⁹² They also show that within this period, the percentage of protection orders granted declined from 53% to 42% against a steady rise in the number of applications. In 2001, 5 761 applications for protection orders were made compared to 10 133 in 2006. Data on protection orders collected after 2007 are not broken down by type of order, nor do they offer information on the number of unsuccessful applications. GREVIO is thus concerned that in Sweden the onus of relocating is on the victim rather than on the perpetrator and that insufficient steps are taken to offer protection to women without their relocating. The difficulties this entails for them and their children are well documented and addressed in Chapter IV of this report.

226. GREVIO was informed that arrests are possible to ensure the safety of domestic violence victims and that the Swedish police can take different security measures such as alarm buttons and increased patrols outside the home to ensure a victim's safety at home. While GREVIO recognises the importance of such measures and welcomes their existence in Sweden, they cannot be considered to replace emergency barring orders.

227. Children are not generally included in any bans on contact but a separate application can be made by their legal guardian. Law enforcement agencies are under the obligation to inform victims of the possibility of requesting a contact ban, for themselves or their children. Social services are also routinely contacted where an arrest cannot be made. GREVIO was informed, however, that for contact bans within a home, i.e. among members of the same family, a child must be exposed to a real risk of life, health, freedom or peace, and that earlier crimes committed by one parent against the other would not be considered sufficient. Generally, a proportionality

⁹¹ Additional information submitted by the Swedish Government in follow-up to the state dialogue (see footnote 16).

⁹² National Council on Crime Prevention, (2007), report No. 2007: 2, "Restraining orders in Sweden – An evaluation of the law, the new regulations, their implementations and effects", p.6. For example, in 2006, only 112 barring orders (i.e. domestic exclusion orders) were granted compared to 4 129 standard restraining orders and a total of 10 133 applications for any type of order.

assessment is made in such cases to assess the specific circumstances which might indicate a risk. GREVIO is concerned about the threshold applied, as it is not uncommon for a perpetrator of domestic violence to pose a real threat to his children, in particular after separation or divorce.

228. Third, GREVIO is concerned about the possibility of allowing for exceptions to protection orders for communication around common children. Section 1 of the Non-Contact Order Act sets out exceptions to the contact ban if contact is clearly justified in light of particular circumstances, such as visitation rights. Emergency barring and protection orders are tools to create much needed distance from an abusive partner in the physical sense as much as in the emotional sense. Allowing contact around children, just as requiring the abused partner to facilitate visitation, undermines the purpose of such bans. As a temporary measure to ensure the safety of the victim, they should be absolute and not jeopardised by the fact that victim and perpetrator have parental responsibilities to share.

229. GREVIO urges the Swedish authorities to revamp its system of protection orders and equip the competent authority with the power to specifically expel a perpetrator of domestic violence from the joint residence that he shares with the victim in situations of immediate danger and as an emergency safety measure and for this expulsion to remain in force for an appropriate length of time to allow the victim to feel safe and to take other measures to ensure safety. Moreover, GREVIO strongly encourages the Swedish authorities to end the practice of allowing for exceptions to prohibitions on contact.

D. Victim support in legal proceedings (Article 55 paragraph 2)

230. The Swedish Act concerning Counsel for the Injured Party sets out the right to a victim support lawyer for victims of sex offences, victims of offences against life and health, or against the liberty of a person, and for victims of crime who display a particularly strong need for such assistance. Among the requirements is that a preliminary investigation has been opened and that the offence committed carries a prison sentence. Victim support lawyers are generally appointed by the courts and reimbursed by the state.

231. The Swedish authorities are aware that, in practice, not all victims are informed of their right to a victim support lawyer and that this has had an impact on investigations and prosecutions in particular of sex offences. The recent amendment of the offence of rape and sexual assault was therefore accompanied by more stringent rules on the appointment of victim support lawyers for all victims of sex offences. In addition, the Swedish Prosecution Authority has recognised the need for more training of prosecutors and administrative staff, which GREVIO welcomes. GREVIO hopes that this will improve women's access to such lawyers in practice to ensure more satisfactory criminal outcomes.

232. GREVIO welcomes the general availability of victim support lawyers in Sweden and greatly values their important role in representing the interests and perspective of the victim during all stages of the criminal proceedings. In this vein, GREVIO notes with appreciation that NGOs, women's shelters or the Swedish Association for Victim Support (*Brottsofferjourernas Riksförbund*) may also support, in legal proceedings, women victims of violence within the scope of this convention. They may also be present during meetings and hearings at the stage of preliminary investigations if it does not obstruct the investigation in any way.

233. GREVIO encourages the Swedish authorities to maintain their efforts in ensuring that all victims of violent crime and sexual violence are given access to victim support lawyers early into the investigation stage.

E. Legal aid (Article 57)

234. Legal aid for civil lawsuits is available under the Swedish Legal Aid Act. On this basis, financial support may be obtained by anyone unable to cover the costs related to legal representation in civil lawsuits. Legal aid shall not, however, be granted if the applicant has legal expenses insurance or similar legal protection which covers the matter in hand.

235. GREVIO welcomes the fact that legal aid is, in principle, also available for cases on child custody but notes issues that have been raised regarding the quality of the legal representation through court-appointed lawyers.⁹³ For many women victims of domestic violence, adequate legal representation is of crucial importance to ensure the history of abuse is recognised by courts. Similar concerns regarding the quality of free legal representation have been raised in relation to asylum-seekers in the procedure before the Swedish Migration Agency.⁹⁴

236. GREVIO encourages the Swedish authorities to take measures to ensure free legal aid of sufficient quality in all areas related to the Istanbul Convention.

⁹³ Submission to GREVIO by the International Organisation for Self-Determination and Equality (IOSDE), p.10.

⁹⁴ Information provided to GREVIO during the evaluation visit.

VII. Migration and asylum

237. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum-seekers are sensitive to the needs of women victims or at risk of violence (Article 60).

A. Migration (Article 59)

238. The Swedish Aliens Act contains all rules on visas, asylum, refugee status and subsidiary protection, residence permits and family immigration, work permits, returns and detention.⁹⁵

239. The act specifies in Chapter 5 Section 3 that a spouse or cohabiting partner will be granted a residence permit unless any of the exceptions in section 17 apply (for example criminal activity, misrepresentation etc.). Such a residence permit is temporary and usually for a period of two years, after which a permanent residence permit may be granted (Chapter 5 Section 16).

240. GREVIO welcomes the fact that the Aliens Act contains specific provision for permanent residence to be granted where the relationship has ended primarily because in the relationship the alien or the alien's child has been subjected to violence or some other serious violation of their liberty or peace (Chapter 5 Section 16). Currently excluded from this provision are migrants who derive their residence permit from a spouse with recognised refugee status or subsidiary protection.⁹⁶ This would affect women whose residence rights in Sweden are tied to the refugee status granted to their abusive husband. GREVIO recalls the principle of non-discrimination set out in Article 4, paragraph 3 which requires the implementation of the provisions of the Istanbul Convention without discrimination on the basis of, *inter alia*, migrant or refugee or other status. Excluding some women from the benefit of an autonomous residence permit under Chapter 5, Section 3 of the Aliens Act, however temporary in nature, runs counter thereto.

241. In practice, there is a focus on whether the relationship ended “primarily” because of the violence, which in turn has to be “serious” or consist of “repeated incidents of degrading treatment”. Moreover, the relationship must be of a “serious, long term nature”. Women’s organisations and the Swedish Migration Agency both indicated that a single incidence of physical violence was unlikely to suffice, that low level violence is insufficient and that emotional violence/psychological/financial abuse is not counted as violence. GREVIO is concerned that these factors may mean that women will stay in abusive and violent relationships for immigration reasons and enable their abusers to use immigration concerns as threats against them. Furthermore, GREVIO is concerned at the established practice of requiring a relationship to be of a certain duration, thereby placing undue emphasis on the length of the relationship. This, it seems, would be in contravention of the Istanbul Convention which specifically does not make any requirements regarding the duration of any relationship, as this would only raise the number of women trapped in abusive relationships.

⁹⁵ The Aliens Act in Swedish: <http://www.notisum.se/rnp/sls/lag/20050716.HTM>.

⁹⁶ This is set out in the Law on Temporary Restrictions to obtaining a Residence Permit in Sweden currently in force to limit the scope of the Aliens Act until the year 2019. See *Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*, 2016:752.

242. Abuse often results in fear and isolation with dependence on the perpetrator, including for immigration status. Migrant women, primarily owing to issues around funding and the complex needs they may have, often have difficulty accessing shelters, advice and assistance and therefore can find it difficult to provide the levels of documentary proof required. Guidance suggests that the following should be provided: police reports, doctors' or medical certificates, and certificates from the social services and shelters. The Swedish Migration Agency and women's organisations were clear that the simple testimony of a woman, even if believed, was unlikely on its own to be sufficient to meet the required standard of proof.

243. The data provided by the Swedish authorities does suggest that the exemptions to the revocation of spousal residence permits are made use of⁹⁷ and GREVIO welcomes the growing success rate.⁹⁸ The same practice review, however, documents the, at times, restrictive interpretation of "violence" by the Swedish Migration Agency, in particular in cases of systematic but less severe violence, including controlling behaviour and isolating the victim.⁹⁹ It also points to different outcomes in similar situations, which, according to practitioners in this field, contribute to the reluctance of many migrant women on spousal residence permits to leave their abusers.

244. The law also provides for a residence permit to be granted to a person whose stay is necessary because of their participation in an investigation or a hearing of a criminal case (Article 59, paragraph 3). In the absence of a maximum period of leave from Sweden for residence permit holders, there is no formal policy implementing Article 59, paragraph 4, although it does appear to take action on an ad hoc basis in respect of those taken abroad for forced marriage.

245. GREVIO encourages the Swedish Migration Agency to continue the practice of recognising the particular hardship which the revocation of a residence permit may result in for foreign women abused by their sponsoring spouse or partner. GREVIO invites Sweden to assess the requirements that the violence be the "primary" cause of relationship breakdown and that the violence be "serious" and/or repetitive in nature in the context of actions which enable an abuser to control a woman and limit the likelihood of her leaving a violent situation for immigration reasons. Lastly, GREVIO urges the Swedish authorities to lift any exceptions set out in the Law on Temporary Restrictions to obtaining a Residence Permit in Sweden in as far as they limit women's right to a residence permit in accordance with Chapter 5, Section 3 of the Swedish Aliens Act.

B. Gender-based asylum claims (Article 60)

246. Sweden has long been a destination country for asylum-seekers. In 2015, Sweden received the highest number of asylum applications per capita in the European Union, a total of around 162 000. This number dropped significantly in subsequent years, with around 29 000 applications in 2016 and around 25 000 in 2017.

247. Responding to the sharp rise in asylum applications in 2015 has been challenging and GREVIO welcomes the extensive efforts made to accommodate such high numbers of asylum-seekers and to process their claims. The resulting pressure placed on the Swedish authorities and the Swedish Migration Agency culminated in a series of difficulties, particularly related to reception and accommodation centres as well as the quality of asylum decisions.¹⁰⁰

⁹⁷ Data provided by the Swedish authorities in Annex G to the state report show that 25 such permits were granted to migrant women in Sweden in 2016.

⁹⁸ In 2013, 71% of applications were granted on this ground compared to 40% in 2010. See Ministry of Justice, (2014) "Survey on the application of the exception rule – a mapping exercise", (2014:38), Table 2.2., p. 16, available at <http://www.regeringen.se/49bb5a/contentassets/f315597fbcea4f168b444b481bcda7b6/fortsatt-uppehallstillstand-vid-brusten-anknytning-pa-grund-av-vald-eller-allvarlig-krankning---en-kartlaggning-av-tillampningen-ds-201438>).

⁹⁹ Ibid, pp.30 and 34.

¹⁰⁰ See for example Women's Refugee Commission, March 2016, "Falling Through the Cracks: Refugee Women and Girls in Germany and Sweden", pp.6-8; and the report by the Council of Europe Commissioner for Human Rights following his visit to Sweden from 2-6 October 2017, paragraph 10. Civil society representatives confirmed this during the evaluation visit to Sweden.

1. Reception and accommodation

248. The difficulties in relation to reception facilities and accommodation of asylum-seekers result mainly from a large overall accommodation shortage. Despite the official recognition that a basic principle of accommodation for asylum-seekers is that of same-sex accommodation (i.e. single women are placed with other single women, men with men and families by themselves or together with other families), this was difficult to ensure in practice at all times. Young and/or vulnerable migrant women have reportedly been placed in accommodation with older men and many bathroom facilities are shared between men and women. This has led to (sexual) harassment of women and girls and there are indications of gender-based violence within the reception/accommodation centres¹⁰¹ with three women having been killed since 2015. Although many challenges around accommodation for asylum-seeking women and girls now have been recognised and addressed, there does not seem to be a formal policy in place to prevent mixed-sex accommodation. Rather, it appears to depend on the individual management of the relevant reception/accommodation centre. This is particularly the case where asylum-seekers are accommodated in privately run centres, of which there are many.

249. GREVIO welcomes, however, the introduction of a standard operating procedure by the Swedish Migration Agency, to identify particularly vulnerable asylum-seekers in reception facilities. The aim of this standard is to ensure that asylum-seekers who are victims of trafficking in human beings, torture, rape and sexual violence or victims of FGM are offered accommodation adapted to their individual needs and safety concerns. This may be in sheltered housing, a safe house or a women's shelter (in an emergency situation requiring the placement by the social services). This is an excellent example of creating an environment in which asylum-seeking women who have experienced gender-based violence can gain trust and confidence to tell their story and consequently recover. To what extent this is done in practice and how staff in reception facilities are trained to identify in particular victims of gender-based violence remains unclear.

250. There is no possibility of screening for particularly vulnerable asylum-seekers where they themselves opt for private accommodation (so-called EBO) which accounts for a large part of housing for asylum-seekers. Many asylum-seeking families choose to stay with extended relatives or members of their communities and it is in particular in the Stockholm region that many women and girls live in overcrowded private flats shared by several families, many of whom are under pressure in terms of their financial situation and residence status in Sweden. Accounts of domestic violence and other forms of gender-based violence have been reported, but access to support services is difficult as, unlike the situation in state-provided accommodation, there are no dedicated staff or social workers to provide relevant information and refer them to specialist services.

251. Many of the above issues that emerged following the influx of asylum-seekers in 2015 have been clearly identified through internal audits of the Swedish Migration Agency and measures have been taken in response. GREVIO welcomes the efforts that are being made and continuing to be made to ensure the safety and security especially of young women in mixed centres. Furthermore, GREVIO welcomes the Government's initiative tasking the Swedish Employment Agency, the Social Insurance Agency, the Migration Agency and the National Board of Health and Welfare to devise a joint plan for increased detection of victims of domestic violence and violence in the name of "honour".¹⁰²

252. However, GREVIO notes with concern that the above efforts might be offset by the (unintentional) humanitarian consequences of the 2016 amendments to the Reception of Asylum-Seekers and Others Act (hereafter LMA). These amendments set out that adult asylum-seekers without children are no longer entitled to accommodation, subsistence allowance and medical care once their asylum application is rejected and that they have to leave Sweden. Although intended to streamline the return of rejected asylum-seekers, it is creating hardship for those who, for various reasons, cannot be returned to their home country. Among the humanitarian consequences are

¹⁰¹ Ibid, Women's Refugee Commission, p.7, which refers to 37 sex offences in reception facilities officially reported to Swedish police between November 2015 and January 2016.

¹⁰² Government Decision S2018/03696/JÄM.

homelessness, food insecurity, medical emergencies and high levels of anxiety and stress. Such circumstances increase women's vulnerability to physical and sexual violence and heighten their risk of engaging in survival sex or prostitution.¹⁰³

253. GREVIO invites the Swedish authorities to pursue the normalisation of accommodation of asylum-seekers and to ensure that all women and girls are offered adequate and safe accommodation, preferably in a reception facility with separate accommodation for single women, including bathroom facilities. Moreover, GREVIO encourages the Swedish authorities to ensure that all women asylum-seekers, whether in reception facilities or private accommodation, receive information on specialist support services available to them in Sweden.

2. Gender as ground of asylum

254. The Swedish Aliens Act specifically mentions "gender" and "sexual orientation" as a ground for asylum (Chapter 4, Section 1) and thus requires any experience of gender-based violence to form part of the assessment of the asylum claim under the United Nations Refugee Convention ground "membership of a particular social group". Guidance exists for asylum case managers in the form of an internal manual, which is, however, currently under revision. This "Handbook on Migration Cases" recognises that other asylum grounds as listed in the 1951 United Nations Convention relating to the Status of Refugees may also be applicable, although asylum grounds such as "political opinion" are rarely applied.¹⁰⁴

255. GREVIO welcomes the explicit reference in the Aliens Act to ensure recognition of gender-based persecution as a ground for asylum and notes with appreciation the overall well-established practice of implementing this by case managers and courts. Some 26% of asylum applications granted to women are on the basis of gender-based persecution.¹⁰⁵

256. In terms of gender-sensitive procedures, applicants can request an interviewer and interpreter of the same gender and the Swedish Migration Agency does its best to accommodate such requests.¹⁰⁶ Some concerns were raised around the quality and professional ethics of some interpreters both at interview and in court. Interviews are no longer tape recorded which can result in difficulties challenging interview records. Moreover, the high caseload for case managers and time pressure in the procedure has meant women with traumatic experiences have had to tell their story in one interview, without being able to build trust in the system or the case manager.¹⁰⁷ Although women are, in principle, interviewed separately from their family members and efforts are made to inform them of the confidentiality rules to which case managers are subject, this does not always have the desired effect of ensuring women's trust in the procedure. GREVIO also notes that women in the asylum procedure are frequently unaware of just how relevant their experiences of gender-based violence and persecution are for their prospect of claiming asylum.

¹⁰³ The Swedish Red Cross has documented the hardship faced by men and women, including pregnant women, which the LMA is causing. Swedish Red Cross, (2016), Status Report 2016: "Consequences of the amendment to Sweden's Reception of Asylum-Seekers and Others Act", p.6. The Council of Europe Commissioner for Human Rights has also pointed to the humanitarian consequences of the LMA and has called for the need to ensure the human rights of rejected asylum-seekers. Report by the Commissioner for Human Rights of the Council of Europe following his visit to Sweden from 2-6 October 2017, paragraph 17.

¹⁰⁴ Information provided by civil society representatives and legal practitioners during the evaluation visit.

¹⁰⁵ Internal review of cases from a gender equality perspective conducted by the Swedish Migration Agency in 2016.

¹⁰⁶ AIDA Asylum Information Database, (2016), – "Country Information Report Sweden 2016", p.21, available at http://www.asylumineurope.org/sites/default/files/report-download/aida_se_2016update.pdf.

¹⁰⁷ In 2016 the Migration Agency reached its highest number of asylum decisions with a total of 111 979 first instance decisions taken of which 45 862 were granted permanent residence permits, 4 931 were granted 3 year permits and 14 504 were granted temporary permits.

257. This means that, in practice, women depend to quite some extent on their legal counsel to build a solid case. All asylum applicants have access to a lawyer unless i) subject to a procedure in accordance with the Dublin Regulation;¹⁰⁸ ii) there is an assumption that the person will be granted a residence permit; iii) they are subject to accelerated procedures (in which case appeal is out of country). Although the possibility of obtaining free legal counsel exists, the quality of legal representation and level of gender-sensitivity seem to vary significantly among the pool of legal counsel.¹⁰⁹

258. It has been suggested that improvements could be made to the consideration of gender issues in the country of origin information. For example, it may not always refer to gender-specific reasons for which women may not seek help from the authorities in their country of origin and may over stress the possibility of state protection on the basis of the existing legislative framework without any consideration for its implementation in practice.

259. In response, the Swedish Migration Agency published, in 2017, a legal position on the examination and assessment of persecution on the basis of gender with regard to women. GREVIO welcomes the fact that this guidance seeks to enhance the quality of asylum decisions by stressing the need to resort to updated country of origin information and an assessment of the future risk of gender-based persecution or other forms of persecution if the claim is rejected. This guidance seeks to address practices in need of improvement as identified by the 2016 internal review of cases from a gender equality perspective conducted by the Swedish Migration Agency.

260. GREVIO notes with appreciation that the mainstreaming of gender equality and gender equality analyses form an essential part of the Swedish Migration Agency's work. GREVIO welcomes the agency's overall desire to improve the quality of decisions in applications made by women and calls for adequate dissemination of and widespread training on the existing guidance, case law and manuals in this field.

261. In sum, GREVIO welcomes the inclusion of gender as a ground for asylum as well as the gender sensitive policies and practices adopted by the Swedish Migration Agency and is aware that these are currently under review with a view to further improvement.

262. With the purpose of furthering gender-sensitive asylum procedures, GREVIO encourages the Swedish authorities to ensure that the information relating to the asylum process, and the availability and importance of gender-sensitive procedures and women's rights is understood by women asylum-seekers and that their legal representation is of adequate quality.

¹⁰⁸ The European Union Dublin Regulation (Regulation No. 604/2013) sets out the procedure for rapid determination by the European Union (EU) member state responsible for an asylum claim and provides for the transfer of an asylum-seeker to that member state, usually the first EU member state entered.

¹⁰⁹ From information received during the evaluation visit it emerged that legal counsels did not maintain the principle of meeting with female clients separately from their male family members or of meeting with their clients at all before a hearing, and did not always spend adequate time on the case file. Although anecdotal in nature, this information might suggest a structural shortcoming in the way in which the right to free legal representation is ensured in practice.

Concluding remarks

263. Numerous legislative and policy measures adopted in Sweden over the past 40 years or more clearly demonstrate its commitment to preventing and combating violence against women. Innovative approaches have gained Sweden international recognition as a strong leader in this area, which this evaluation confirms in many regards.

264. Achieving full gender equality in law and in practice is a prominent policy goal of the Swedish Government. GREVIO welcomes the mainstreaming of gender equality considerations in all aspects of policy and governance and commends the Swedish Government for the strong message it sends nationally and internationally by referring to itself as feminist.

265. It is thus no surprise that this evaluation reveals many interesting examples of implementation of the Istanbul Convention, not least in the area of criminal law. Recent amendments to the offence of rape testify to Sweden's intention to break new ground. It is clearly the responsibility of the perpetrator of a sexual act to recognise its voluntary nature. It also introduces the concept of "negligent rape" in order to ensure criminal liability for perpetrators of sexual acts who ought to have been aware of the victim's lack of consent. The introduction of the offence of "gross violation of a woman's integrity" in 1998 was equally praiseworthy for its recognition of the gendered nature of domestic violence as much as its attempt to capture the continuum of domestic violence.

266. The high level of policy attention and the significant allocation of budgetary resources to NAPs, services and research make violence against women a dynamic policy area in Sweden. A high degree of commitment to evidence-based policy making contributes thereto, as a wide range of studies and research is commissioned regularly to improve and further develop the way in which the different sectors and stakeholders respond to violence against women.

267. Yet, some areas warrant more heightened political attention. These include the criminal justice sector, the swiftness and quality of criminal investigations as well as the level of convictions. They also include the disaffection of women who are or may be exposed to intersectional discrimination through procedures and responses offered by local authorities such as the social services, public health services or law enforcement agencies. The knowledge base of relevant professionals around the factors of vulnerability and other constraints and barriers that exist, for example, for Sami and Roma women, but also for women of migrant background, women substance abusers, and women in addiction needs to be increased in order to ensure a response tailored to their specific needs. The quality of interventions by local authorities and the availability of specialist services vary significantly. In addition, the level of specialist knowledge and training on the different manifestations of violence against women, their dynamics and impact on victims and the interlocking issues they may face are not uniform.

268. Moreover, the evaluation has shown a greater need to pool expertise by strengthening multi-agency co-operation across the boundaries of professions. Responses to individual cases, ranging from risk assessment to finding sheltered accommodation and ensuring children's continued access to education despite the disruption in their lives, can be enhanced if social services, law enforcement agencies and women's specialist services work hand in hand.

269. With the present report, GREVIO wishes to support the Swedish authorities in this endeavour and invites them to keep it regularly informed of developments as regards the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Swedish authorities.

270. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests that the national authorities translate this report into their official national language(s) and ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

1. GREVIO urges the Swedish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3 (paragraph 17).

II. Integrated policies and data collection

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

2. GREVIO strongly encourages the Swedish authorities to develop methods for multi-agency co-operation to ensure co-ordination and co-operation on individual cases of violence against women among all relevant actors, in particular local authorities (law enforcement agencies, social services, unemployment agencies) and the public health sector as well as the specialist support services for women victims of violence. GREVIO further encourages the Swedish authorities to ensure that any methods developed to this extent fully reflect the specific needs of women who are or might be exposed to intersectional discrimination, in particular women belonging to minority groups in Sweden, women in addiction and/or prostitution, and migrant women (paragraph 27).

B. Financial resources (Article 8)

3. GREVIO strongly encourages the Swedish authorities at all levels of government, in particular the local level, to step up measures that would assure easily accessible funding which is long term and sufficiently covers all relevant operational costs of domestic violence shelters and other women's NGOs which provide specialist services to women victims of violence. The aim should be to ensure that funding is available and accessible for all relevant services, including psychological counselling to women and children where necessary (paragraph 36).

C. Non-governmental organisations and civil society (Article 9)

4. GREVIO encourages the Swedish authorities to ensure that public funding allocation continues to strengthen the basic principles of equality between women and men, including women experiencing complex interlocking issues (paragraph 42).

D. Co-ordinating body (Article 10)

5. GREVIO strongly encourages the Swedish authorities to designate officially the Division for Gender Equality within the Ministry of Health and Social Affairs to serve as co-ordinating body within the meaning of Article 10 of the Istanbul Convention. GREVIO also strongly encourages the Swedish authorities to equip this division with clear mandates, powers and competences and to communicate these to all relevant entities (paragraph 45).

E. Data collection and research

1. Administrative data collection

6. GREVIO strongly encourages the Swedish authorities to develop data categories for use by the law enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim in order to document the nature of their relationship more specifically (paragraph 54).

7. GREVIO urges the Swedish authorities to conclude the ongoing work on introducing case management systems that would enable cases of violence against women to be tracked from reporting to indictment and beyond in relation to all criminal offences required by the convention. GREVIO further urges the authorities to use such data to analyse attrition rates, clarify underlying causes of attrition, follow trends in this area and use the findings to create evidence-based policies and/or make changes to legislation. In this manner, the well-established practice of the Swedish authorities to rely on sound evidence-based policy making would be confirmed and further strengthened (paragraph 55).

8. GREVIO strongly encourages the Swedish authorities to pursue its current efforts in ensuring the contribution of the primary health care sector to data recorded by the National Patient Register with a view to documenting contacts with the health care sector for reasons related to violence, disaggregated by sex, age and relationship of the perpetrator to the victim (paragraph 58).

9. GREVIO encourages the Swedish authorities to introduce a data collection system that would allow asylum claims on the basis of gender-related persecution and their outcomes to be recorded (paragraph 60).

2. Population-based surveys

10. GREVIO strongly encourages the Swedish authorities to conduct dedicated surveys on violence against women at regular intervals and to carry out a population-based survey to assess Sami women's exposure to sexual and domestic violence as a starting point for further policy measures (paragraph 68).

3. Research

11. GREVIO encourages the Swedish authorities to maintain the approach of evidence-based policy making with a view to ensuring the closure of any gaps and shortcomings of existing policies and measures as identified through the various government inquiries (paragraph 73).

III.Prevention

A. Awareness-raising (Article 13)

12. GREVIO encourages the Swedish authorities to ensure that awareness-raising activities are followed up by adequate responses on the part of law enforcement agencies. GREVIO also encourages the Swedish authorities to develop targeted campaigns on the harm caused to children who witness domestic violence and to incorporate the specific needs and realities of more marginalised groups of women such as women belonging to national minorities (for example, Sami and Roma) and women in addiction (paragraph 80).

B. Education (Article 14)

13. GREVIO encourages the Swedish authorities to review their central policy documents and materials, including school materials, in order to ensure that specific forms of violence against women and girls are addressed without stigmatisation of and discrimination against those women and girls exposed to them (paragraph 87).

C. Training of professionals (Article 15)

14. GREVIO strongly encourages the Swedish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all social service staff (paragraph 92).

15. GREVIO strongly encourages the Swedish authorities to ensure systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for members of the judiciary and the law enforcement agencies (paragraph 96).

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

16. GREVIO welcomes the emphasis placed on preventing recidivism by working with domestic violence perpetrators. It notes, however, the need to ensure more standardised approaches and strongly encourages the Swedish authorities at all levels of government, including at the local level, to work towards uniform standards which place the safety of, support for and the human rights of victims at the centre by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3 of the Istanbul Convention (paragraph 103).

E. Participation of the private sector and the media (Article 17)

17. GREVIO encourages the Swedish authorities to promote, with the media, the development and monitoring of the use of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women; and to pursue the dialogue initiated in response to the *#MeToo Campaign* with stakeholders of the private sector, the information and communication technology sector and the media to prevent and combat violence targeting women at work, in particular the sexual harassment of women (paragraph 111).

IV. Protection and support

A. General obligations (Article 18)

18. GREVIO strongly encourages the Swedish authorities to continue to pursue efforts in setting up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation. In particular, GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs in formal co-operation structures (paragraph 116).

C. General support services (Article 20)

19. GREVIO urges the Swedish authorities to step up efforts to enhance and formalise co-operation structures in relation to cases of all forms of violence against women within and across local authorities, government agencies and women's specialist support services (paragraph 125).

20. GREVIO strongly encourages the Swedish authorities to ensure, among local and regional authorities and social services, higher degrees of awareness and cultural sensitivity towards the specific situation of women from national minorities in Sweden who experience gender-based violence. The aim of such heightened awareness must be the provision of adequate support tailored to the cultural and traditional specificities in particular of Sami and Roma women in Sweden (paragraph 129).

21. GREVIO strongly encourages the Swedish authorities to address negative attitudes and stereotypes that stand in the way of adequate protection and support to victims of all forms of violence, irrespective of their characteristics and background (paragraph 132).

D. Specialist support services (Article 22)

22. GREVIO strongly encourages the Swedish authorities to take measures to ensure specialist support services with a gendered approach and targeted at creating change, including longer term psychological counselling and trauma care throughout the country (paragraph 137).

E. Shelters (Article 23)

23. GREVIO encourages the Swedish authorities to pursue their efforts to increase the quality and the capacity of domestic violence shelters, including by ensuring access to affordable housing for women exposed to violence and their children (paragraph 141).

G. Support services for victims of sexual violence (Article 25)

24. GREVIO strongly encourages the Swedish authorities to comply fully with Article 25 of the convention by ensuring sexual violence counselling services are available to all victims. It further encourages the Swedish authorities to amend the current recording system of the *Kvinnofridslinjen* to enable identification of all forms of violence covered by the Istanbul Convention (paragraph 145).

H. Protection and support for child witnesses (Article 26)

25. GREVIO is concerned at the situation of children who accompany their mothers to domestic violence shelters but recognises that remedies are being proposed. GREVIO urges the Swedish

authorities to swiftly implement the proposals made by the Committee of Inquiry on a strengthened “child rights perspective” in sheltered accommodation to ensure that the necessary support and counselling, including for post-traumatic stress disorder (PTSD), as well as continued access to education, can be provided to children residing in domestic violence shelters with their mothers (paragraph 149).

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

26. GREVIO strongly encourages the Swedish authorities to ensure through all available means that women victims of any of the forms of violence against women are aware of, and given the practical means to challenge and address, any wrong-doing by state actors (paragraph 156).

2. Compensation (Article 30)

27. GREVIO invites the Swedish authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim (paragraph 162).

3. Custody and visitation rights (Article 31)

28. GREVIO welcomes recent steps to ensure quality risk assessment by social services and courts in the context of decisions on child contact in domestic violence cases. GREVIO is nonetheless concerned that not all actors are fully aware of the possible negative impact on the safety and protection of abused women and their children, of decisions taken on child custody, residence and visitation rights. GREVIO therefore urges the Swedish authorities to ensure that in the determination of child custody decisions, the family law sections of social services and courts take all appropriate measures to ensure that such decisions do not jeopardise the safety of abused women and their children. In this context GREVIO stresses the need for more effective training and support to be provided to family law judges (paragraph 171).

B. Criminal law

1. Domestic violence

29. GREVIO encourages the Swedish authorities to ensure the effective application of the full range of criminal offences relevant to psychological violence employed by one intimate partner against the other, by, among other things, stepping up training efforts as well as human and financial resources among law enforcement agencies (paragraph 178).

3. Sexual violence and rape (Article 36)

30. GREVIO invites the Swedish authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1 c of the Istanbul Convention, which is not currently covered by the Swedish Criminal Code (paragraph 184).

4. Forced marriage (Article 37)

31. GREVIO encourages the Swedish authorities to pursue their efforts in finding solutions to the conflicting rights, responsibilities and responses in relation to children who are married when

arriving as asylum-seekers, with a view to preventing human rights violations such as domestic violence and harmful practices such as early or unwanted pregnancy (paragraph 190).

5. Aggravating circumstances (Article 46)

32. GREVIO encourages the Swedish authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary (paragraph 195).

VI. Investigation, prosecution, procedural law and protective measures

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law enforcement agencies

33. GREVIO urges the Swedish authorities, in particular the law enforcement authorities, to reinforce their investigative capabilities significantly to reduce the backlog of domestic violence and rape cases, and to take immediate measures to ensure a prompt and appropriate response by law enforcement agencies in all cases of violence against women, as required by Article 50, paragraph 1 of the Istanbul Convention (paragraph 204).

2. The role of the prosecution services and conviction rates

34. GREVIO encourages the Swedish authorities to swiftly identify and address any factors which contribute to attrition in rape cases as well as other cases of violence against women in order to increase the number of convictions (paragraph 213).

B. Risk assessment and risk management (Article 51)

35. GREVIO strongly encourages the Swedish authorities, for the purpose of effective risk and safety management, to ensure the widest possible use of standardised, evidence-based risk assessment tools by local authorities and social services, to assess and manage the individual level of risk a domestic violence victim may be in. GREVIO also strongly encourages that this be done in co-operation with all relevant authorities to ensure the effective protection by a multi-agency network of professionals. To this extent, GREVIO welcomes the recent initiative to provide municipalities and county councils/regions with methodological support for systematic risk assessment with regard to violence against women and domestic violence (paragraph 217)¹¹⁰.

C. Emergency barring and protection orders (Articles 52 and 53)

36. GREVIO urges the Swedish authorities to revamp its system of protection orders and equip the competent authority with the power to specifically expel a perpetrator of domestic violence from the joint residence that he shares with the victim in situations of immediate danger and as an emergency safety measure and for this expulsion to remain in force for an appropriate length of time to allow the victim to feel safe and to take other measures to ensure safety. Moreover, GREVIO strongly encourages the Swedish authorities to end the practice of allowing for exceptions to prohibitions on contact (paragraph 229).

¹¹⁰ Government decision S2018/03516/JÄM.

D. Victim support in legal proceedings (Article 55 paragraph 2)

37. GREVIO encourages the Swedish authorities to maintain their efforts in ensuring that all victims of violent crime and sexual violence are given access to victim support lawyers early into the investigation stage (paragraph 233).

E. Legal aid (Article 57)

38. GREVIO encourages the Swedish authorities to take measures to ensure free legal aid of sufficient quality in all areas related to the Istanbul Convention (paragraph 236).

VII. Migration and asylum

A. Migration (Article 59)

39. GREVIO encourages the Swedish Migration Agency to continue the practice of recognising the particular hardship which the revocation of a residence permit may result in for foreign women abused by their sponsoring spouse or partner. GREVIO invites Sweden to assess the requirements that the violence be the “primary” cause of relationship breakdown and that the violence be “serious” and/or repetitive in nature in the context of actions which enable an abuser to control a woman and limit the likelihood of her leaving a violent situation for immigration reasons. Lastly, GREVIO urges the Swedish authorities to lift any exceptions set out in the Law on Temporary Restrictions to obtaining a Residence Permit in Sweden in as far as they limit women’s right to a residence permit in accordance with Chapter 5, Section 3 of the Swedish Aliens Act (paragraph 245).

B. Gender-based asylum claims (Article 60)

1. Reception and accommodation

40. GREVIO invites the Swedish authorities to pursue the normalisation of accommodation of asylum-seekers and to ensure that all women and girls are offered adequate and safe accommodation, preferably in a reception facility with separate accommodation for single women, including bathroom facilities. Moreover, GREVIO encourages the Swedish authorities to ensure that all women asylum-seekers, whether in reception facilities or private accommodation, receive information on specialist support services available to them in Sweden (paragraph 253).

2. Gender as ground of asylum

41. With the purpose of furthering gender-sensitive asylum procedures, GREVIO encourages the Swedish authorities to ensure that the information relating to the asylum process, and the availability and importance of gender-sensitive procedures and women’s rights is understood by women asylum-seekers and that their legal representation is of adequate quality (paragraph 262).

Appendix II

List of representatives of Sweden present at the state dialogue with GREVIO

- H.E. Ms Pernilla Baralt, State Secretary of the Minister for Children, the Elderly and Gender Equality, Ministry of Health and Social Affairs
- Mr Mattias Larsson, Director, Division for Criminal Law, Ministry of Justice
- Ms Lena Mirow, Deputy Director, Division for Gender Equality, Ministry of Health and Social Affairs, (Delegation co-ordinator)
- Mr Ola Florin, Desk Officer, Division for Gender Equality, Ministry of Health and Social Affairs
- Mr Christopher Carlson, Desk Officer, Division for Families and Social Services, Ministry of Health and Social Affairs
- Ms Karin Flarup, Deputy to the Permanent Representative, Permanent Representation of Sweden to the Council of Europe
- Ms Marianne Ny, Director of Public Prosecution, Swedish Prosecution Authority

Appendix III

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities and public bodies

- Ministry of Health and Social Affairs
- Ministry of Justice
- Ministry of Education and Research
- Ministry of Employment
- Ministry of Culture
- National Board of Health and Welfare
- Swedish Gender Equality Agency
- Swedish Prosecution Authority
- Swedish National Council for Crime Prevention
- Swedish Police
- Swedish Migration Agency
- Swedish Work Environment Authority
- Swedish Press and Broadcasting Authority
- County Administrative Board of Östergötland
- Prison Hall (Domestic Violence Perpetrator Programme)
- Stockholm County Council Origo - Centre for youth affected by honour-related violence and oppression
- National Centre for Knowledge on Men's Violence Against Women
- Anti-Violence Centre Södertälje
- Equality Ombudsman (DO)
- Centre for Andrology, Sexual and Transgender Medicine (ANOVA)

Non-governmental organisations

- Amnesty International, Swedish section
- UNIZON
- FATTA
- Somaya
- Women's Organisations Committee on Alcohol and Drug Issue (WOCAD)
- National Association against Honour-related Violence (GAPF)
- Varken Hora Eller Kuvad (VHEK)
- The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL)
- National Federation of International Immigrant Women Associations (Riffi)
- FARR – Swedish Network of Asylum and Refugee Support Groups
- Swedish Refugee Advice Centre
- Caritas Sweden

Civil society organisations and other organisations

- UNHCR Regional Representation for Northern Europe
- Joakim Lundqvist, Attorney at law
- Monica Burman, Professor in law, Umeå University
- Margaretha Uttjek, Associate professor, Department of Social Work, Umeå University

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.