



Scandinavian Research Council for Criminology
Nordisk Samarbejdsråd for Kriminologi

THE POSITION OF VICTIMS OF CRIME IN THE NORDIC COUNTRIES

NSfK's 25th Contact Seminar
Helsinki 7. – 8.12.2011

The report is a collection of papers and presentations from NSfK's Contact seminar "*The position of victims of crime in the nordic countries*", held in Hanasaari in Helsinki, Finland, December 7-8 2011

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The position of victims of crime in the Nordic countries

NSfK Contact Seminar, 7-8 December 2011, Espoo, Finland

Scandinavian Research Council for Criminology together with the Finnish Ministry of Justice, National Research Institute of Legal Policy and the Victim Support Finland organised a contact seminar on the position of crime victims in the Nordic countries. The seminar took place 7-8 December 2011 in Espoo, Finland.

The aim of the seminar was to gather a group of researchers and practitioners to discuss the recent developments concerning victims' rights and position in different Nordic countries, both in legal and practical terms. The invited experts from each Nordic country were asked to share and reflect their experiences and knowledge. There were 20 participants representing research, victim support organisations, ministries and national authorities on the field.

The programme and discussions based on the presentations of the participants. With special interest were issues like victim policies in the Nordic countries, victim perspective in the criminal process, resources and funding of victim support organisations, research done and needed, and other current national and international issues - even the future co-operation between the Nordic countries.

Programme

Wednesday 7 December 2011

12.00 – 13.00 Lunch

13.00 – 13.20 Petra Kjällman: Welcome and opening of the seminar

Session 1: The rise of the crime victim in the EU and Nordic countries
(chair: Petra Kjällman)

13.20 – 13.50 Henrik Tham: Research account on the rise of the crime victim

13.50 – 14.20 Anna Wergens: The development of international victims' rights' instruments

14.20 – 14.40 Mervi Sarimo: Proposal for an EU Directive establishing minimum standards on the rights, support and protection of victims of crime

14.40 – 15.00 Discussion

15.00 – 15.30 Coffee

Session 2: Developments and good practices in supporting victims
(chair: Päivi Honkatukia)

15.30 – 16.00 Janne Svärd: The Danish victim support: organization, relation to the police, and future financing

16.00 – 16.30 Sigbrúður Guðmundsdóttir: Victim services in Iceland

16.30 – 17.00 Anna Sigfridsson: The Crime Victim Fund - funding for victim projects

17.00 – 17.30 Mia Tuominen: Piloting MARAK - Multi Agency Risk Assessment in Partnership Violence

17.30 – 18.00 Discussion

18.30 – 21.00 Dinner

Thursday 8 December 2011

Session 3: Procedural justice from the crime victims' point of view (chair: Mervi Sarimo)

- 9.00 – 9.20 Brita Mellin-Olsen: The effect of UtØya on victim policy in Norway
- 9.20 – 9.40 Päivi Honkatukia: Finnish research on victims in the criminal process
- 9.40 – 10.00 Sigríður Hjaltested: Victim perspective in court proceedings
- 10.00 – 10.40 Discussion
- 10.40 – 11.00 Coffee

Session 4: Diverse victim's different needs (chair: Mirka Smolej)

- 11.00 – 11.20 Hildigunnur Olafsdottir: Research on services for women suffering intimate partner violence. What is being done?
- 11.20 – 11.40 Ole Kristian Hjemdal: Diversity of the consequences of traumatic experiences
- 11.40 – 12.00 Anita Heber: Criminal men as victims?
- 12.00 – 12.30 Discussion
- 12.30 – 13.00 What kind of Nordic co-operation is needed in crime victim issues?
Discussion with a cup of coffee in groups
 - 1) victims support and other professionals encountering victims: Svärd, Raedkar, Gudmundsdottir, Sigfridsson, Larsson, Kjällman
 - 2) researchers: Stefansdottir, Olafsdottir, Hjemdal, Wergens, Tham, Heber, Honkatukia, Kainulainen
 - 3) representatives of ministries: Knotten, Mellin Olsen, Sarimo, Smolej, Kankainen
- 13.00 – 13.30 Round-up of the themes discussed in working groups, and conclusions (chair: Mervi Sarimo)

Petra Kjällman

Welcome speech

You are warmly welcomed to Hanasaari

It is great to have so much expertise of crime victims issues, interest in increasing victims' rights and the position of victims of crime in the Nordic countries gathered to this first expert meeting of a kind

How come this expert meeting is held?

Few words of the history

- About 15 years ago workers, some 20 – 30 persons, from victim support organizations in Sweden, Norway, Denmark and Island met in a seminar in Stockholm
- Seminar was organized by Brottsofferjouren and funded by the Council of Nordic ministry

Aims of that first seminar were

- to examine victims situation in Nordic countries
- to examine possibility of starting to co-operate between victim support services
- there was need of support to each other in developing victim support services and to improve crime victims circumstances

As a result of the first seminar

- we started co-operation between victim support services in Sweden, Denmark, Norway and Finland
- during years
- we have met and supported each other in yearly meetings and co-operated projects
- we have shared experiences and good practices
- we have held two more Nordic seminars, one in Sweden and one in Finland
- now and then we have shared frustration to the slow development and lack of resources
- is this expert meeting

Few words of the Nordic Victim Supports work

- Same aim – different ways
- Island, Norway, Sweden, Denmark, Finland

- Professionals and volunteers
- NGO:s and state
- Lack of sufficient financial resources
- Need of wider recognition
- Co-operation with Victim Support Europe

What are we here for – aims of this meeting

- Is wider co-operation, not only the workers in victim support organizations, but as well researchers, judges, prosecutors, police etc.
- Our main purpose during these two days is to push forward discussion of victims policy in our countries
- Our possibility is to share information and maybe to start something new in influencing for example confirmation of the new victim directive as strong as the proposal is

The Rise of the Crime Victim as a Public Issue in Sweden and Scandinavia¹

The aim of crime victim policy should be how to improve the situation of crime victims, present and future ones, with due consideration taken to other interests like those of the state and the perpetrator. The importance of a history of the rise and development of the crime victim as a public issue therefore partly lies in analyzing the motives and the interests that have inspired the rise, including the general political context in which the development has taken place. Depending on this background it will become easier to see what changes in crime policy that can be undertaken and which policy recommendations that will meet with resistance.

The rise of the crime victim as a public issue

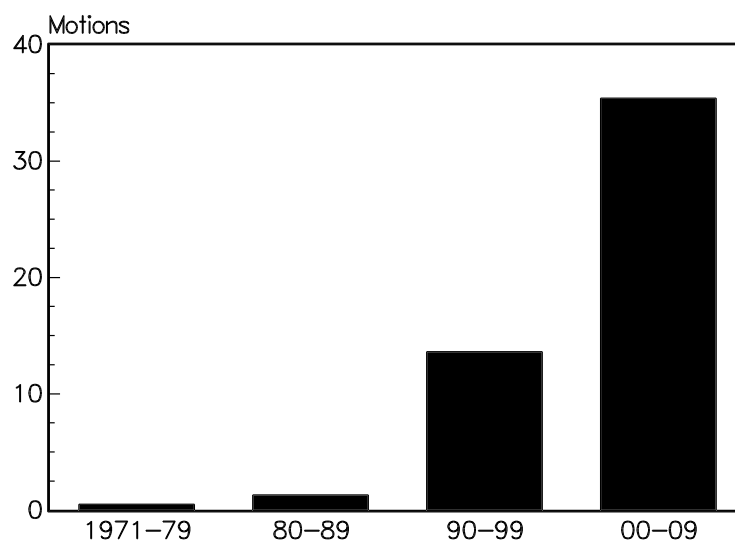


Figure 1. Private members bills on crime victims handled by the Swedish Parliamentary Standing Committee on Justice Issues 1971-2009. Average number per year for each of four decades.

The rise of the crime victim as a public issue in Sweden during the past decades can be illustrated in different ways. Figure 1 shows the development of private members' bills relating to crime victims in the parliament. Prior to 1970, the crime victim did

¹ The presentation is based on a longer article by Henrik Tham in collaboration with Anita Rönneling and Lise-Lotte Rytterbro, "The emergence of the crime victim: Sweden in a Scandinavian context", in Michael Tonry & Tapio Lappi-Seppälä (eds.), *Crime and Justice in Scandinavia*. Crime and Justice. A Review of Research, Vol. 40. Chicago: The University of Chicago Press, 2011. The reader is referred to this article for sources and references.

not exist in Sweden. The label itself, in the form of a new compound noun, "brottsoffer", appeared in Swedish for the first time this year.

In 1994, the Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) was formed. The agency replaced the existing Criminal Injuries Board but was given a much broader remit, being that of actively promoting the perspective of the crime victim.

There has also been a marked development of a large number of voluntary organizations in this area. The first voluntary victim support center was formed in 1984 and the Swedish Association for Victim Support followed in 1988. Twenty years later there are over 100 victim support centers in Sweden. The Swedish Association for Victim Support also publishes the journal *Brottsoffer* [Crime victims].

Since around 1980, a large number of laws and ordinances have been passed or extended that focus directly on the safety and rights of the crime victim. Two types of legislation can be distinguished. The first type involves legislation that is primarily focused on crime victims in general. However, the increased focus of crime policy on the victims of crime has come increasingly to express itself in legislation intended to provide protection for specific groups, particularly women and children. These two types of legislation should be distinguished from one another for analytical purposes. The following presentation illustrates the evolution of crime victim legislation over three decades.

Tableau 1. Crime victim legislation in Sweden 1978-2009

<u>General</u>	<u>Specific groups</u>
1978, The Criminal Injuries Act	1979, Corporal punishment of children
1981, All assaults publ. prosecution	1984, Rape provisions extended
1988, Damages claims in court	1992, Rape provisions extended
1988, Injured party counsel	1994, Racial agitation
1988, Restraining orders	1998, Rape provisions extended
1988, Victim's right to information	1998, Gross violation of a woman's integrity
1988, Violation compensation	1998, Female circumcision
1991, Protected addresses etc.	1998, Purchase of sexual services
1994, Support person	1998, Soc. Service's responsibility
1994, Crime Victim Authority	1999, Spec. advocates for children
2001, Support for crime victims	2000, Special advocates for children
2003, Restraining orders expanded	2001, Reporting assault against children
	2002, Trafficking for sexual purposes
	2005, Rape of a child
	2005, Rape provisions extended
	2006, Discrimination of school children
	2006, Children who witness violence
	2007 Soc. Service's responsibility extended
	2008, Children who have died
	2009, Adults' contacts with children for sex

The state as responsible for the crime victim

Given the rise of the crime victim as a public issue the presentation of the issue can vary. It may involve manifestations of what is viewed as constituting a typical crime victim, of the values that are violated when someone is exposed to crime, of the needs of the crime victim, and of who is responsible for satisfying these needs.

In Sweden there is a broad political and public consensus over the crime victim. All the political parties and the Royalities have engaged themselves in the issue. The crime victim is seen as homogenous in the sense that the typical victim is a victim of violence or other crimes against the person. At the center of the discourse on victims of violence is the woman – or the child – being abused by a man. The damages are also pictured as in the typical case as being substantial involving both physical and psychological injuries.

It is also clearly expressed in Swedish politics that the state is responsible for the crime victim. This might seem self-evident in Scandinavia but is disputed in for instance the United States. It could also be seen to be against the prevailing neo-liberal ideology where the citizen is left to her- or himself to provide for personal security.

The emergence of the crime victim in politics and public discourse is an overall positive development but its' possible risks should be analyzed. The active engagement by the state in the crime victim has led to a marked increase in penal legislation. The expansion of legislation concerning the crime victim in general, as was shown in tableau 1, concerns administrative law stressing the victim's right to information, support counsel and criminal injuries compensation. The legislation in relation to specific groups, however, mostly has taken the form of penal legislation. And the expansion of such legislation always carries costs and should be considered very carefully.

The state has also expanded penal legislation into what was earlier considered to be "victimless crimes". Typical examples are in the area of using drugs and the purchase of sexual services. This new type of legislation is partly justified by the presentation of a new crime victim. Former victimless crimes are now seen as being a threat to "society", "democracy" or "the general sense of justice". The criminalization of this type of behaviors also promotes increased state powers into the area of "organized crime" – a type of crime that is particularly obscure and well suited for political ambitions.

The crime victim in Sweden in a Scandinavian context

Legislation concerning crimes of violence and sex offences has expanded in all of the four largest Scandinavian countries. They also have state compensation for criminal injuries, support counsels in court and NGOs working with victims of crime. At the same time Sweden seems to have taken a lead in crime victim policy and public discourse.

A comparison of criminal injuries compensation in Denmark and Sweden shows a sharp increase in applications in Sweden and a stable level in Denmark – a difference that cannot be explained by differences in the development of crimes of violence. Another difference is that while almost all applications in Sweden include demands

for compensation for violation of integrity only one tenth does so in Denmark. The figures are similar for accepted applications.

A similarity to the different concerns for violation of integrity can be found when comparing crimes of defamation in the four Scandinavian countries (figure 2).

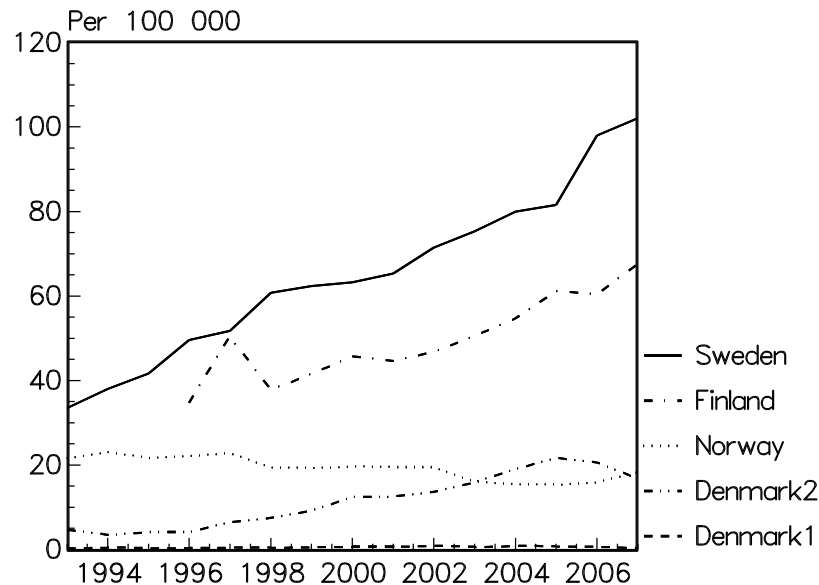


Figure 2. Defamation offences reported to the police between the 1990s and 2007 in Denmark, Finland, Norway and Sweden. Per 100,000 of the population.

The difference between the Scandinavian countries is palpable. The increase in Sweden constitutes a doubling over the course of one and a half decades. In Finland too, the increase is marked and is of a similar size to that in Sweden. The level of reported cases of defamation is more than twice as high in Sweden however. The trend in Norway declines gently over the course of the period – and defamation was decriminalized in 2009. Finally, the general type of defamation between citizens, “Denmark 1”, is hardly visible in the figure. Here the actual number of reported offences varies between 12 and 44 – as compared with over 9,000 in Sweden. (“Denmark 2” shows a special type of defamation, “insulting a public authority”, and primarily concerns the police).

The possibly most serious type of violation of integrity is rape. Also here there are clear differences in that Sweden stands out as a special case. This is shown in figure 3.

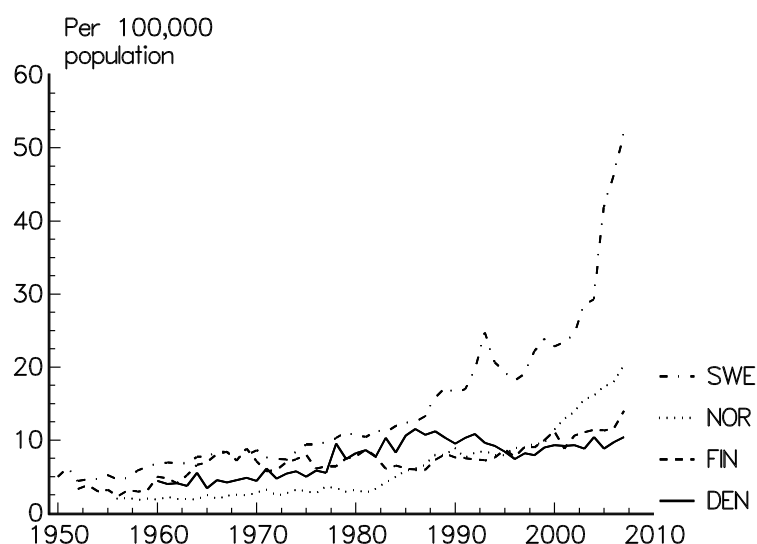


Figure 3. Rape offences reported to the police in Denmark (1960-2007), Finland (1952-2007), Norway (1956-2007) and Sweden, (1950-2007). Per 100,000 inhabitants.

Figure 3 shows the trend in rapes reported to the police in Scandinavia. In all four countries, there has been an increase in the level of rape registered by the police since the 1950s. The trend in Sweden stands out, however, in that the country has by far the highest level of offences reported to the police since the end of the 1980s. The increase is also very marked. An alternative interpretation, which focuses exclusively on the rate of increase, shows that the strongest trend is to be found in Norway which is due, however, to the low starting point.

It is difficult to find an explanation based on some real difference in acts of rape in the Scandinavian countries. As regards Sweden, reasonable partial explanations for the trend can be found in statistical routines and legislative changes and in reporting propensities. The interpretation of the police statistics on the basis of a crime victim perspective would be that the rape issue has been promoted strongly in Sweden and Norway, while it has been given a relatively less prominent position in Denmark and Finland.

A comparison of crime victim policy in the Scandinavian countries points to Sweden as being the most active among them even though it is a question of differences in degree rather than differences in kind. It should be stressed that the comparison does not necessarily say anything about the existence of differences in the situation of the crime victim in the different countries in concrete terms. The analysis does, however, lead up to the question why the crime victim discourse is particularly strong in Sweden.

Explanations for the powerful emergence of the crime victim in Sweden

The emergence of the crime victim as a public issue in Sweden over recent decades follows the general trend witnessed in Western Europe and the Anglo-American countries. The explanations for the overall emergence of this issue ought therefore also to be similar. A number of different explanations for the emergence of the crime victim as a public issue have been put forward. A first answer to this question would

be to say what does *not* constitute an answer. The usual answer from politicians and the media is that crime has increased and become more serious. It is very clear that crime levels have increased dramatically in Western Europe and the Anglo-American countries since the end of the Second World War. The increase in crime as an explanation for the emergence of the crime victim cannot account for the trend over the most recent decades, however, since crime levels have stagnated or even declined during this period. The possibility should, however, not be dismissed that the earlier increase in crime may have created fear and with it a hotbed for the emergence of the crime victim, which did not disappear simply because the crime level then became more stable.

An explanation put forward is that the crime victim fills a role that has otherwise disappeared in modern society. The crime victim movement is a replacement for the religion of former times in a secularized world. Society is an amalgamation based on a group of people agreeing on certain central values. It is then through the maintenance of these values, first and foremost by means of a powerful response against those who act in breach of fundamental norms, that the collective consciousness is confirmed and strengthened. In modern society, victimization becomes one possible means of identifying with others and of reestablishing a lost consensus.

The view of violence as increasingly problematic can also be interpreted from the perspective of a process of civilization. Historically, violence has been viewed as increasingly unacceptable. One parallel to the civilization process in a more short-term perspective is found in the development of human rights. Since the Second World War, this perspective has been emphasized by the UN. Originally, human rights related to the vertical relation between state and citizen, whereas the issue of the crime victim related to the horizontal relation between citizens. The two areas and perspectives have undergone a unification in the UN declaration from 1985. The rights of crime victims are increasingly been discussed in terms of civil rights. A parallel development and where the crime victim discourse fits well is that of the politics of regret with its stress on reparative policies and restorative justice

Today's society is perceived by many scholars as being characterized by risk and insecurity. In combination with the trend towards increased individualization and multiculturalism, there arises a need to confirm one's own identity. The increased insecurity has also been followed by a tendency towards defining deviance up and reformulating problems as antisocial behavior that should be dealt with by means of the criminal law. Individuals left to their own devices in a time of uncertainty may be expected more than otherwise to perceive offences against them as an attack on their very identity, which should be reported to the police and which require a conviction in order to be redressed.

In addition to the general explanations there might be causes special to the Scandinavian countries. They have been identified as being particularly strong examples of welfare states. This may conceivably have affected the discourse on the crime victim in different ways. One criminologist describes crime victim compensation as "the last brick in the welfare state wall". One of the fundamental ideas on which the welfare state is based is that of providing help to those who through no fault of their own have been subjected to financial or other injury. A commitment to the cause of the crime victim may thus be viewed as a logical consequence of the commitment to welfare state principles. Criticisms of the crime

victim movement for creating "a nation of victims", which have emerged from the U.S.A., have also in turn been criticized for constituting an attack on these welfare state commitments.

One possible additional characteristic of Scandinavia that may conceivably have an impact on the issue of the crime victim is found in gender equality policy. In a comparative perspective, the Scandinavian countries are characterized by relatively high levels of sexual equality. In the political struggle for sexual equality, the issue of men's violence against women has played a central role as an indicator of a lack of equality or of women being subordinate to men. As has been shown above, men's violence against women also plays a central role in the crime victim discourse. A further example can be the criminalization, totally or partly, of purchase of sexual services in all the Scandinavian countries except for in Denmark.

At the same time as the Scandinavian countries are all characterized by an expansion in the position occupied by the crime victim as a public issue over recent times, the above analysis also indicated the presence of differences. Sweden stands out as being the country where the question has been given a particularly high policy priority. Possible explanations of Sweden's special position in the area of the crime victim may be sought in developments in the areas of economics and politics.

Sweden was, even among the Scandinavian countries, the welfare state par excellence. Welfare state-based explanations for the policy position of the crime victim may therefore be viewed as being particularly relevant for Sweden. On the other hand, the dismantling of the welfare state, ideologically and economically, could conceivably have very powerful repercussions in Sweden, which may also have an impact on the crime victim discourse. A proud country has witnessed the disappearance of the industrial sector, rising unemployment and increased income inequalities. Job security, both financially and in terms of status, has for many been replaced by temporary and unqualified work in the service sector. The need for acknowledgement and of having one's identity confirmed becomes particularly strong and the perception of being violated becomes increasingly powerful.

With less room for social engineering politicians could turn to moral engineering. Still wanting to demonstrate activity in the field of social reform and concern for the people the crime victim could offer such an opportunity. Legislating wouldn't be too costly and would also have a symbolic value. The particularly strong belief in the state in Sweden, also demonstrated in the sharply increasing tendency to bring cases of defamation to the police for solution, made the crime victim a suitable object for politics.

Finally, the crime victim issue in Sweden has, as mentioned, a strong focus on men's violence against women – and possibly stronger than in the other Scandinavian countries. Sweden has also the strongest gender equality policy in Scandinavia. Political parties compete to promote gender equality. This is also true in Norway that together with Sweden, as shown above, has the strongest increase in rapes reported to the police. General gender policy seems to have a strong influence on crime victim policy.

Conclusions

The development of the crime victim as a political issue in Sweden should be seen as involving a rational and reasonable effort to improve the situation of people who have

been exposed to crime, and particularly of women who have been subjected to violence. The evolution of the crime victim in the egalitarian and collectively orientated Swedish welfare state continues the tradition of a policy of care and social justice. NGOs and social movements have focused on the situation of the crime victim and both parliament and the government have become highly engaged in the issue.

The explanations to the rise of the crime victim in politics and public discourse in Sweden cannot, however, be explained by just referring to the rise of a rational policy. The rapid emergence and the seemingly stronger development than in the other Scandinavian countries call for further explanations. It must also be understood against the background of economic, ideological and political changes. The crime victim serves a range of political and other interests and has acquired a potent symbolic function which also appears to have become more powerful in Sweden than in other similar countries.

The development of victims' rights instruments

This presentation will start with a background to the development of victims' rights. After a brief description of how these rights can be defined, I have chosen to focus at three dimensions which may be placed on this topic. These are dimensions which have played a role in the development of victims' rights; the human rights dimension, the issue of vulnerable victims and the legal standing of the victims' rights standards. Finally I will say a few words about the impact of the victims' rights instruments and come up with some questions connected to the topic.

The crime victim is no longer the forgotten person in the judicial system. In the last decades, great attention has been given to issues concerned with the protection of victims. One way in which the crime victim has entered the stage is through the development of victims' rights in international law.

In 1998, when I started to work with crime victims at the international level, a study was conducted, which included a questionnaire dealing with victims' rights, distributed to officials at the ministries of justice in the European Union. At that time, the questions provoked surprise and even some suspicion. Given the great upsurge of victims' rights instruments in recent years, this would not be the case today. From a legal as well as from a victimological perspective, the international norms on victims' rights are very much in focus

Today it is possible to speak about victims' rights as a separate area of international law. Victims' rights are the objects of discussions at the UN Congress on Crime Prevention and Criminal Justice and publications have been issued with compilations of victims' rights. (International Victims Rights Instruments, 2008). Crime victims has become a separate part of the European Union policies in the field of justice. The Fundamental Rights Agency devotes a chapter of its annual report to the issue of crime victims and the Lisbon Treaty provides a basis for enacting legislation on victims' rights. (Annual report, 2010) These are only some of many examples of how this topic has gained prominence. At this seminar victims of domestic violence are in focus but one should also note the expansion of victims' rights instruments in the field of international criminal law and human rights law and humanitarian law. The attention given to crime victims does not however, inevitably lead to a situation where crime victims are accorded with rights. Instead of adopting a rights-based approach, some prefer to stress various ways to provide support to victims and to meet the needs of victims.

The background

First it has to be established that there are a great number of reasons which may explain the development of victims' rights. Many of these are closely interwoven. The many elements which propelled the development of victims' rights in society must be

seen together with the justifications provided in the victims' rights instruments. In view of this, a rather complex picture emerges and it is, in my view, difficult to point out any of these components as being more important than the others.

"The rebirth of the victim"

A primary observation linked to the development of victims' rights is that crime is no longer seen solely as a wrong-doing against the state but just as much directed against the individual. The victim has emerged as a third party in the criminal process. When it is argued that the victim is an actor in his own right and that the victim's role in the criminal justice process should be recognised as equal to that of the accused, it is also natural to promote rights of victims. (Victims in Europe, 2009)

When speaking about the background of victims rights, it not possible to bypass the rising crime rates which served as an incentive to the development of standards for victims. Just as important has the general decline of confidence in the criminal justice system been. (Communication from the Commission, 2011). When politicians are burdened with problems on how to regain trust in the judicial system, crime victims have served their purposes well.

The movement of reparative justice has had a bearing on the development of victims' rights. In this context, the concept is referred to not merely in the sense of restorative justice but more as the general trend in international law which recognises the right of victims to compensation, a trend which corresponds to the view on crime as directed against the victim. (van Boven, 2009)

Victimology

While victimological research in the first years focused on the interaction between victim and offender, subsequently victimologists began to address the consequences of crime and later also the experiences of victims in the criminal justice process, through studies like for example the International Crime Victim Survey (ICVS). The role of the crime victim in the criminal justice system has become an important branch of victimological research focused on the phenomenon known as secondary victimisation and on victims' rights. (Kirchhoff, 2010). The development of standards related to the position of crime victims in the legal process can be seen as an integration of victimological thinking in legal science.

The victim movement

The forces which have promoted victims' rights and which have formed the victim movement have represented very different groups; the women's movement, the conservative wing, various representatives of immigrants, groups promoting sexual equality and victims of terrorism. Although the support given to protection of victims in many layers of society may have facilitated the emergence of victims' rights, it has also generated a number of intricate issues related to the vulnerability of different victim groups.

In some respects, the attention to victims in the European Union has followed the success of the victim movement. Since 1990, a European network for non-governmental organisations for victims; Victim Support Europe has existed. For a number of years now, Victim Support Europe has forcefully lobbied the European Commission and an important part of this lobbying has been concerned with the

promotion of victims' rights. Victims support organisations have been involved in a number of projects related to the implementation of victims' rights. (Victims in Europe, 2009, Child victims in the Union 2010) This has resulted in regular connections with the European Commission and a stronger recognition of crime victims in a European Union context.

The victims' rights have developed in an interaction between victimology and the victim movement. Victimological findings have been used by the victim movement to promote rights for victims and victimologists have been active in advocating the rights of victims.

Crime victims in the European Union

The development of victims' rights in the European Union has its specific context. Although for a long time, victims were clearly outside the ambit of the EU policies and its competence, the free movement in combination with the launch of an area of security, justice and freedom in the Amsterdam treaty, which brought fundamental rights to the fore, compelled the European Commission to address the situation of victims in the Union.

The basis of the first initiatives concerning crime victims in the EU was the cross-border dimension and the issue of non-discrimination. This became explicit in the Cowan case which was about an English tourist in Paris who, after he was robbed in the metro, claimed for compensation according to the French law on compensation. (Cowan v Tresor Public, 1989) His application was turned down because the eligibility requirements of the French scheme for state compensation were based on nationality. This case was important in establishing that excluding non-nationals from the right to compensation constituted illegal discrimination and obstruction of the free movement of persons and services.

The real starting point for action at the EU level came in 1999 at the European Council which set out directions for future victim policies and which agreed that minimum standards were needed for the protection of victims of crime, in particular on access to justice and compensation for damages. (Tampere conclusions, 1999)

The fundamental rights of victims

A fundamental issue is which rights victims have been accorded with in the international protocols. As the number of international instruments has increased, so have the number of rights. It is fitting to start with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (the so called Victim Declaration) which has served as a model for many other international standards. (Declaration of Basic Principles, 1985) The Declaration proclaims ten rights: that victims must be treated with compassion and respect, that victims have a right to information on the proceedings, victims' right to present views and concerns, the right to free legal aid, protection of victims privacy, a right to protection against retaliation and intimidation, the right of recourse to informal mechanisms for the resolution of disputes the right to restitution from offenders or third parties, the right to compensation from the state in case of violent crime and finally, the right to be provided with proper assistance.

One way to identify the most fundamental of the victims' rights is to study which of the ten rights in the Victim Declaration that reappear in other instruments on crime

victims. (van Dijk, 2005) Another alternative to extract the core rights of victims is to study what victimologists have identified as essential among the many claims for rights. Based on these presumptions, I believe that it is possible to boil down the alleged rights laid down in general and specific instruments, to the right to respect and recognition, the right to protection, the right to receive compensation from the offender, the right to have access to justice and the right to support.

It may be argued that information, legal aid or possibly training for professionals dealing with crime victims should also be on this list. Then one has to consider however, that victims' rights trace their origin in the human rights and the fact that victims' rights, like other international human rights, become more and more specific. The claim above is accordingly based on the presumption that many of the more specific victims' rights may be subsumed under these broad and far-reaching umbrella rights.

The human rights dimension

The issue of crime victims is increasingly referred to "as a matter of human rights" and this means that victims' rights are discussed in terms of human rights. One of the most obvious examples of this tendency is from Council of Europe Recommendation on assistance to victims where states are called upon to "recognise the rights of victims with regard to their human rights." (Council of Europe, 2006). Other examples of this tendency are the references to a fair trial also for victims and the claim that justice cannot be achieved unless we guarantee the rights of victims. (Groenhuijsen, 1995, Proposal for a directive, 2011)

A question that presents itself is whether the talk about victims' rights is only lip-service and hollow words. The victim movement has been filled with rhetoric and as stated above, politicians have been prone to use the plight of crime victims for other purposes.

What can explain the tendency to speak about victims in terms of human rights? Seen from the broadest point of view, the impact of human rights on criminal justice has grown larger over the years. In a global perspective, we have seen a greater focus on individual safety which had geared attention to the concept of human security and in the EU, the objective to make Europe more secure has been highlighted. (The Stockholm programme, 2010) The right to live in freedom from fear of crime is increasingly articulated as a human right.

Although the victims' rights have developed parallel to the human rights, it does not follow automatically that victims' rights can be equated to human rights. The move towards such a claim is rather far-flung, for at least two reasons. First, if one considers the criteria of human rights, they are limited to what is absolutely fundamental to live a dignified life. This feature of human rights connects to the fact that they are universal but also to the so called importance argument, which suggests that human rights are aimed to protect individuals from grave affronts to justice. (Nickel, 2007). Secondly the conventional and well-established perspective of human rights is directed at protecting the individuals from the state, denoting a vertical relationship. This means that the situation becomes more complex when criminal acts are committed by individuals against other individuals without any involvement of the state.

But this notwithstanding, there are strong reasons to claim that the talk about victims' rights as human rights is not only rhetoric. Over the last twenty years, a shift in the human rights law has taken place which is gradually gaining recognition. There are two aspects of this transformation. The first is that the public and private distinction in human rights law has been blurred. (Doak, 2008) The second is the tendency to stress the positive obligations of the state, also in the field of criminal justice.

The first of these aspects implies that human rights no longer only denote the vertical relation between the state and individual but also applies to a horizontal relationship between individuals. The axiom that human rights should protect the human dignity of all and everyone, irrespective of who the violator is has gained acceptance. This in turn has transferred focus to various vulnerable groups in society. In this development women subjected to violence have had a major role. The Declaration on the Elimination of Violence against Women embodies this new view of human rights. It defines the term "violence against women" as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The acceptance of domestic violence as a violation of human rights became a watershed, also with respect to other groups likely to be victimised by non-state actors. (Declaration on the Elimination of Violence against Women, 1993)

The positive obligations of the states in the field of criminal justice imply that they are required to prevent violations, provide a legal framework for protection of individuals, respond and provide remedies to violations of fundamental rights as well as provide information and advice to individuals. (Starmer, 1999) If these duties are examined from a victim's perspective, they may signify that states should enact legislation criminalising certain acts, provide a solid structure for responding to crime, for example by setting in place protection orders and respond to those who have been subjected to crime through the provision of legal aid and assistance.

A landmark case with respect to these developments was the Velasquez Rodriguez case which was adjudicated in a context total different from that related to victims of ordinary or domestic crime, namely in the Inter-American Court of Human Rights. (Velasquez-Rodriguez, 1988) It has to be seen against the background of systematic disappearances in Honduras instigated by the government at that time. It was presumed that the disappearance of Mr Velasquez could be explained in the same way. In this specific circumstance, it could not be established whether those responsible for the disappearance were military personnel acting for the state or private actors. The issue at stake was whether Honduras could be held responsible for the disappearance of Mr Velasquez. Crucial in the Courts reasoning was the statement that; "An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention."

Due diligence is a concept which links the principle of state responsibility with human rights. It denotes a minimum level of duties which states have to comply with in relation to crime. The baseline of this notion is prevention, prosecution and punishment of crime. (General Recommendation No 19 1992, Beijing Declaration

1995). The notion has however developed and come to comprise much more, as for example the duty to establish support services, to guarantee rehabilitation and a coordinated response from authorities. (Report of the Special Rapporteur, 1996)

Common denominators

Another aspect of the human rights theme is concerned with how the victims' rights and the human rights correspond. If one goes back to the many aspects of victims' rights, it is possible to identify that they match two very fundamental notions in human rights law; protection of individuals and the right to a remedy. This makes it natural to turn back to the European Council Tampere conclusions which emphasised these very notions.

Compensation obviously constitutes a substantial element in the right to a remedy. The right to social and emotional support in the victims' rights instruments matches the right to rehabilitation which is another element of the right to a remedy. Other important aspects of access to justice are information and legal aid, well-known from the victims' rights instruments. In the course of time, access to justice has broadened to include also awareness of victims' rights and co-operation between authorities. The right of victims to understand has become an aspect of access to justice which is growing in importance. (Proposal for a directive, 2011)

The reason to why victims' rights have become a matter of human rights can in essence be described in quite simple terms: Victims are persons whose fundamental rights have been violated and for this reason their interests should be protected in judicial proceedings. A statement by the European Court of Human Rights in the Doorson case articulates this spirit: "It is true that Article 6 does not explicitly require the interests of witnesses in general, and those of victims called upon to testify in particular, to be taken into consideration. However, their life, liberty or security of person may be at stake, as may interests coming generally within the ambit of Article 8 of the Convention. Such interests of witnesses and victims are in principle protected by other, substantive provisions of the Convention, which imply that Contracting States should organise their criminal proceedings in such a way that those interests are not unjustifiably imperilled. Against this background, principles of fair trial also require that in appropriate cases the interests of the defence are balanced against those of witnesses or victims called upon to testify." (Doorson, 1997)

Vulnerable victims

Although it is often claimed that all victims are vulnerable, it is just as often claimed that some victims are more vulnerable than others. This statement connects to what was said previously about the core rights of victims. Some scholars have wanted to add to the list of these rights, the specific rights of vulnerable victims. The necessity of meeting the needs of the most vulnerable is recognised in general policy statements and in the Framework decision on the standing in criminal proceedings. (Framework decision 2001, Goodey, 2005, the Stockholm programme, 2010)

The victims' standards have been initiated and are marked by the objective to protect the most vulnerable. This tendency is not so remarkable given that it has been characteristic of the human rights movement as well as of the victim support movement to highlight the needs of those who are particularly vulnerable. New

groups frequently appear and claimed for support and protection on pretence of being particularly vulnerable.

In accordance with international protocols, victims may be considered particularly vulnerable for at least four different reasons: by virtue of their personal characteristics, by virtue of the circumstances of the crime, by virtue of their relationship with the offender and by virtue of various forms of intimidation. (Non-criminal remedies, 2007)

Several international instruments have been adopted about specific groups of victims; women, children who have been sexually exploited and subjected to child pornography, victims of human trafficking and victims of terrorism. In addition, a number of other categories have been considered as particularly vulnerable; elderly people, victims of domestic violence, the extremely poor persons, minorities, disabled persons etc. In the context of the proposed directive on victims' rights, seventeen parameters were mentioned which could be considered when assessing vulnerability.

The victims' instruments have specified a number of measures to protect victims considered as particularly vulnerable: a range of orders and injunctions of a remedial nature to protect victims and to prevent the violent behaviour of the perpetrator, specialised services and special arrangements during questioning of victims. The Framework decision on the standing of victims in criminal proceedings establishes that "vulnerable victims should be able to benefit specific treatment best suited to their circumstances". The Pupino case from 2005 highlighted the problem with this provision. This case was about a nursery school teacher who had misused disciplinary measures and who was charged for causing the children slight injuries and threatening them. The Italian legislation provided a possibility to hear children according to a special inquiry procedure outside the trial. Mrs Pupino opposed the use of this procedure and claimed that it applied only to a list of specific offences. The question was whether a national court had to use special procedures when hearing young children. Except for clarifying on a more general basis that framework decisions are to be interpreted in the light of the wording and purpose of Community legislation, the Court chose to give a rather broad interpretation to the notion of vulnerability and declared that the relevant articles of Framework Decision should be interpreted as meaning that the national court must be able to authorise young children, who, as in this case, claim to have been victims of maltreatment, to give their testimony in accordance with arrangements allowing those children to be guaranteed an appropriate level of protection, for example outside the trial and before it takes place.

The emphasis on vulnerable groups of victims has a positive note. The many standards which have developed for various groups of vulnerable victims may impact on other groups and subsequently on all victims and in this way raise the general level of protection. A major example of this tendency is the requirement to act with sensitivity when dealing with victims, at first stressed in relation to victims of sexual crime and children but today recognised as a general standard applied to all victims.

But vulnerability has turned out to become something of a problem and a contested issue, not least in the negotiations for a new directive on victims' rights. One problem is whether the international protocols should list certain groups that have to be declared as vulnerable in domestic legislation. A problem with this approach is that given the increasing number of instruments on victims' rights, there is a risk for

different layers of rights and a hierarchy of victims. On the other hand, if it is left to national law to decide on this matter, the protection and approximation which was the very purpose of the legislation is not possible to achieve.

The legal standing of the victims rights instruments

For many years the main part of the victim standards constituted of non-binding instruments; or so called soft law; declarations, recommendations and resolutions. Recent years have seen a shift towards more binding standards. Most interesting in this respect is the work done in the framework of the United Nations (UN) to promote a convention on victims' rights. (Draft UN Convention, 2005)

In the Council of Europe, recent examples of binding instruments which address crime victims are the Council of Europe Convention on violence against women, adopted this year and the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. (Council of Europe, 2007, Council of Europe 2011)

In the European Union, the framework decisions are binding as to their result and the treaty of Lisbon has become a breaking-point by providing an explicit basis for further legislation on crime victims.

The impact of victims' rights instruments

It has to be noted that the international victims' rights instruments are international undertakings which may influence the national formation of law, either through their legal or their moral force. To which degree they will do so depends on a number of elements, of which the reception of international law in the domestic legal order, the legal culture and the commitment of the victim support organisations are some components that can play a role.

It is commonly agreed that the victims' rights standards have exerted a great deal of influence. This is a view which is shared by a number of researchers outside Sweden who have considered a great deal of the victim-oriented legislation and policies measures as an effect of the legal instruments. (Doak, 2008 van Genugten van Gestel, Groenhuijsen and Letschert 2009, Hall 2010) It should be pointed out that in a number of countries, bill of victims' rights and victims' rights charters have been set in place.

The great majority of European states have set in place legislation on how victims can receive information, as well as a number of protection measures for of vulnerable groups of victims. The victims' rights standards have also served as incentives to greater participation of crime victims in the legal process. Through co-operation between countries, they have contributed to the launch of reforms and best practices. Still, constant reminders are given about the poor implementation of victims' rights instruments and the uncertainty on how these rights can be exercised.

Polarisation

One consequence of the discourse on victims' rights is the polarisation that has emerged between victims and offenders. This feature has political as well as legal aspects, although these are overlapping. The first aspect is concerned with influencing the political opinion and the spending of resources. It has promoted a move away from a narrow-minded attention to the offender. In countries outside

Scandinavia, there has been animated debate marked by the crime control model versus the due process model.

The legal aspect is about whether victims' rights infringe on the rights of offenders in the legal procedure and whether the relationship of offenders' rights and victims' rights is a zero sum game. From a human rights perspective this appears as a natural stance, since the application of the human rights is about balancing different interests. It becomes clear from the reasoning of the European Court Human Rights, which when it elaborates on the protection of victims and a fair trial, stresses that any measures restricting the rights of the defence must be strictly necessary.

Victims' rights in Sweden

In Sweden, there has not been much of a victims' rights discourse. The UN and the Council of Europe instruments on crime victims, although mentioned in passing in preparatory works, have not attracted much interest. Some persons in the victim movement have been very active to stress the rights-perspective. The development of case-law in the European Court of Human Rights concerned with crime victims has passed largely unnoticed and victims' rights are absent from most policy documents. An exception is the National action plan on crime victims from the Swedish police which is very much permeated by a rights-based perspective. (Nationell handlingsplan, 2003).

The fact that international norms have not seemed to be much of a concern in Sweden is based on the general view that Swedish law and practice in the field of crime victims is in conformity with international standards. This has been established in spite of the fact that the Commission has concluded in two reports that none of the Member States had fully implemented the Framework Decision. (Report from the Commission, 2009)

There are reasons which may explain this position. To begin with, victims in Sweden assume a relatively strong procedural position since the crime victim may become a party to the procedure. Before the adoption of legislation in the EU, a number of legal acts and reforms benefiting victims had already been set in place. Other reasons are the dualistic model and the absence of a legal tradition which values human rights in Sweden. At this point, reference can be made to how the European Convention of Human Rights has been considered in Swedish law. (Bernitz, 2011)

On the other hand, there has been a strong emphasis in Sweden on the crime victim perspective. (Budgetpropositionen, 2011) Although not always clearly defined, it has undoubtedly contributed to a number of important reforms like the establishment of the Crime Victim Compensation and Support Authority, the Court Introduction and numerous projects on training for judicial staff.

Swedish victim policies are marked by an affinity to speak about reception and treatment of crime victims and personal treatment in particular. This is obvious in various ways. In the Governments Bill on support to crime victims from 2001, three areas were pointed out in which action could be taken to improve the situation of victims: change of attitudes, cooperation between actors and training. (Prop. 2000/2001:79) This has led to a number of governmental commissions directed to various authorities in the legal system. Over the last years, the Crime Victim Compensation and Support Authority has been given three assignments to train criminal justice staff about treatment of victims of sexual crime. The emphasis on

reception of victims is also clear in the national survey on crime victims and in research. (Polisens nationella brottsofferundersökning 2010, Andersson, 2011)

This strong leaning on treatment is connected to the view of secondary victimisation in Sweden. The references to secondary victimisation in policies and in the media focus mainly on how victims are received and treated and how attitudes could be changed and professionals trained to act correctly and professionally towards crime victims.

It can be concluded that there has been a focus on reception and personal treatment. Put differently, certain aspects of victims' rights have been stressed. From a human rights dimension, the Swedish approach is interesting insofar as the so called crime victim perspective is sometimes placed in opposition or at least apart from the offender perspective which amounts to law enforcement, investigation, prosecution and punishment of crime, something which is equal to human rights dimension on crime victims.

The strong leaning on behaviour and treatment must be viewed against the fact in Sweden, the public level of confidence in the criminal justice system is fairly good and certainly better than in many other European countries. (Ökat förtroende för domstolarna, 2008) The confidence of the public in the effectiveness of the police, i.e. the ability to investigate and solve crime is not on the same level as the satisfaction with the behaviour. (Nationell trygghetsundersökning, 2011)

Although in Sweden much has been done to implement the rights of victims, some problems exist. One of them concerns the provision of information; another is the accessibility of victim support. A major drawback in my view is the problem related to the investigation and prosecution of those guilty of abuse and sexual crimes directed at children, connected to the time for processing cases and the quality of investigations.

The evaluations of the Children's house, (Barnahus) now set in place on a large scale in Sweden and commonly described as a best practice, illustrate the application of offender perspective and the victim perspective and their complementary nature. It has been concluded that children as well as parents are pleased with the reception they receive in Barnahus. The establishment of Barnahus has on the other hand not led to an increase of the attrition rate, neither to any improvements with respect the processing time. From a victim's perspective, Barnahus has implied considerable improvements but viewed from a traditional offender perspective it has been less successful. (Boken om Barnahus, 2009)

It is true that the victims' rights instruments refer to compassion, sensitivity and due respect for the dignity of the victim. But acting with sensitivity and respect is only one of many aspects to prevent secondary victimisation. This notion is just as much about the consequences of not having information or not having adequate protection, or the possibility to participate in the proceedings; in short everything that may exacerbate the victim's situation. Ultimately, secondary victimisation is about denying victims' access to justice. It is a great advancement that a professional treatment of victims has become a key issue in criminal policies and an object of training activities. Still it must not be forgotten that from a victim's perspective, the very basis of legal protection; i.e. investigating and prosecuting crime in reasonable time might also be essential. To this could be added that it has been shown that crucial to the confidence

of the public in the criminal justice system is the ability of the legal system to process cases in reasonable time.

Some conclusions

It may be concluded that in a short time, a great number of standards applying to victims in general as well as to specific groups of victims have been established. This development in turn has been further strengthened by the recognition that these instruments trace their origin in the human rights and that states have duties with respect to victims also in the field of human rights. In view of this, there is in my view, a potential for development in the future. Three main reasons could be given to support this statement.

To begin with, human rights law is dynamic and adjusts to changes in society. One of the most basic principles of the European Court of Human Rights is the objective to make the rights in the Convention effective. In the development of its case law, the Court considers the developments in the member states and adapts its standing with respect to the level of protection provided there.

Secondly, there is a move towards more binding instruments on crime victims. Given the direct effect of EU legislation and the case-law of the ECHR, victims' rights can and should have an impact on national legislation.

Finally, it is possible to distinguish a victim-oriented approach, which is the result of an overlapping between national law and different areas of international law and which is manifested in a growing consensus on how victims should be treated. Given these parameters, it will be interesting to see what the positive obligations and the due diligence notion will imply for crime victims in the future.

A straightforward view of the human rights dimension on crime victims yield that when individuals have been subjected to human rights violations; they are entitled to additional protection in the form of victims' rights. In view of these conclusions, two very fundamental issues appear; which groups should have this protection and which level of protection should they be given? These are legal but also political questions. On an international level, at least three groups of victims, considered as particularly vulnerable, have been identified as victims of human rights violations; women, children and victims of sexual orientation violence. (Feasibility study, 2010) This raises the question of whether a wholesale incorporation of crime victims in human rights law is possible. In view of this, it should be examined which roles different factors, such as the principle of non-discrimination, the seriousness of the crime and political pressure will play in the future when the vulnerability of victims is assessed.

References

Andersson Tommy (2011) Brottsöfret och kriminalpolitiken

Annual report (2010) Fundamental Rights - Challenges and achievements in 2010
Fundamental Rights Agency

Beijing Declaration (1995) Beijing Declaration and Platform for Action Fourth World
Conference on Women

- Bernitz Ulf (2010) Europarättens genomslag i svensk rätt - var står vi i dag? Juridisk Tidskrift Årgång 21 2009-10 Nr 3
- Boken om Barnahus - samverkan med barnet i centrum, Åsa Landberg (red) Rädda barnen, Stockholm : Gothia : 2009
- van Boven Theo (2009) Victims' right to a remedy and to reparations The new United Nations Principles and Guidelines in Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making / edited by Carla Ferstman, Mariana Goetz, Alan Stephens. Leiden; Martinus Nijhoff Publishers
- Brottsoffret och kriminalpolitiken (2011) Lernestedt, Claes, Tham, Henrik, Stockholm : Norstedts juridik, 2011
- Budgetpropositionen (2011) Förslag till statsbudget för 2011, finansplan och skattefrågor m. Proposition 2010/11:1
- Child victims in the Union (2010) Child victims in the Union - Rights and Empowerment A report of the CURE project 2009-2010 The Crime Victim Compensation and Support Authority, Sweden
- Communication from the Commission (2011) Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions Strengthening victims' rights in the EU Brussels, 18.5.2011 COM(2011) 274 final
- Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)
- Council of Europe (2006) Recommendation (2006) 8 on assistance to victims (Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies)
- Council of Europe (2007) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse Lanzarote, 25.X.2007 CETS No.201
- Council of Europe (2011) Convention on preventing and combating violence against women and domestic violence Council of Europe Treaty Series No. 210
- Crime and Abuse of Power (2005) Festschrift in honour of Irene Melup 11th UN Congress on Crime Prevention April 2005 / Eduardo Vetere & David Pedro (Eds) Bangkok
- Declaration on the Elimination of Violence against Women (1993) General Assembly resolution 48/104 of 20 December 1993
- van Dijk Jan (2005) Benchmarking legislation on crime victims: The UN Victims Declaration of 1985 in Victims of Crime and Abuse of Power Festschrift in honour of Irene Melup 11th UN Congress on Crime Prevention April 2005
- Doak Jonathan (2008) Victims' rights, Human Rights and Criminal Justice Reconceiving the role of Third Parties Hart Publishing

- Draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power, 2005 see <http://www.tilburguniversity.edu/research/institutes-and-research-groups/intervict/undeclaration/convention.pdf>
- Feasibility study, (2010) Feasibility study to assess the possibilities, opportunities and needs to standard national legislation on violence against women violence against children and sexual orientation violence, European Commission, Luxembourg
- General recommendation (1992) General recommendation No 19 on violence against women A/47/38. (General Comments)
- van Genugten van Gestel, Groenhuijsen, Letschert (2009) in *Victimization in a multidisciplinary key: recent advances in victimology : selection of papers presented at the 12th International Symposium on Victimology, 2006, Orlando, USA / editors: Frans Willem Winkel, Paul C. Friday, Gerd F. Kirchhoff, Rianne M. Letschert* Nijmegen: Wolf Legal Publishers (WLP)
- Goodey Jo (2005) *Victims and victimology Research, policy and practice* Longman criminology series, Dorchester Pearson education limited
- Groenhuijsen Marc (1995) Conflicts of victims' interests and offenders' rights in the criminal justice system- a European perspective. In *International victimology: Selected papers from the 8th International Symposium – proceedings of a symposium held in Adelaide, 21-26 August 1994*, ed. by Chris Sumner, Mark Israel, Michael O-Connell, and Rick Scarre, ss. 163-176. Canberra: Australian Institute of Criminology
- Hall, Matthew (2010) *Victims and a comparative perspective* Cullompton: Willan publishing
- International Victims Rights Instruments (2008) Groenhuijsen Marc Letschert Rianne (eds) second (revised) edition. Nijmegen: Wolf Legal Publishers Netherlands
- Nationell trygghetsundersökning (2010) NTU 2010 Om utsatthet, trygghet och förtroende rapport 2011:1 Brottsförebyggande rådet
- Nickel James W. (2007) *Making sense of human rights*, Oxford: Blackwell
- Kirchoff Gerd (2010) History and a theoretical structure of victimology in *International handbook of victimology (2010)* edited by Shlomo Giora Shoham, Paul Knepper, Martin Kett, Boca Raton Florida
- Starmer Keir (1999) *European human rights law: the Human Rights Act 1998 and the European Convention on Human Rights / London, Legal action group*
- Nationell handlingsplan (2003) *Brottsofferarbetet inom polisen*, Magnus Lindgren Polisenheten Rikspolisstyrelsen
- Non-criminal remedies for crime victims (2007) Final report of the Group of specialists on remedies for crime victims (CJ-S-VICT (2007) 12rev Strasbourg 2007

Polisens nationella brottsofferundersökning (2010) En attitydundersökning av hur brottsoffer upplever sina kontakter med polisen Rapport 2010:3 Rikspolisstyrelsen

Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, Brussels, 18.5.2011COM(2011) 275 final 2011/0129 (COD)

Proposition 2000 /2001:79 Stöd till brottsoffer

Reparations for victims of genocide, war crimes and crimes against humanity: systems in place and systems in the making / edited by Carla Ferstman, Mariana Goetz, Alan Stephens. Leiden; Martinus Nijhoff Publishers

Report from the Commission (2009) Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) [SEC(2009) 476]

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85, United Nations Economic and Social Council E/CN.4/1996/53 6 February 1996

The Stockholm Programme (2010) The Stockholm Programme - An open and secure Europe serving and protecting citizens Brussels 3 may 2010

Tampere conclusions (1999) European Council 15 and 16 October 1999 Presidency conclusions

Treaty of Amsterdam (1997) Treaty amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts, 1997

Victims in Europe, (2009) Implementation of the EU Framework Decision on in the Member States of the European Union

Victimization in a multidisciplinary key: recent advances in victimology: selection of papers presented at the 12th International Symposium on Victimology, 2006, Orlando, USA / editors: Frans Willem Winkel, Paul C. Friday, Gerd F. Kirchhoff, Rianne M. Letschert Nijmegen: Wolf Legal Publishers (WLP)

Ökat förtroende för domstolarna (2008) Ökat förtroende för domstolarna - strategier och förslag SOU 2008:106 Betänkande av Förtroendekommittén, Stockholm 2008

Cases

Cowan v. Tresor Public 1989 Case C186/87.ECRI-195. Published in European Court Reports 1989 p.195

Doorson v. the Netherlands 1996 Application 20524/92 II No 6 p. 447, (1996) 22 E.H.R.R. 330

Pupino Judgment of the Court (Grand Chamber) of 16 June 2005. Criminal proceedings against Maria Pupino. Reference for a preliminary ruling: Case C-105/03.

Velasquez Rodriguez Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988).

The Proposal for a EU Directive establishing minimum standards on the rights, support and protection of victims of crime

1. Strengthening victims' rights in EU

The EU has acted actively on the rights of victims in criminal proceedings for over a decade in its legislation and policy documents. There is existing EU legislation, such as the Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), and the Council Directive 2004/80/EC relating to compensation to crime victims.

The Lisbon Treaty provides for the first time in the EU history the establishment of minimum rules concerning the rights of victims of crime by means of directives “*to the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension*” (chapter 4, judicial cooperation in criminal matters, article 82). The first directive concerning victims and judicial cooperation in criminal matters is the Directive of 5 April 2011 of preventing and combating trafficking in human beings and protecting its victims, replacing Council framework decision 2002/629/JHA. The next to be is the directive on combating sexual abuse, sexual exploitation of children and child pornography.

The Commission has identified as a strategic priority based on the Stockholm Programme need for action to strengthen the rights of victims of crime and to ensure that their need for protection, support and access to justice is met. There is also a need for ensuring consistency with existing instruments within the area of victims' assistance, support and protection. According to the Commission, the existing EU legislation is, however, inadequate and has not been satisfactorily implemented. Ineffectiveness of the implementation is due to ambiguous and vague drafting, and lack of clear and concrete obligations. National criminal justice systems have traditionally focused on the offender rather than on the victim. The Commission criticizes that the needs of victims are still not sufficiently addressed by Member States. The support or level of protection of victims provided for by Member States criminal justice systems is not sufficient. The Commission points out that there are problems like:

- insufficient recognition and respectful treatment (long waits, lack of trained personnel, lack of information)
- insufficient protection and security (risk of meeting the offender again, insensitive questioning)

- insufficient support (lack of Victims Support Organisations)
- ineffective access to justice (lack of advice and information, difficulties in attending trial)
- insufficient compensation and restoration.

2. Commission's Proposal for a Directive

On 18 May 2011, the Commission submitted a proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime. The Directive forms a part of a legislative package aimed at strengthening the rights of victims in the EU. The package consisted, in addition to the proposal for a directive, a communication on strengthening victims' rights in the EU and a proposal for a Regulation on mutual recognition of protection measures in civil matters. The latter is being dealt with in the context of civil law. On 10 June 2011, the Justice and Home Affairs (JHA) Council adopted a resolution on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings (the so-called Budapest Roadmap).

The Directive aims to amend and expand the provisions of Framework Decision (FD) 2001/220/JHA on the standing of victims in criminal proceedings. A number of articles of the proposal are identical in substance to provisions of the FD. The Directive on minimum standards is expected to ensure that in all 27 EU countries:

- victims are treated with respect, and police, prosecutors and judges are trained in how to properly deal with them;
- victims get information on their rights and their case in a way they understand;
- victim support exists in every Member State;
- victims can participate in proceedings if they want and are helped to attend the trial;
- vulnerable victims are identified – such as children, victims of rape, or those with disabilities – and they are properly protected;
- victims are protected while police investigate the crime and during court proceedings.

There are altogether 7 chapters and 30 articles in the proposal. The main objectives are recognition, respectful treatment, protection and support of all victims of crime:

“The purpose of the Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.” (art 1)

The directive applies to all direct victims and family members of victims deceased because of the crime. Provisions of support and protection also apply to family members of surviving victims.

The proposal contains a wide range of rights for victims (chapters 2-4, articles 3-23) concerning provision of information and support (art 3-7), participation in criminal proceedings (art 8-16), recognition of vulnerability and protection of victims (art 17-23):

- Information rights, right to understand and to be understood, right to interpretation and translation, to be heard
- right to access victim supports services
- to have their complaint acknowledged, rights in the event of a decision not to prosecute
- to legal aid
- to reimbursement of expenses, to the return of property, to decision on compensation from the offender
- to protection (especially vulnerable victims), to avoidance of contact with the offender, to protection during criminal investigations and proceedings, to protection of privacy
- to safeguards in the context of mediation and other restorative justice services
- rights of victims resident in another Member State

Furthermore, there are some general provisions, like training of professionals and practitioners working with victims, co-operation and co-ordination services (chapter 6).

3. Legislation proceedings going on

The detailed, article by article examination of the proposal for a Directive is being made at working group level. The first meeting of the Working Party on Substantive Criminal Law took place in July 2011. The Framework Decision 2001/220/JHA was meant to be considered as a common minimum basis and the point of departure for the discussions in the Working Party. The reading of the draft proposal is going on in the working group, and some changes to the proposal has been suggested and made by the delegations from Member States. The Presidency aims to achieve a general agreement of the Proposal in the JHA Council meeting 13.-14.12.2011. Certain issues remain still open and need to be solved. The final text will then in due course, after editorial and other changes, form the basis for the upcoming discussions with the European Parliament.

A research account on the position of crime victims in Finland: availability and access to services and victims' experiences of the criminal process

Crime victims' formal position is rather strong in Finland: complainants have e.g. a right to speak in courts as well as a right to institute criminal proceedings independently from the prosecutor. In addition to that, measures have been developed in terms of compensation and legal support for complainants. In practice, however, sensitivity towards crime victimisation is a recent issue in Finland, and understanding of crime victims' needs and perspectives in the criminal process is still underdeveloped.

The Finnish situation can be described criminologist Jo Goodey's (2000, 20) statement on victims' position more generally. She says: "formal legislation [...] is not a guarantee of provision for victims which, in practice, can depend on victim compliance with criminal justice authorities – that is, the victims playing their part in the process as a 'victim citizen'".

The purpose of this presentation is to evaluate the possibilities for victims to become "victim citizens" who are able to use their rights. How easy it is for them to access to justice and support in practice? How do they feel about the treatment they have received when their case has been officially handled?

Firstly, the Finnish situation is examined as based on results of international victimisation survey. Secondly, the organisation of Finnish victim services is presented and results from a survey to clients of victim services are presented (Honkatukia 2011). Thirdly, some results of the before mentioned study related to procedural justice are reflected, and fourthly, some suggestions are made on how the position of crime victims can be developed in Finland.

Finnish victims in the European context

The recent international victimisation surveys have included questions on victim satisfaction with the police and other criminal justice personnel and processes (Van Dijk & Groenhuizen 2007). The results reveal at least three interesting aspects of the Finnish crime victims in the European context. *Firstly*, the reporting rate is rather low. In an international victimisation survey conducted in 2005 it was asked from victims of five types of serious crimes (theft of motor vehicle, burglary, robbery, threat/assault, sexual offence) whether they had reported their experience to the police. According to the results Finland was placed to number 18 among the 25 EU-countries with the reporting rate of 48 per cent. In other words, less than a half of the Finnish victims of rather serious offences report the case to the police. The highest rates were found in Austria (70 %) and Belgium (68 %).

Secondly, despite the low reporting rate the Finnish victims seem to be rather satisfied with how their complaint has been dealt with by the police. In the above

mentioned survey it was asked whether the victims who had been in contact with the police had been satisfied with how the police had dealt with their case. Finnish victims were second after Danish victims: 72 % of them were satisfied (ibid., 368-371). This may reflect the fact that the police as an institution are highly appreciated in Finland. Moreover, the police have recently taken some efforts to increase their sensitivity towards crime victims.

It is also interesting to note that that the most dissatisfied victims can be found in the countries in which victim services are the most advanced. This result can be explained by the raised expectations and knowledge of the victims of their rights. It can reflect the ethos of how the police relate to victims in countries with advanced victim services: the police may presume that the victims' needs are met when they are referred to a specialised victim services. In countries with less developed victim services, such as Finland, the police might assume more responsibility of the considerate treatment of the victims when there is no service they can be referred to (ibid., 371-372).

Thirdly, in the above mentioned international victimisation survey it was asked whether those victims who had wanted to receive specialised services had actually received them. In Finland this share was only six per cent, which was one of the lowest rates in Europe (see figure 1). The highest rates can be found in countries such as Scotland or Austria, where it is about 40 per cent. This result can be seen as an indicator of the availability of services: there are not many special services for victims of crime in Finland. (Ibid., 373-376)

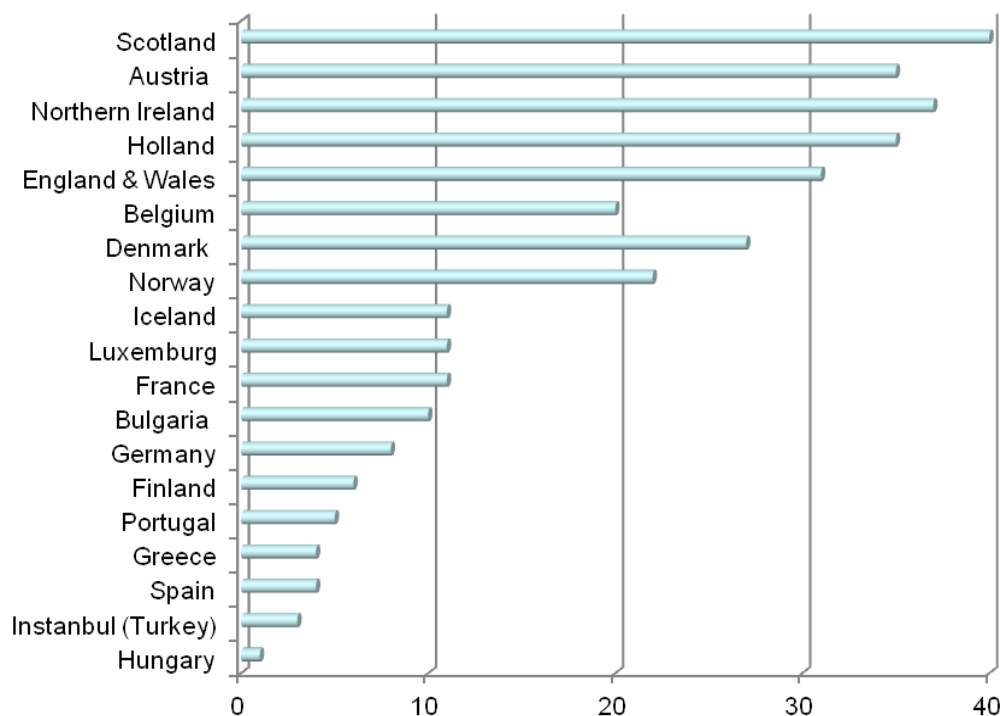


Figure 1. Proportion of those wanting support (%) who received it per country (EU/ICS/ICVS 2005; Van Dijk & Groenhuisen 2007, 363-379)

Victim services in Finland

In Finland, the complainant's formal position is quite strong. Unlike in many other western countries, in Finland and in Sweden the victim's [or complainant's] right to institute criminal proceedings has not been totally removed, even though it has been

narrowed (Nousiainen & Pylkkänen 2001, 173-174). Also during recent decades, measures have been developed to support victims in the criminal process. Police is responsible for preliminary investigation of criminal offences, and prosecutors and district courts of the legal dealing of offences. In addition, the police have been advised to inform victims on legal matters concerning their case and on the available victim services.

Legal measures have been developed for victims to get financial compensation primarily from the perpetrator but also from the state or insurance companies. The state authorities have also a responsibility to provide an interpreter if needed. Moreover, district courts can admit a legal counsel and/or support person for a person who has been a victim of sexual offence, serious violent act, and if the violent act has been committed by a person near by. The commission is paid by the state in these cases. Also the public legal aid offices can admit free or partly free legal aid for those in a disadvantaged economic situation.

Like in many other countries, the third sector in Finland has assumed the main responsibility in developing victim services, even though the state finances them – they are therefore to some extent random and vary geographically. The services for victims that provide mental support, help and advice have been developed from 1990s onwards, a decade or two later than elsewhere in the western world. There are currently quite a number of services, but those which target victims representing minorities or in societal margins are rare.

The main organisation for crime victims is “Victim Support Finland”. The services are for victims of any crimes, including witnesses and those near-by the victims. The Federation of Mother and Child Homes and Shelters upholds 14 shelters around the Finland (in addition there exist about 20 other shelters in Finland). Moreover, there exist some women-specific services: Tukinainen – Rape Crisis Centre supports women and girls who have experienced sexual abuse or their near-bys. Monika – Multicultural Women’s Association in Finland helps girls and women with an immigrant background. National Women’s Line in Finland offers national telephone- and Internet-advice as well as peer group activity for women who suffer from violence. The Federation of Mother and Child Homes and Shelters has also organised services for men in difficult life situations (Men’s Centre) and in dealing with their own violence. The shelters work also with children who have been victims of violence or have witnessed violence at home. Moreover, NGOs have also organised services for people facing difficult life situations in general (including such services for children and young people, elderly etc.).

The results of a survey to Finnish victim service clients reveal that these services are contacted mostly by female victims who have experienced serious violence with traumatising consequences (Honkatukia 2011)¹. The men contacting the services were mostly victims of violence taking place in public places such as streets and

¹The survey was targeted at persons who contacted the services (usually by phone) during the period February-March, 2009. The following services took part in the survey: Victim Support Finland, Tukinainen – Rape Crisis Centre, Shelters operating under the Federation of Mother and Child Homes and Shelters, Monika – Multicultural Women’s Association and Legal counselling (oikeusapuohjaus). Half of the persons who contacted the services because of criminal victimization, responded to the survey (N=202).

restaurants. These were typically one-off incidents as reported by the help seekers themselves. Very few people contacted the services because of other crimes than violence. The criminal victimizations of the service seekers were serious: typically, violence with mental and economic consequences. These services are not low-threshold-services since the respondents had typically used earlier different state services, e.g. in health care, social and legal sector. Besides seeking emotional support they look for advice on how to handle their case with different state authorities. These results may reflect the lacking victim sensitivity in the official encounters victims had previously had.

Victims appreciate procedural justice

In terms of treatment by criminal justice personnel, the results of the above mentioned study (Honkatukia 2011) give a picture of the Finnish crime victims as more dissatisfied with how their case had been dealt with compared to international victim surveys mentioned earlier (as an example on the police, see figure 2). It seems, however, that many of those respondents who had something critical to say of the process responded to the survey. The problems seem to relate to procedural justice – how the victims had been treated and informed. Their responses provide important information of the problems in the criminal process from the victim's points of view. Similar problems are probably experienced also by those who for different reasons were unable to answer the questionnaire or never contacted any victim service.

Dissatisfied with the police (41 %):

- dismissive or humiliating treatment
- lack of interest in the case
- not enough information was received
- slow proceeding
- lack of mental support

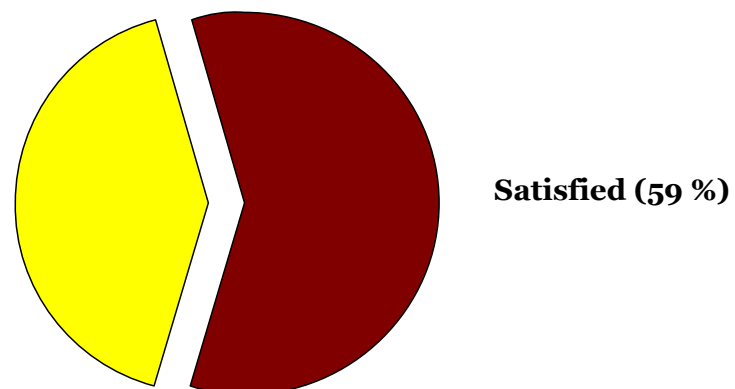


Figure 2. Satisfaction with the police among the respondents of the crime victim client survey (N=111, Honkatukia 2011)

Issues to be developed to strengthen victim's position in Finland

Despite the fact that the Finnish legislation guarantees many rights for the victims, sensitivity towards victims depends largely on the expertise of the individual persons who work with the victims. There are no national guidelines or policies that ensure the good treatment of the victims.

As based on the above mentioned study (Honkatukia 2011) it can be suggested that *measures should be developed to ensure that the victims understand and are able to use the information given to them.* Instead of a one-time occasion, informing the victim should be an ongoing process in which it is ascertained that the victim really understands the information and can use it. In addition, *sufficient resources for victim services should be guaranteed.* At the moment, NGOs possess high quality

know-how with regard to the services. However, their activities are somewhat restricted due to project-based funding and competition for scarce resources. From the victim perspective, it is crucial to provide enough resources for these services, so that the victims can contact them regardless of where they live. Moreover, *more education and training on the nature of traumatic crises for the legal authorities*. Legal authorities should have adequate knowledge of traumatic crises and of the different consequences of being a victim of crime. Also *the specialisation of legal authorities should be increased*. The specialisation of officials in, for example, certain crimes (sexual violence, violence in family etc.) can increase the expertise of the legal authorities as a whole and sensitize them to the points of view of different parties. Moreover, such specialisation can standardize practices and increase interaction with other professional actors in the field.

Moreover, *the victims should be guaranteed professional support during the criminal process*. From the victims' point of view it is important that well informed and professional legal advisers and persons who can offer support take part in the process. In order to guarantee the legal protection of the victims and ensure that procedural justice is applied to them, it is advisable that at least the victims of serious offences always have access to a legal adviser during the criminal process. The empirical material of the study reveals the benefits of the support persons for the victims as well as for the whole criminal process (Honkatukia 2011). The support person takes care of informing the victim and gives mental support during the whole process. This can help other actors in concentrating on factual and legal issues. It should be ensured that the support persons have adequate knowledge on different victims and their needs. Moreover, it is crucial that legal advisors and support persons have appropriate training and support in carrying out their work.

References

- Honkatukia, Päivi (2011) Uhrin rikosprosessissa. Haavoittuvuus, palvelut ja kohtelu [Victims in the Criminal Process – Vulnerability, Services and Treatment]. Helsinki: Oikeuspoliittisen tutkimuslaitoksen julkaisu 252 [National Research Institute of Legal Policy, Research Report 252].
- Goodey, Jo (2000) An Overview of Key Themes. In Adam Crawford & Jo Goodey (eds.) Integrating a Victim Perspective within Criminal Justice. International Debates. Aldershot: Ashgate, Dartmouth, 13-34.
- Nousiainen, Kevät & Pylkkänen, Anu (2001) Sukupuoli ja oikeuden yhdenvertaisuus [Gender and the Equality in Law]. Helsinki: Helsingin yliopiston oikeustieteellisen tiedekunnan julkaisut [Department of Law Publications, University of Helsinki].
- Van Dijk, Jan & Groenhuizen, Marc (2007) Benchmarking victim policies in the framework of European Union Law. In Sandra Walklate (ed.) Handbook of Victims and Victimology, Wilan Publishing: Cullompton, Devon, p. 363–379.

Brita Mellin-Olsen

How the tragedy 22. July has affected victim policy in Norway

Ladies and gentlemen.

Thank you for hosting this meeting and inviting all of us. In Norway we see a great need for exchanging information with other countries and learn best practices. I would in this regard also like to thank you for your concern and sympathy after 22. July.

I will give an introduction to how the tragedy 22. July has affected victim policy in Norway.

At 15.26 Friday afternoon, in the middle of Summer holiday, a bomb exploded outside the Government's office in the center of Oslo, housing the Prime Minister's Office and the Ministry of Justice and the Police. 8 people were killed in the blast and several wounded. From our Ministry 3 people were killed in the building.

A few hours later an attack took place on Utøya, which is an island some 40 km from Oslo city. 700 young people were gathered here participating in the summer camp for the *Labour Party's Youth Organisation*. A man dressed as a police officer shot at and killed several participants. He was armed with a semi-automatic rifle and a handgun. Our Ministry had one employee at this camp, who was killed.

In total, 77 people died in these attacks. Many others were severely injured. Health personnel were able to rescue all the victims which were not already dead. I have been told that health personnel have had benefit of their Finnish colleagues, after their experience in the school- massacres, and the Swedish after the fire in the disco.

Stortinget has allocated NOK 185 million more for compensation to the victims (NOK 376 million in total) and NOK 30 million to the Norwegian Criminal Injuries Compensation Authority, the Norwegian Civil Affairs Authority and the Compensation Board for Victims of Violent Crime. This amount should make it possible to employ enough people to handle both arrears cases and all the applications regarding victims of the 22. July.

Secretariat for The Compensation Board for Victims of Violent Crime

The Secretariat prepares and puts forwards recommendations for adoption to Compensation Board for Victims of Violent Crime in cases that concern appeals against rulings for compensation for victims of violent crimes. It is The Norwegian Criminal Injuries Compensation Authority that deals with applications for compensation in the first instance.

We will build a new Unit under The Norwegian Criminal Injuries Compensation Authority

The unit will be for a period of 2 years. We do hope that the Office in Vardø will be able to employ the persons needed. But Vardø is a small place, far north so I'm not surprised if the new unit will be located in Oslo.

Travel expenses

The Government has initiated an interim grant scheme which covers travel and accommodation expenses that dependents and survivors have had as a direct result of terrorist actions 22 July 2011

This interim is made by the Ministry of Health and Care services, and the interim is only for the 22. July victims.

People who assisted the victims

A number of people assisted the victims after the shooting on Utøya and the bombing in Oslo.

Many of the people who assisted the victims are not covered by the scope of the Compensation for Victims of Violent Crime.

The Compensation for Victims of Violence Crime Act provides compensation for

- a) persons who have "suffered a personal injury as a result of an intentional offence against the person or other criminal act involving violence or coercion"
- b) "personal injury sustained while assisting the police or other persons with police authority to make an arrest, while averting or attempting to avert a criminal act or in connection with a lawful arrest or an attempt to make such an arrest"

The Ministry proposes amendments which will make it possible for the people who assisted the victims to apply for compensation. (Not for professionals.)

Oral conferences

As a main rule, the Public Administration Act applies to the process and consideration of applications.

A party who has due cause for doing so shall be given the opportunity to communicate orally with a public official employed at the administrative agency that is dealing with the case.

Applications for compensation for victims of violent crime shall be decided by the Norwegian Criminal Injuries Compensation Authority.

According to section 11 d, a party who has due cause for doing so shall be given the opportunity to communicate orally with a public official employed at the administrative agency that is dealing with the case.

It is the Ministry's opinion that it may be appropriate to use such oral conferences to supplement the written assessment of applications for compensation after 22 July 2011.

The Ministry will propose to prescribe specific rules on the conduction of oral conferences, such as e.g. rules on the victim's duty to give statement, the right to question the victim and obligation to observe secrecy.

The Ministry proposes that the courts in certain cases may try, and issue its own verdict for, the amount of redress given by the Norwegian Criminal Injuries Compensation Authority.

The amendment implies a slight modification of the current practice of the Supreme Court.

Amendments to the Criminal Procedural Act

The criminal case after 22 July 2011 involves a great amount of victims, surviving relatives and appointed lawyers who represent them.

This has illustrated a need for practical coordination of views on issues that arise during the investigation and preparation of the trial.

The Ministry will therefore propose an, which allows the court to appoint one or more coordinating lawyers.

Claims for compensation related to 22. July, should, as a rule, not be treated in the criminal proceedings.

Claims for compensation in the criminal proceeding are undesirable in these cases, because the criminal proceedings would become too extensive. The victims should not have to argue their cases against this offender and the offender should not have the ability to use the trial as an arena to promote himself or his views.

Streaming or video conferences

By law 7 March 2008, the procedural rights of victims and the victim's surviving relatives were strengthened. The victims and the surviving relatives were given the right to be present at the main hearing.

To ensure that all victims and the victims' surviving relatives may be able to exercise their rights, the Ministry proposes that the court may decide that the main hearing shall be transmitted to other places suitable, either by streaming or video conference.

Maximum amount of compensation

The maximum amount of compensation is 40 times the national insurance basic amount, (40 times 79 216 kroner = 3 168 640 kroner). The Ministry proposes to increase the maximum amount to 60 times the national basic amount. 60 times 79 216 kroner = 4 752 960 kroner.

Thank you for your attention

Danish victim counselling

History

The Danish minister of Justice made a proposal in the Parliament in 1997 to establish a nationwide network of local victim counselling centres after inspiration from especially Sweden. The main purpose was to strengthen the legal position for crime victims. The goal was to deliver counselling, support and guidance to all types of crime, and this should be done by volunteers mainly recruited on the basis of their good human qualities in support of the victims.

There was no thought of any specific training requirements and requirements for a specific background for being a victim counsellor. On the contrary, in the comments to the bill it was emphasized that the victim counselling service great strength was:

- The voluntary nature
- The independence of public authorities
- Being a supplement to the advisory and supportive role which is carried out by the police to the victims, and the victim counsellors should not replace police obligations to the victims but complement them.

There was and is a clear requirement for an interaction between the victim counselling service and the police.

In 1998 regulations were issued on establishing voluntary victim counselling in all police districts. Since at that time the police districts were more numerous than today, the local victim counselling service covered several police districts.

It was the National Police who had the formal responsibility for the establishing of victim counselling and that was the reason why a victim advisory secretariat was made. The secretariats job was among other things to coordinate the establishment of the local victim counselling services. A special person should be found in the police who would be the contact person between the police in each and every district and the victim counselling service. These persons were and are the link between the local police and the local victim counselling.

In the early years (1998 – 2000) virtually no money was available. All the local victim counselling services received were a mobile phone. Only in 2001 funds for meeting the costs for telephones and the like were allocated on a national basis. Every police district would get 10.000 kr. (app. 1.500 Euros). The overall budget for victim counselling was 2 million kroner (app. 270.000 Euros).

Since 2009 the National Organization for victim counselling has operated a country office with only one employee and running costs. These expenses totalled 600.000 kr. leaving 1.4 million kroner to be distributed by the National Police on the recommendation from the National Organization.

Since the start there has occasionally been both politically and ministerial focus on the victim counselling. In 2006 the Ministry of Justice made it clear that the victim counselling service did not only cover victims of violence, but all sorts of crimes, including for example victims of street robbery or other forms of robbery, victims of handbag thefts, victims of breaking in crime in houses, but also victims of indecent exposure and other less serious sexual offenses were covered. It was also made clear that the support did not only cover the victims, but also witnesses and relatives of crime victims.

In the finance act covering 2007 – 2010 it is mentioned that the Parliament emphasises the importance of police advising victims of the possibility of support and counselling from the victim counselling service in appropriate cases.

After the reform in the police which – among other things – meant reducing the number of police districts from 54 to 12 the task was moved from the Ministry of Justice to the National Police. That is why it is now the National Police who will issue the general guidelines. The change also means that it is the National Police who is in head of the strengthening of the victim counselling service, and that it is the police director in each police district who is responsible for ensuring that there is a victim counselling. This responsibility is made clear by being an element in the police director's contract with the National Police.

In the daily work the police is handing out the leaflets of the local victim counselling services when crimes are reported as well as there is a verbal reference the counselling service when speaking to victims.

More general information on the Danish victim counselling

Unlike any other voluntary work the victim counselling service is an offer set by law. Regulations are made by central authorities, and this is a distinctive feature compared to other volunteer work. This construction also makes it a very binding work.

Thus a decree is issued (in 2007) on police duty to guide and inform the victim in a criminal case. Hence it appears that the police must also inform about the possibility of getting support from a victim counselling service.

This is elaborated in a message from the Director of Public Prosecutions where the victim counselling is specifically mentioned.

The Danish National victim counselling service is a nationwide organization that has existed since 1997. The National Organization formed in November 2001 (and has thus just celebrated its 10th anniversary) is a kind of umbrella organization for victim counselling in Denmark. The local victim counselling services are all a part of the National Organization. There are 12 police districts in Denmark and all of them are equipped with a local victim counselling service. A national telephone number always answers calls. The National Organization acts as a voice for all victim counselling services in Denmark.

The National Organization itself has defined their purpose as the provision of free and anonymous support of victims of crime and accidents, witnesses and their relatives. A personal interview and support is offered to those who contact the local service.

The counsellor does not offer treatment but compassionate contact and understanding of the victim's situation and provides counselling and guidance. The victim counselling service can help victims filling out forms, insurance claims et cetera. It also offers to join the victim in court, at the visit at the social service and lawyers.

The victim counselling service wants to be the natural place for victims to turn for advice as well as they are the obvious partner to the police when it concerns victims, witnesses and their relatives. Its' mission is to offer qualified free counselling to victims, witnesses and relatives after crimes and accidents.

As you can see the counselling is not only offered to victims but also to witnesses and relatives. Thus the victim counselling service differs very much from the group of people helped by the social services, as they only offer help to the directly affected victim.

The victim counselling service's values include volunteering, interpersonal empathy and an active search for positive opportunities.

There are about 240 volunteer counsellors – and all of them work for free!! They have all participated in courses arranged by the National Organization. In 2010 they gave counselling to 3.819 victims, witnesses and relatives.

The victim counselling service in Denmark wishes to have a structure similar to the structure of the police. It means that eventually it is wanted to have only one local victim counselling service in each police district. It is so in some police districts already, but not all.

Since 2004 a national telephone number has answered calls no matter what time or day. Thus no victim experiences to call in vain. It is different whether the local victim counselling service offers telephone service round the clock.

Great efforts are now being undertaken to get a nationwide service telephone number (corresponding to 911/112). It is the plan and hope that it will – eventually – be possible to call just one number, and then automatically be directed to the nearest victim service.

Unfortunately this has proved harder than first announced by the telecommunication companies.

The relationship to the police

As you can see there are very close ties between the victim counselling service and the police in many levels. And not only between the victim counselling service and the police but also the Nation Police, the Ministry of Justice and the municipalities in Denmark.

It is most essential both to the victim counselling service and the police that these close bonds and cooperation is continued and maintained and wherever possible expanded.

And in this way the Danish victim counselling service differs from other volunteer organizations. The National Police has through the Secretariat been able to provide help for the National Organization, also concerning the local leaflets which has up till now been printed by the National Police. Having no longer this possibility we realised that the job in the future should be done by the local counselling services themselves.

But only yesterday the National Police also announced that the cost continually would be paid by the National Police – a message we were very happy to receive.

Also at a local level there is close cooperation between the victim counselling service and the police. In my police district I am the coordinator between the local victim counselling service and the police. By meeting regularly we try to facilitate and improve the cooperation – hopefully to the benefit of the victims, witnesses and their relatives.

In the police districts there are local police stations in order to cover the whole district. A contact person is appointed in each local station and they have the everyday practical contact with the victim counselling service.

By having these close bonds between the victim counselling service and the police at many levels it is ensured that the cooperation is carried out in the best way, and we all know it is easier to call a person whom you already know in order to pass the victim on from police to counselling and vice versa.

Both the victim counselling services and the individual counsellors as well as the police and the individual police officers are very much aware of one another, of the tasks and the advantages of being able to refer to one another.

In the police district where I work the victim counselling service has a large banner in the hall and every year an enormous amount of leaflets are handed out by the police when sending letters to the victims. Approximately 40.000 leaflets just in my district.

The future economy

You may now have the impression that the tasks are growing steadily over the years and this is true. So is the level of activities and through this also more administration and management tasks.

The managers are still not paid, and we must be honest enough to say that if it wasn't for all the volunteers who spend incredible amounts of work and lifeblood it wouldn't be possible at all.

But, it must also be recognized that the task is now so big that it can not only be solved by volunteers.

The National Organizations think that it is needed to professionalize the local managements to ensure that there are efficient frames for the voluntary counselling work and to maintain the high quality.

Hopefully there will be given an economical possibility to hire an employee to do the administrative, organizational and accounting tasks. If this could come true it will ensure continuity in the organization.

And if you wonder why these administrative, organizational and accounting tasks can't continue to be done by volunteers, then the reason is – at my point of view – because people join the victim counselling service because they want to counsel, not to be an accountant. And the counselling services have – quite correctly I may add – emphasized the counsellors' skills on a human basis, not an administrative basis.

The National Organization therefore has applied to the Parliament to be admitted to the Finance Act with an extra annual allocation of 3.724.000 kr. (app. 500.000 Euros).

I think it is remarkable – very remarkable indeed – that the National Organization has imposed the condition that the annual allocation of 2 million kroner (app. 270.00 Euros) continues to be distributed by the National Police. That money concerns the actual victim counselling. The National Organization is of the opinion, that the economical link to the police is one of the cornerstones in the victim counselling service.

Denmark has few resources to spend, not unlike the rest of Europe, America and Asia and other continents too. At the same time it is seen – at least in Denmark – that the expenses to among other the treatment of victims grows and grows.

Seen in this light I think that our joined focus should be on how much victim counselling you actually get for your money. Only in Denmark 3.819 victims, witnesses and relatives were offered help in 2010. And should just a few of them need more than one session of counselling, then it will actually mean that the state gets ever so much more than it pays for.

I think that this is the angle you have to build and brand in the future. Where else can you go and ask volunteers to do a job that otherwise was left to the state to perform and pay for?

Unfortunately I also think that you know the answer: Nowhere!

The language that top leaders do understand today is that of the economy. It is also a recognized fact that if you want somebody to do something, it is always good if they can see the advantage of it.

Perhaps it is high time that the victim counselling service say it aloud what work and what service they actually deliver, not only to the victims, the witnesses and the relatives – all these people who seldom have the energy and personal surplus to tell afterwards – but also to the state without the state needing to put very much effort into it.

NGO's that provide Support to Survivors of Gender based Violence in Iceland

In Iceland there are not very many organizations that support victims of gender based violence, at least not if compared to the tremendous need for the service they provide but remember that Iceland only has around 350.000 inhabitants. The population is spread round the island while most of the support providers are located in Reykjavík which limits the access of many people to the services. In the article I will mainly discuss the NGOs that task is entirely to give support to victims of violence, usually violence in intimate relationship and/ or victims of sexual violence. Some of those also give service to people seeking assistance because of other reasons. The NGOs are the Women's Shelter or *Kvennaathvarfið*, *Stígamót* (which is an Education and Counseling Center for Survivors of Sexual Abuse and Violence), *Kvennaráðgjöfin* (or the Women's Legal Advice), *Drekaslóð*, and *Sólstaðir* and *Aflið* that are small but extremely important service providers located outside of Reykjavík. All these organizations rely on the same ideology and ground rules. They serve in a way but not entirely the same group of survivors and they believe in the same ideology regarding gender based violence.

Kvennaathvarfið; **The Women's Shelter** – was the first support system for women victims of violence in Iceland. It was opened in 1982 by the women of Iceland and without major governmental support. The founders came from the Women's Right Movement and among women that had witnessed the consequences of violence or experienced it in their own lives. The women's shelter is a shelter for women and their children when they can no longer live at their homes because of physical, psychological and/or sexual violence committed by a husband, former husband or someone else that is close to the victim. Between 300-400 women come to the shelter every year seeking help, ending a violent relationship, recovering after a violent relationship or simply surviving the every day in such relationship. At the beginning *Kvennaathvarfið* provided a shelter or a temporary home and support for women and their children who had to leave their homes because of violence and abuse and a hot-line that was open all year round. But getting out of an abusive relationship is in most cases a very long and complex process and with more experience it became obvious that many women needed other forms of assistance. The women's shelter now provides four forms of assistance to victims of violence in intimate relationships; a shelter for temporary stay, a hotline, self-help groups and counselling and support visits.

It is located in the centre of Reykjavík but women from all over the country come to the shelter. Still, women from Reykjavík and it's neighbourhood municipalities are proportionally many, or rather; women from the countryside are proportionally few. For a couple of years in 1980's there was also a shelter in Akureyri in the north of the country but it turned out that women from there usually chose to leave their home town when seeking assistance in a shelter and after a while the shelter in Akureyri

was closed down. Women that have to travel far to get to the shelter can get a financial support for travelling from the social service, but actually they often choose not to discuss the violence with the social worker and therefore do not apply for a support like that. Women have stayed in the shelter from one day up to 7 months. In 2011 there were 172 inhabitants in the shelter, women and children. The average stay in the year of 2010 was 14 days for women and 18 days for children. When coming to the shelter the staff tries to evaluate the conditions of the victim which varies a lot; some of the women are highly traumatised, some are physically injured and some are extremely tired or afraid. Those mainly need peace and quiet for the first days and the feeling of being safe, a bed, a bath, some food and even some medical assistance. Later, when they have reached their strength they can start thinking about the future and about taking next steps. Many of them need a lot of comforting and support before they are ready for receiving information on practical things. Others come to get ready for a fight, they want to finish something they have been thinking about for a long time, they need things to move fast; so they get help with applying for divorce, pressing charges against the offender, finding a new home, etc.

The Women's Shelter now has 8 employees, all women with various education and different background. It's open all day, every day. The women's Shelter works in close connection to other NGOs and to the Metropolitan Police, the Social Service in Reykjavík, the Child's Protection and the Rape Trauma Centre.

The perpetrators, i.e. the men that women seek refuge from in the Women's Shelter are mainly the victim's husband or partner (48% in 2010), ex-husbands/ex-partners (28% in 2010) or boyfriends (10% in 2010). A few are parents, adult children or traffickers. A recent research where the Women's Shelters data on 1 740 perpetrators were analysed shows that they are a cross section of Icelandic society in terms of education and occupation. The victims, on the other hand tend to be less educated, in poorer-paid jobs and at more extent out of the labour market than women in Iceland in general. In Iceland men who use violence in close relationship are offered psychological therapy, individually and in groups where they aim to change their violent behaviour. This has turned out to be very helpful but unfortunately relatively few perpetrators seek this kind of help, in 2010 only 41 man participated in the program.

In the first years of the Women's Shelter it became obvious that survivors of rape needed more specialized service than that offered by the shelter and that there was also need for programs supporting survivors of incest and other kinds of sexual violence and exploitation and that lead to the foundation of **Stígamót** which is a counselling and information centre for survivors of sexual violence.

Stígamót opened in 1989 and focuses on survivors of sexual violence and aggression of any kind. It is located in Reykjavík but from time to time they provide service out in the countryside.

Stígamót now have 7 employees and the Counselling Center is open at working hours. They provide free individual counselling for survivors of rape, sexual molestation, sexual harassment, pornographic exploitation and prostitution as well as participation in self help groups. In addition, last September Stígamót opened a shelter for women victims of human trafficking and for women finding a way out of prostitution.

The counselling centre provides service for women and men but only women can stay in the shelter. Service to children under the age of 18 is offered by Children's Protective Services (Barnahús).

Aflið is a organization in Akureyri that has provided support and counselling for victims of violence since 2002 and Sólstafr in Ísafjörður since 2006, in the beginning to survivors of sexual violence entirely but now they also to some extent give support to victims of partnership violence of any kind. They are two independent organizations offering individual counselling and participation in self help groups.

Kvennaráðgjöfin (the Women's Legal Advice) offers free legal and social counselling for women given voluntarily by lawyers and social workers. Even though the Women's Legal Advice offers assistance to all women (actually to all people regardless of their sex even though it's services are directed mainly for women) the majority of those that seek assistance are women victims of violence. Many survivors of violence seek first legal advice there, usually because of a difficult divorce and custody over children. Some wonder if it is too late to press charges against the offender or if the offend is of such kind that it would serve any purpose to press charges. About 20% are foreign women, usually asking for advice regarding divorce or the permission to stay in the country after a divorce. The service is open twice a week.

DrekaSlóð, the newest organization in this field in Iceland has been offering support to victims in Reykjavík since 2010. DrekaSlóð consist of seven women, all survivors of sexual abuse in childhood. They provide service for all victims of violence, regardless of sex and types of violence. Survivors of bullying, male victims of violence in intimate relationships are encouraged to seek assistance there as well as the survivors that are welcomed by the other organizations.

All the services are free of charge and on the victims' turns regarding numbers and frequencies of visits. The organizations cooperate a lot both on individual level and organizational. On individual level we all try to ensure that the victim seeking help is in the right place and that she (or he) will receive the most effective support possible. That means that sometimes women that stay in the Women's Shelter seek counselling at Stígamót (for example when having been sexually abused as a child or exploited as a prostitute), also women seeking support at Stígamót are advised to go to the shelter when she mainly needs to feel secure. Majority of the women staying in the Women's Shelter seek at any point consultation at the Women's Legal Advice. Male victims that call the Women's Shelter are usually advised to contact either Stígamót or DrekaSlóð. The organizations on the countryside contact the others when necessary but also have a close contact to support systems in their home towns, to the social service, the police and to other local organisations.

All the organizations mentioned emphasis on the same ideology and regard those suffering gender based violence as people who have survived threatening violence with great strength, not as defenceless victims or sick individuals. According to this the work involves making individuals realise their own strength and their possibilities to change their lives, but when they come to seek help they often have a broken self-image, not believing they have any potential or possibilities for changing anything at all. We also put emphasis on looking at the violence in a social context but not as a personal problem and on breaking down the survivors believe that she is the only person in the whole world in this situation. In all of the organizations, those seeking

help are themselves in control of what elements of the services they take advantage of and to what extent. They are the specialists when it comes to their own matters so they decide for themselves when to start and when to leave.

Furthermore we all regard gender based violence as the part of the unjust power balance between the sexes and all are active members of the Icelandic Women's Movement which is a strong informal movement of women with feminist point of view, coming from different sectors of the society (the Women's Shelter, Stígamót, the Human Rights Office, the Women's Legal Advice, the 100 years old Womens Right association, the rather radical Feminist association and association of young feminist, and women's associations not so radical, Soroptimist and so on) All taking part on terms of interest and the urge to change the society. The members do certainly not agree on everything but the movement is strongly united in ideology and important matters such as opposition to prostitution and porn and in support of programmes that give support to survivors of gender based violence. The Women's Right Movement has also fought strongly and united for approving laws regarding gender based violence. We all believe that the fight for gender equality in all stages of society is an inevitable part of the fight against gender based violence and equally that the fight against gender based violence is an inevitable part of the fight for gender equality in all stages of society.

Education is an important part of the work of all the organizations and includes for example presentations at schools, for social groups, professionals and to the public. Also participation in media debate, conferences, meetings and cooperation with the social service, the police, the health system, the academic society, the politics etc. The education aims at wider understanding in gender based violence in any kind.

Most of these associations have a strong link to authorities, especially the Women's shelter and Stígamót as being the oldest and the best known and also with the capacity and location making this relation possible. Those two have eg. a representative in the Gender Equality Council located at the Ministry of Welfare, also in the team writing the governments new action plan against gender based violence as well as in the group that wrote the first action plan against human trafficking. We also have a representative in the government's team working against human trafficking and play an important role in supporting the victims of trafficking identified by the team.

The Women's Shelter and Stígamót are mainly funded by the Icelandic government and the municipality of Reykjavík but do also receive some amount of money from other municipalities, firms, other organizations and individuals. Now when Icelandic economy is going through rough times these organizations relying on governmental support are experiencing a financial reduction, not knowing exactly what that will be the consequences of that. Until recently those two organizations only relied on volunteer work to a very little extent. Still now the new shelter for victims of trafficking and women finding their way out of prostitution relies a lot on volunteers whereas the founding is far from secure.

The other organizations have less secure funding and are to larger extent relying on volunteers. The Women's Legal Advice gets funding from the government and the municipality of Reykjavík just enough for paying rent, telephone bills and website. The lawyers and the social workers do not get paid for their work but they regard the experience very valuable. The other three, Drekaflóð, Aflið and Sólstafrir get some

governmental funding and some from their home municipalities but rely mostly on own funding, donations and volunteer work. They are striving for financial security and spend a lot of valuable time in fund raising.

The purpose of the Women's Shelter is to help women in difficult life situations. But helping each and every victim when she seeks help is merely reacting to a problem but not the solution of it. And even though one victim gets away the perpetrator soon finds a new one. This is the reason that from the beginning the other purpose of the Women's Shelter is fighting against gender based violence in general.

Anna Sigfridsson

The Crime Victim Fund in Sweden, funding for victim projects

The Crime Victim Compensation and Support Authority

The Crime Victim Compensation and Support Authority is subordinate to the Ministry of Justice. It is located in Umeå in the northern part of Sweden and has about 60 employees, mostly lawyers. The Authority's overall aim is to look after the rights of all crime victims and to draw public attention to their needs and interests. It was established in 1994 and is nationally responsible for three areas of activities: it deals with matters concerning economic compensation to crime victims, it administers the Crime Victim Fund and also serves as a Centre of Competence on crime victim issues.

A person who has been subjected to crime may be entitled to criminal injuries compensation. This compensation is financed through tax revenue. The handling of criminal injuries compensation is the Authority's largest sphere of activities and the one that requires most resources. Every year the Authority receives about 10 000 applications and in 2010 it paid out around 120 million kronor for criminal injuries compensation. In conjunction with paying out criminal injuries compensation, the Authority also requires the offender to pay back the money, if possible. This resulted in that the Authority received around 30 million kronor from offenders during 2010. The numbers will be about the same for the year 2011.

In its role as Centre of Competence for crime victim issues, the Authority informs victims, professionals and the public. The Authority holds seminars and arranges training for, among others, professionals within the criminal justice system, NGOs, staff in health care and social services. Training is mostly on compensation, but also on rights of crime victims, reactions to crime and how to receive crime victims in the criminal justice process. The Authority produces information material in Swedish and in other languages, like folders, leaflets and reports. It also administers two websites; the Authority's website with information on the Authority's work, compensation and other information concerning crime victim issues, with a special section directed to crime victims. The website also has a lot of information in Swedish directed to staff in the criminal justice system. www.brottsoffermyndigheten.se.

The other website is a web-based information material called Court Introduction. This material uses narrators' voices, texts, photographs, films and 3D animations to explain how the criminal justice process works and what happens at a court trial. www.rattengangsskolan.se. An English version is found on www.courtintroduction.se.

The Crime Victim Fund

The Crime Victim Fund was established in 1994, together with the Authority, and is unique. The purpose of the Fund is to provide economic support to activities aimed at improving the situation for crime victims. The Fund constitutes an important means to raise awareness on crime victim issues and to strengthen the service and support to crime victims.

Money from the Fund is not channelled to individual crime victims; such compensation is referred to as criminal injuries compensation and is financed by tax revenue, as mentioned above.

The Fund is mainly financed by money from convicted offenders, in this way the funding has a pedagogical aspect. It is a political standpoint from the Government that offenders should be liable to contribute to a better situation for and knowledge on crime victims' needs and interests.

All offenders convicted for an offence punishable by a prison sentence are liable to pay a fee of 500 Swedish kronor to the Fund. This constitutes a specific legal remedy which is applied over and above sanctions. In addition, prisoners who are under electronic supervision must pay 50 kronor up to a maximum of 6 000 kronor to the Fund. The Fund is also open for donations.

The Swedish National Police Board is responsible for collecting the fees to the Fund. They do so by sending out an in-payment form to the debtors. If a person doesn't pay the fee, the claim is sent to the local Enforcement Agency, which investigates if the person has the means to pay. If so, the money is conveyed to the Fund. A survey which was done not so long ago, showed that only a bit more than 50% of the convicted persons actually paid the fees. There have been many discussions on if these fees should be raised or not. One reason to keep the levels down is that more persons are able to pay if the levels are kept low.

On these relatively small sums, the Fund generates about 30-35 million kronor every year. The money paid to the Fund one year is distributed to projects the year after. Every year the Authority receives around 700 applications to a value of about 140 million kronor for projects, research and different kinds of core financing of crime victim related activities. This means that it is a keen competition for the Fund's resources.

Application

The Fund allocates its resources twice a year. Applications must be submitted at the latest on April 1st and October 1st respectively. The applicants are researchers, NGOs, public bodies and private actors, who deal with problems concerning crime victims. A council connected to the Authority decides on which projects will be granted means from the Fund. This council is appointed by the Government and its members are persons with research experience and a sound knowledge of crime victims and crime victim activities.

The Fund is limited to grant means only to projects and research which are mainly directed on crime victim issues or are directed to victims of crime. Projects mainly directed on crime prevention, general social information or which have only a small part of crime victim issues in focus cannot be financed from the Fund.

As a main rule, a bit more than 50 % of the means from the Fund is channelled to NGO's, almost 40 % to research, about 10 % to official institutions and some single % to private actors. The applications are classified in four categories: Information, Training, Developmental work and Research.

When the Authority receives applications, they are examined and additional information is inquired for if it is needed, which is quite often. Many organisations need some assistance in this. For the organisations, protocols and the latest annual report must also be presented, in order for the Authority to see that the applicant is an existing organisation with a functioning board. The applications are presented to the Council of the Crime Victim Fund. It is possible to grant funding in full, in parts or not at all.

Projects which are granted means receive a contract to be signed and returned to the Authority before payment can be made. The contract is followed by general terms and conditions for the use of the granted means. A project can also be bound by specific conditions, for example that the granted money can only be used for a part of the project, if there are parts within the project which the Fund cannot finance.

When a project is granted means, the applicant normally has 12 months to carry it out. After that, the applicant has about 3 months to collect documentation and present a written and signed report to the Authority, with an evaluation on how the project has been conducted. The report must be followed by an economic report on how the money has been used. The applicants are bound by the budget they presented in the application, and only costs that correlate to the application and its budget are approved. If changes have to be made in the project, both concerning the use of the money or the direction of the project itself, the applicants must contact the Authority first, in order to get a formal approval from the Fund. Otherwise they might be liable to repay the money which has been used in a wrong manner. If some of the granted means haven't been used in the project, this sum must also be repaid.

The Authority is happy to notice that relatively few projects are considered to have failed. Many applicants have to repay some of the granted means, but this is mostly because the costs have turned out to be lower than what the applicants estimated in the application.

If a project lasts longer than a year, a new application must be submitted for the coming year. The application is then assessed in competition with the other applications on that occasion. This is the case both concerning applications for projects and for research.

Crime victim projects

As already mentioned, more than half of the Fund's money is channelled every year to NGO's, mainly Victim Support Centres and women's shelters. There are 100 local Victim Support Centres and about 180 women's shelters around Sweden. In addition, there are a number of other organisations providing help and support to different groups of victims of crime and their relatives. For example organisations supporting victims of sexual abuse, and family and relatives of these victims, and organisations working with persons from other cultures.

Among all the applications from NGO's, the most common type probably concerns training for volunteers, costs for printed information and coordination of witness

service. Examples on activities directed to crime victims are witness service or self-help/therapy groups for battered or sexually abused women.

Examples on applications from official institutions are: The Ombudsman for Children – The Prosecutor’s work in cases where small children are victims of crime, Local police authorities or social security offices – Training for staff on specific issues such as sexually abused children, The Court of Appeal in Västra Götaland – Survey on how all actors and visitors at the court experienced the meeting with the court and the criminal justice process.

Examples on applications from private actors are that many victims want to write books, produce movies or theatre pieces or music about their experiences, and companies want to provide different kinds of treatment to victims.

Research

The Fund has a commission to finance victimological research and has played a part in establishing Victimology as an academic research field in Sweden. From the start in 1994, more than 130 researchers have received funding. Since the victimological area still is quite small in Sweden, the Authority considers this a satisfying number. Apart from already established researchers, the Fund is also open for applications from doctoral candidates, which is not common among scientific councils in Sweden. The Fund can finance up to a maximum of 80 % of the candidate’s salary during a period of up to 3 years.

Applications come from a wide range of disciplines and all universities around Sweden. Frequent applicant institutions are law, criminology, psychology, sociology, medicine and psychiatry. But the Fund has also granted means to applications from for example institutions for theology, history and linguistics.

When research applications are reviewed, assessment is made of the project’s scientific quality in relation to existing research, the competence of the project leader and the research group, if the project is practicable, and how well the application correlates to the Fund’s limitations.

In 2009, one of the members of the Council for the Crime Victim Fund wrote a report on the Fund’s support to victimological research during the years 1994-2007. He observed that in the earlier years, applications more often than now consisted of surveys, which might be natural since this is quite a new research area. The most popular target groups of victims have been women and children/young people.

He also noticed that a number of those doctoral candidates or doctors, who were granted a number of years ago, have remained in the victimological area and now, as professors or doctors themselves, are supervisors to new doctoral candidates.

Many of the research projects have produced results which are important for the criminal justice system. For example concerning the interview situation, children’s contact with the criminal justice system and the evaluation of given evidence. Many of the researchers who have been granted money from the Fund also give presentations on their topics in training directed to staff within the criminal justice system. The same could be said about the researchers in the social work and health care area.

Victim Support

The Fund is Victim Support Sweden's main financier and for the year 2011, Victim Support Sweden received 6.5 million kronor for its administration and activities. In addition to this, the 100 local Victim Support organisations in Sweden were granted 30 000 kronor in core financing (or those 98 which applied for it). About 50 organisations, mostly Victim Support Centres, were granted means for costs within the Witness service. In addition to this core financing, the Victim Support Centres apply for means for a variety of crime victim projects.

Witness service

The Witness service in Sweden is a prioritised activity for the Crime Victim Compensation Authority and the Crime Victim Fund. Together with the National Courts Administration, and in close cooperation with Victim Support Sweden, the Authority was commissioned by the Government to see to that Witness service was established and maintained in all criminal courts in Sweden. This has been successful, and today Witness service is working in all courts but one, this is due to the local Victim Support Centre had to close down in the late autumn of 2011. Witness service means that a trained support person meets the crime victim or witness in the waiting areas at the court premises and inform them about how proceedings in court works and act as a support for those who are nervous and frightened, and just being there as a fellow being. The Witness service might also act as a channel between the court staff and the victims and witnesses who are called to court. The great majority of the Witness service work is done by the local Victim Support Centres. The Witness service is mainly financed by the Crime Victim Fund. Costs for this service constitutes a big part of the Fund's means intended for the NGO's. These costs are for example for training of volunteers, coordination of the service in the largest courts and costs for the volunteers, such as for example for travel, lunch or maybe a small token of appreciation.

The Fund's other activities

The Crime Victim Fund is not only working with applications and accounting of the projects. The Authority and the Fund have a commission to disseminate results of projects and research in order to raise the level of knowledge on the situation of crime victims. This is done by, among other things, inviting a number of researchers and project leaders to write about their results in the Authority's newsletter, which is distributed 5 to 6 times a year, to about 2 000 subscribers. The Authority also includes presentations from Fund-financed projects in its conferences, seminars and other outreach activities.

The Authority arranges an annual conference for victimological researchers, which the Fund finances. An internationally renowned person in the crime victim area is invited as key note speaker and in addition there are parallel workshops where the researchers present their work and exchange ideas and knowledge. The conference is important for the researchers' chance to networking. This conference is highly appreciated and gathers around 60 persons every year.

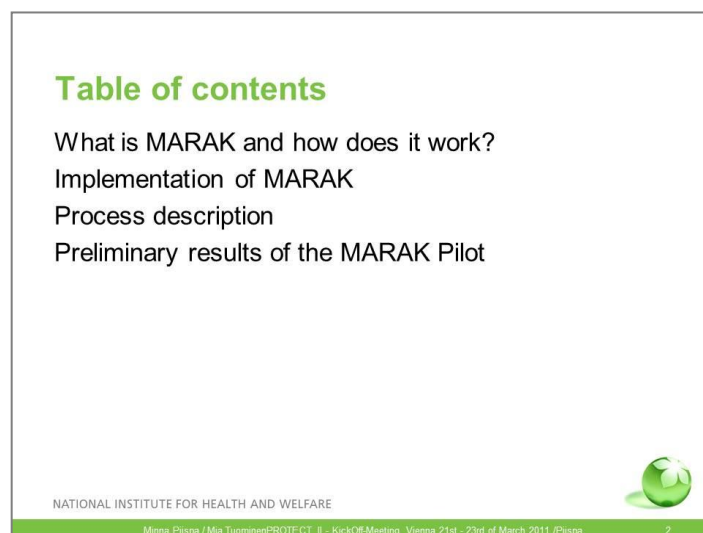
In order to encourage the interest for crime victim issues in university education, the Fund arranges competitions for university students on the theme "Crime victims in focus". The 10th competition is closing at the end of January 2012. About 40 to 50

papers are received for each competition round, and the students are representing a wide range of disciplines from almost all universities around Sweden. The Council of the Crime Victim Fund decides on the 3 winning papers. The authors of the winning papers are awarded with a sum of money and the papers are published in an anthology which is distributed to all the university libraries around Sweden.

Thanks to all the applications to the Fund, the Authority has a good picture on the actual crime victim work in Sweden. The training and information, which has been made possible through contribution from the Fund has also resulted in more attention to the situation of crime victims. Today, there are Fund-financed crime victim projects running in almost all bigger cities and towns in Sweden.

Mia Tuominen

Experiences and preliminary results of the implementation of MARACs in Finland



Why do we need multi agency approach to help high-risk victims?

Homicides and studying of seriously violent crimes

Lack of risk assessment methods

Deprivation of information sharing

Deprivation of help services provided for victims

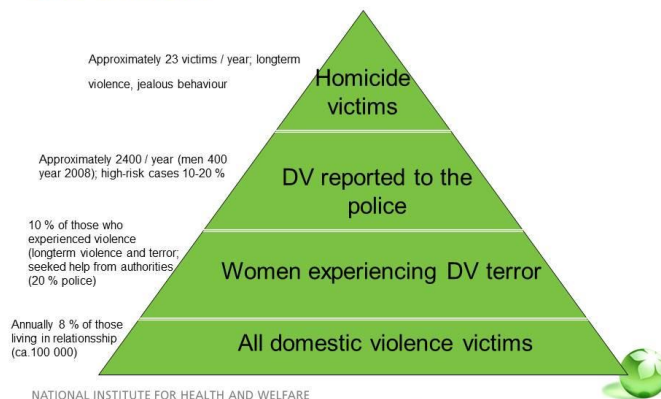


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3

Overview of violence experienced by the women



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Aims of MARAK

- To identify high-risk victims
- To ensure that those high risk victims are better protected from further abuse through multi agency coordination
- To identify special characteristic related to DV: to decrease consequences of DV



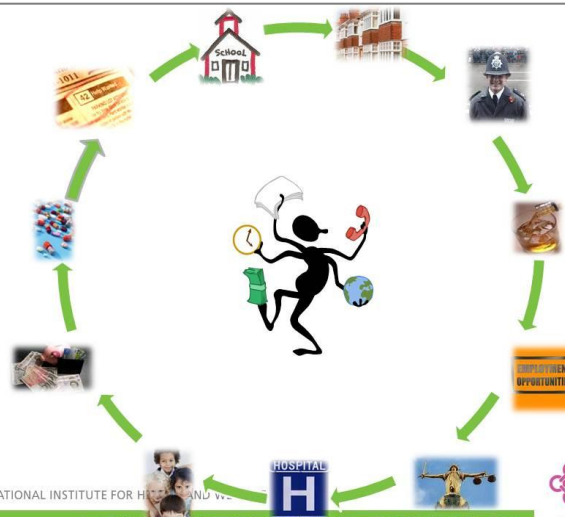
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caada



Minna Piispas/Nailani Oulu/PROTEO/altereon.com/nagi/Minna Piispas 23.11.2011 /Piispas

- The advisory group: The Ministry of Social Affairs and Health, The Ministry of the Interior, the Ministry of Justice/the National Council for Crime Prevention, the National Police Board and National Institute for Health and Welfare
- The coordination group; advisory group + representatives from the pilot cities (chairmen and secretaries)
- MARAK-groups
- Project worker, part-time



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1

The pilot cities

- Oulu Region
- Helsinki/Itäkeskus
 - ✓ The area equivalent to the Eastern Police District in Helsinki
- Päijänne Tavastia
 - Each group meets approximately once in a month or when needed
 - Each group consists of 10-20 members

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Consistence of local MARAK-group in Oulu



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Working process in MARAK-groups

- Large meeting of agencies city wide usually held every 3 or 4 weeks
- All agencies can refer and present a case if it meets the threshold
- Agenda circulated 8 days prior to meeting by e-mail (identity number, no name)
- All agencies research their records for all involved

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...Working process in MARAK-groups

- The time used in information sharing and action planning is not limited
- Implementation of actions is followed by the group and coordinator: if the action is not completed the case will be referred to the group again
- Case will be re-referred to the group also if a new act of violence occurs

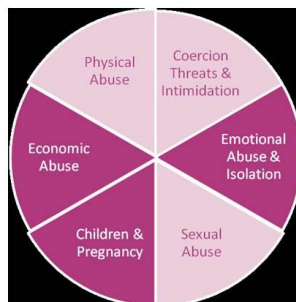
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Risk identification checklist; contains 24 questions



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Recommended Referral Criteria to MARAK

- Professional judgement: if a professional has serious concerns about a victim's situation, they should refer the case to MARAC.
- 'Visible High Risk': the number of „ticks“ on this checklist. If you have ticked 14 or more „yes“ boxes the case would normally meet the MARAC referral criteria.
- Potential Escalation: the number of police callouts to the victim as a result of domestic violence in the past 12 months.

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The Evaluation

Process Evaluation:

- The workload; referrals to MARAK, the actions agreed and the responsibilities for them, information sharing
- Data: observations and interviews

The Victims safety:

- Cases reported to the police on victims referred to MARAK/not
- Risk factors and the average level of risk documented for MARAC victims
- Data: risk identification checklist, police records



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Cases referred to MARAKs and referring agencies

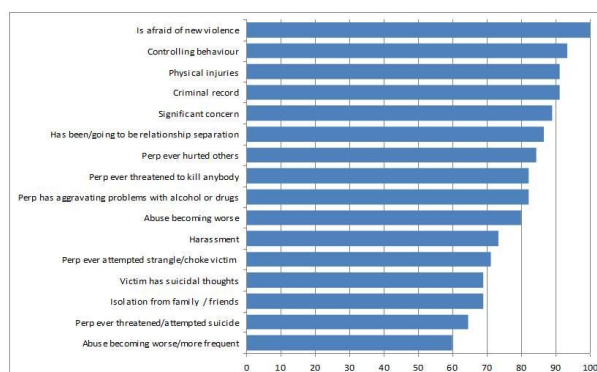
	DV cases reported to the police		MARAK -cases (new)				
	n	Odote (%)	n	Police	Social work	Shelter	Victim support
Oulu	143	14	15	5	3	6	1
Päijät-Häme	149	15	8	3	3		2
Itäkeskus	163	16	22	12	2	8	
Total	455	46	45	20	8	14	3



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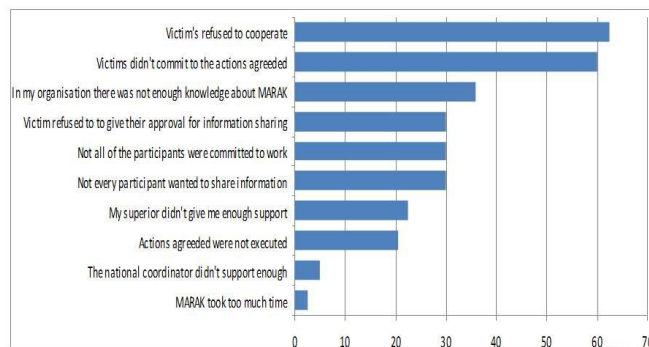
Most frequent risk factors; cases referred to MARAK, % (n=45)



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Limits of MARAK, % (n=41)



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Observations on MARAK:

Problems:

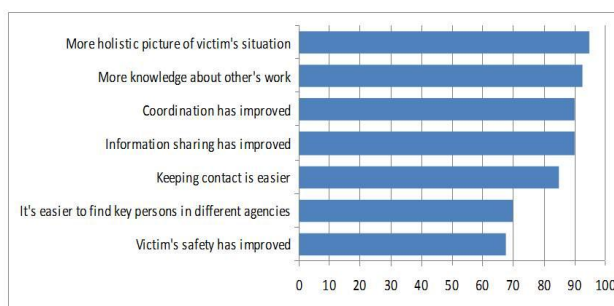
- The threshold to use the risk identification checklist is too high,
->Not many cases have gone through the MARAK,
- The lack of efficient legislation on multi sectoral work
->referrals to MARAK is possible only when victim gives her / his consent for that
->child protection services is not willing to give information
- Lack of education and common view on DV.

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Benefits of MARAK, % (n=41)



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Observations on MARAK:

Positive :

- Co-ordination and co-operation has improved
- Sharing information between agencies has been improved;
 - >it's easier to consult by using victims name
 - >better knowledge, better understanding and trust on victims story and other agencies,
- The role of IDVA is very important; in Finland organized by NGO's working with victims
- The role of the chairman is very important



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Mina Pospo / MARAKin koulutusohjelma - koulutusohjelman johtaja, 2011. Pospo

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Research on services for women suffering intimate partner violence. What is being done?

Introduction

Violence against women in intimate relationships was first brought to public awareness in Iceland in the late 1970s. Compared to many other countries this awareness was raised relatively early; violence against women became a major issue for the various women's groups, and the topic became, and still is, a unifying issue for the women's movement. Initially the focus was on women as victims of violence, and special services such as a Women's Safe Shelter (*Kvennaathvarfið*) were campaigned for. Later, therapeutic programmes for violent men became an issue, and more recently attention has been paid to children affected by their parents' violent relationship.

Problem construction was originally based on women's equality and women's rights to a violence-free life, but in line with the WHO approach that violence in intimate relationships is a risk to women's health, partner violence has also become an issue for health authorities. Recently, attitudes towards sexual abuse and violence against children and women have become more punitive than they were when these issues first received attention. However, the focus on rehabilitation in penal policies is still very strong. In the present public policy, there is more emphasis on welfare services for women and children as victims of violence in intimate relationships than on control of men as perpetrators.

In 2006, the Icelandic government adopted an action plan for measures to combat violence against women in intimate relationships, based on the concept that violence against women affects everyone in society and will not be tolerated. The objective of the plan was to prevent violence against women, to enhance options for women that are subjected to violence and their children, and help men to cease violent behaviour.

The action plan entailed that research be conducted to gather knowledge and understanding of how to improve the measures to combat violence in intimate relationships. In 2008, the Ministry of Welfare asked this author to serve as an external consultant in these matters. After the research had been designed, the Ministry of Welfare made a contract with the Centre for Children and Family Research at the University of Iceland to carry out six studies of violence against women in intimate relationships.

In 2010, the Minister of Welfare published a report including these studies, and recommendations on measures to be undertaken to improve services for women and children suffering from partnership violence. In the following presentation, an overview of this project will be given, with the main emphasis on the studies that were carried out in the fields of public administration.

Aim of the project

The aim of the research project was to elicit information on record-keeping, available services and support and improvements that were regarded as desirable. While information was elicited on services available to all women, efforts were also made to gather information on support for women with disabilities, elderly women and women of foreign origin who have experienced violence. Care provided to children living in violent household was also explored.

Six studies

Violence against women in intimate relationships is a global problem. Knowledge about its scale has been increasing, and the characteristics and consequences of this violence have been well researched. Iceland was not able to participate in the International Violence against Women Survey, IVAWS. However, soon after the IVAWS study was published, an Icelandic survey on the same subject was under preparation and, in order to facilitate comparison of the Icelandic survey with other studies, it was decided to use the same questionnaire as had been used in IVAWS.

On the other hand, in exploring the options and services available to women who experience violence, no comparable studies from other countries were available to provide a model. Such wide-ranging studies of service agencies are rare, and little research has been carried out on what serves women best in dealing with the consequences of violence, and what preventive measures are most effective. Welfare services, schools and health services, system of law enforcement and activities of NGOs vary greatly from country to country, so research on welfare services has to be adapted to local circumstances.

The first of the six studies to be carried out was a telephone survey (using the IVAWS questionnaire) of a random sample of 3,000 women from the Population Register, aged 18-80. A flaw in the study was that women of foreign origin who did not speak Icelandic could not be included. These women comprised 5% of the sample.

Five other studies were carried out, and 70 interviews were conducted with staff from social services and child protection services, primary/lower secondary schools, healthcare services, NGOs and the police. In preparation of the studies, a decision was made to try to acquire as comprehensive a picture as possible of the services available to women who experience violence in intimate relationships.

The results

Where do women seek help?

The survey showed that 18% of the women who had experienced violence did not seek any help, or told nobody about the violence. A somewhat higher proportion (21%) of the women said they sought help from NGOs or public agencies. Those who had sought help from the Women's Safe Shelter, the Education and Counselling Centre for Survivors of Sexual Abuse and Violence (*Stígamót*), doctors, psychologists or other counsellors were pleased with the assistance they received.

The majority of the women told a family member (66%) or a close friend (52%) about the violence. They also informed members of professions. This reveals two facts: Firstly, women turn to those closest to them, which is natural when violence occurs, as in other setbacks in life. Secondly, many members of society are close family

members of women who have experienced violence, and hence the public in general has considerable knowledge of violence in intimate relationships.

Only 13 per cent of the women reported the incident to the police, but the majority who did so were satisfied with their response.

Record-keeping and extent of violence

The results of the studies show that in general, record-keeping is very poor. Therefore, it is not possible to acquire data from fields of public administration about the number of women who seek help due to violence in intimate relationships. Child protection services, the Women's Safe Shelter and police all keep records relevant to their own fields. The police use their own category of *domestic violence*, which includes all violence between individuals related by blood or marriage.

Figure 1. Record-keeping and extent of violence

	Social services	Social services	Primary/ lower-secondary schools	NGOs	Healthcare	Police
Record-keeping	No standardised record-keeping	Record-keeping introduced, not implemented in all services	No standardised record-keeping	Record-keeping at the Women's Safe Shelter	No standardised record-keeping	Record-keeping system. Own definition of domestic violence
Increase or decrease?	Not known, more women of foreign origin	Probably stable	Not known	Fluctuations	Not known	Not known

Because of the incomplete record-keeping, it is difficult to estimate whether more or fewer women are seeking help, or whether violence in intimate relationships is increasing or decreasing. There was an indication that women of foreign origin were increasingly seeking help from social services, so information about the Icelandic welfare services seems to be reaching this group of foreign women.

Available services and co-operation

Social services have various resources to help women who have experienced violence in intimate relationships. With regard to the violence itself, they offer counselling and are able to grant financial aid, assist with housing, and offer other practical help. These matters are mainly relevant when a woman has decided to leave the abusive relationship.

Figure 2. Available services and co-operation

	Social services	Social services	Primary/ lower-secondary schools	NGOs	Healthcare	Police
Services	High priority; counselling, help with practical matters, financial support, housing, self-esteem therapy groups	Intervention, counselling to children and mothers	Pupil-welfare boards, nurse counselling, notification to child protection committees	Information, support. Women's Safe Shelter: counselling and shelter, Women's Counselling Centre: Legal advice	General health services, emergency care for injuries and trauma, maternity care, rape trauma centre, treatment for alcohol and drug addiction	Go to the scene, stop the violence, arrest the perpetrator, start a criminal investigation
Co-operation	Women's Safe Shelter, child protection services	Police, social services, Women's Safe Shelter	Child protection services	NGOs	Little co-operation	Little co-operation

All social services refer women to the Women's Safe Shelter, and all staff interviewed found collaboration with the Women's Safe Shelter to be important, and had great confidence in it.

It seems that women rarely seek assistance from social services solely due to violence; more often they ask social services for help with practical matters, which on closer examination sometimes turn out to be related to consequences of violence. Women who seek help from social services often do so because of their children, or because a notification to child protection services has been made. Another important factor influencing help-seeking was alcohol, as the violence was very often alcohol-related.

Women with disabilities, elderly women and women of foreign origin, who are believed to be at greater risk for violence in intimate relationship than other women, very seldom seek assistance from social services. When social services receive information about violence against elderly or disabled women, this usually comes from home-help or home nursing staff. Women of foreign origin, however, were considered to be increasingly seeking help from the social services due to violence, both physical and psychological.

Child protection committees have various measures at their disposal, but in certain cases a child must be removed from the home in order to ensure his or her safety. More commonly, however, efforts are made to support the mother and child together, as it is traumatic for a child to be separated from his or her mother under such circumstances. Needs are assessed on a case-by-case basis.

Most notifications come from police, because when the police are called out, notification is generally sent to child protection authorities. For the child protection committees, the police was the most important collaborative partner. In general, the procedure for notifications was regarded as being effective.

How do primary/lower secondary schools respond when a child requires help because of violence against the mother in the home? Principals said they knew little about violence against pupils' mothers. School staff felt that the role of the school, teachers and other staff was unclear in addressing children's experience of violence, and views varied about how far they should get involved.

Most of those interviewed were of the view that the pupil's class teacher would be the first to notice signs of a child's traumatic experience; after conferring with the principal, the case would be referred to the school's pupil-welfare board, and notification would be sent to the local child protection authority. Pupils have access to a broader range of professional services in urban areas than in rural ones.

Healthcare services

The healthcare system naturally provides emergency care for women, for injuries and trauma. And presumably, the healthcare system also treats women who are dealing with the consequences of violence suffered earlier in their lives. Specialised services are also available; such as maternity care, the rape trauma centre, and treatment for addiction. Somewhat surprisingly, questions about experience of violence were not an integral part of maternity care, as earlier studies indicate that pregnancy is a risk factor for violence in intimate relationships.

Some collaboration within the healthcare services was reported, but less with outside agencies.

NGOs

Non-governmental organizations of two kinds were included in the study: those whose main purpose is to assist women who have experienced violence, such as the association for the Women's Safe Shelter and related organizations, and those who sometimes assist women in such cases, including the Organization of Single Parents (*Félag einstæðra foreldra*), Women of Multicultural Ethnicity Network (*Félag kvenna af erlendum uppruna*), and *Efling*, a trade union with a large female membership.

NGOs are most active in the Reykjavik area. The Women's Safe Shelter and Women's Counselling Centre (*Kvennaráðgjöfin*) are both located in Reykjavík, as is the Education and Counselling Centre for Survivors of Sexual Abuse and Violence. These NGOs participate to some degree in informing society about violence against women: some make visits to schools, workplaces and public agencies. Moreover, they encourage discourse on gender-based violence, with the aim of informing society, and opening up discourse on the subject.

The Women of Multicultural Ethnicity Network has limited resources but can be very important for women of foreign origin, as they often are isolated and lack information about their rights. Other NGOs also offer information and sometimes practical help.

Police

The police have a range of options, such as going to the scene, stopping the violence, and reprimanding the perpetrator, or arresting him. The police can also help women and their children to go to the home of relatives or friends, to the Women's Safe Shelter or to a hospital or doctor.

The main problem for the police is that when serious violence occurs in intimate relationships, the alleged victims are often afraid or unwilling to bring a legal action.

Those who are afraid to do so may need assistance of a different nature from those who are unwilling. Results from the survey showed that the main reasons why the

women did not contact the police were these: *trivial, not serious enough, did not think of it, dealt with it myself or told a friend, embarrassing or shameful, wanted to keep it secret, fear of the perpetrator*. The women thus apparently seek help from the police to stop the violence and to make it clear to the perpetrator that the violence is unacceptable, but they do not seem to want the perpetrator to be charged and convicted by the courts. It was reflected in the study that the police were aware of these obstacles.

In general, there was little co-operation between these fields of public administration. Child protection committees were of course mentioned as co-operation partners, because when attending to children they must often be notified. The healthcare services had some collaboration between the various healthcare units, but little co-operation with other service providers. Police had little formal co-operation with the service providers, probably because of its role as a control agency, which strictly demarcates its activities.

Proposals for training and improved services

Even if the knowledge possessed by social service staff seemed to be generally good, there was a desire for more training and organised education regarding violence in intimate relationships.

Figure 3. Desirable improvements.

	Social services	Child protection services	Primary/ lower-secondary schools	NGOs	Healthcare	Police
Information and training of staff	Training and continuing education, also for untrained staff in home care and home		Increased awareness, identifying signs of abuse	More general information, education of staff. More information to women of foreign origin	Continuing education, more undergraduate training, identifying signs of abuse	More information to women of foreign origin
Desirable improvements	More systematic procedures, more co-operation, countrywide expert knowledge for all staff, screening	Use the Children's House for children experiencing domestic violence			Screening at healthcare centres and maternity care units	Better access to psychological and social services

Social workers and nurses may have learned about the subject during their training at undergraduate or graduate level, but home-help staff cannot be expected to have received such training. It was mentioned that staff turnover is very high in the healthcare services, so organised continuing training is needed. Furthermore, it was reported that untrained staff hesitated and did not know how to frame questions about violence, or did not ask frequently enough about it. This was seen as a greater hindrance than the patients' or clients' unwillingness to reveal the violence.

In schools, teachers and other staff strongly desired training in recognising signs indicating that a child is living in a violent environment. They also mentioned that personal counselling services were not available to pupils.

Some of the social services staff interviewed desired clearer procedures and pointed out need for more co-operation, and access to experts on a nationwide basis.

Furthermore, it was proposed that the Children's House (*Barnahús*), which provides holistic services for children who have been victims of sexual abuse, could also be opened to children who are victims of domestic violence.

Employees in the healthcare services proposed the introduction of screening in all healthcare centres and maternity wards, so that all women would be asked about violence in intimate relationships, in the same way as they are asked about smoking and drinking.

The police were concerned about victims lacking access to psychological assistance and social services, to empower women in order to make it possible for them to leave the violent relationship, and perhaps to take legal action. Furthermore, they stressed the need for better information to women of foreign origin about their rights in society.

All those interviewed who lived in small communities outside the capital reported that the closeness in society was a burden. They said that women found it very difficult to seek help from social services and healthcare services, because they personally knew the staff and found themselves unable to confide in staff, who were often neighbours or relatives, even if confidentiality was promised. Interestingly, police were the only body that considered the closeness to be beneficial. Unlike the service providers, police can intervene without consent of perpetrator and victim, and it may be helpful for them to be familiar with personal circumstances when considering such interventions. In the regions there is a shortage of professionally trained people, and it was proposed that an expert team be established, to deal with matters from all regions of the country. Larger rather than smaller units seem to better serve women seeking help due to violence in intimate relationships.

General recommendations

Despite increased knowledge of violence and improved social and health services, action plans to stop violence in intimate relationships still seem to be needed. A comparison of the 2008 survey with a previous one carried out in 1996 indicates that the prevalence of violence in intimate relationships in Iceland appears to be unchanged.

Regarding implementation of the proposed measures, the policy is that women experiencing violence in intimate relationships as well as their children should be able to seek help and support from general welfare services, social services, child protection committees, and healthcare services, and that staff in all fields of public administration should be trained in handling this type of violence. In addition to the general welfare services, provision is to be made for special services such as the support of the Women's Safe Shelter, the Child Protection Agency's trauma assistance for children living with domestic violence, and the therapeutic programme *Men take Responsibility*.

The Minister's report makes 16 proposals for improvement that involve the following issues: comprehensive policy, action plans for municipalities, reinforcement of general welfare services, vigilance project in a risk area, alcohol policy, record-keeping, screening, addiction treatment clinics, training of staff, public awareness, therapy for violent men, emergency trauma assistance for children living with domestic violence, attending to vulnerable women; women of foreign origin, older women, lesbian women, mediation, NGOs, Women's Safe Shelter.

Recently, the Ministry of Welfare has started working on these proposals, of which a few will be mentioned here. All municipalities have been requested to establish initiatives for measures against violence towards women. The highest prevalence of violence was found in the southwest region of the country. This is a deprived area, characterised by high unemployment, low income, and various social problems. The Ministry has initiated discussion with the municipalities in the region to establish a joint vigilance and action initiative. A one-year pilot project in the Reykjavik area has been established to provide immediate support to children who live with domestic violence. The Minister of Welfare has called on the Ministry of Interior to establish mediation in cases of violence in intimate relationships. The other proposals will be implemented over the next year.

Victim perspective in court proceedings

A victim

The definition of a victim is to be found in the Procedural law. A victim is a person that has been violated/harmed in some way, physically or financially. The offence is punishable by the Penal code. We sometimes talk about vulnerable victims to separate them from other victims, in a way their rights are more visible in the Procedural law.

The legal status of the victim is addressed in the Procedural law. In 1999 the procedural law was amended with a chapter regarding the legal status of victims.

A victim has the position of a witness and is therefore not involved in the proceedings. And indeed the victim is a very important witness. In many cases, such as in sexual offences cases, a victim is the main witness and the glue that keeps the whole case together. It is therefore very important that the witness is as stable as possible throughout the court proceedings. I do not need to stress how important it is that the procedure time from the beginning to the end (from the beginning of an investigation to the end of the court proceedings) is as short as possible.

The first steps

The principal is that court proceedings in criminal cases are open to the public. Exceptions can be made in cases where a public trial would be a great ordeal for the victim or her or his family.

When a victim walks into a courthouse it is first of all important that she knows what to expect. That the victim is well prepared. Although going through the investigation can be tough the court proceedings can be even more so.

The state provides a victim legal representation during the first stages of the police investigation. In some cases this is done at the request of the victim for instance in sexual cases and always if a child is the victim, in other cases if the victim has suffered serious injuries or is highly traumatized, the offender is in close relation with the victim and it is the assessment of the police that the victim is in special need of the assistance of a lawyer or is not able to guard its own interests. It has been pointed out that it may be necessary to review these articles.

The role of the appointed lawyer is to guard the victim's interests throughout the police investigation and during the court proceedings, as well as to assist the victim to place a claim for compensation from the offender and present it in court. The lawyer, attends all witness interrogations, has access or gets copy of the case file, in order to prepare a claim for financial compensation.

This is a very important task and most lawyers do their job well. The thing is they would often want to be of more help to the victim, but they don't have guidelines other than those from the procedural law. A victim needs someone to talk to, and not only about legal matters. In Iceland we do not have a victim service as in some of the Nordic countries. This service is free of charge and provides support and assistance to victims.

It is also important for victims that information regarding the court proceedings is accessible, for instance on a certain website. This could for instance be on the website of the court, the State prosecutor and the police. An idea is to give victims a chance to visit the court house some days before the court proceedings. Although the court house is open to the public it is not common that victims visit the courthouse before court proceedings. Perhaps the courthouse should be more welcoming.

Ideas have been presented of a Spokesman for victims, a special office that guards the rights of victims, an organization in some ways similar to a Crime Victim Council in some countries.

Children

In principle a child less than 15 years of age does not have to come before the court to give a testimony. An interview takes place during the first stages of the police investigation but in the court house. In the civil court in Reykjavík, where the majority of cases are prosecuted, there is an especially equipped room. To assist the judge is a specialist, usually a psychologist or a policeman with special training. The interview is video recorded. The testimony is presentable as evidence in court. This is done for the benefit of the child.

Those who are present are the accused, the defendant, the prosecutor, the child's lawyer, as well as a person from the child welfare. Although the specialist taking the interview is the only one in the same room as the child. It is, as I have mentioned before, extremely important that the victim, in this case the child is as relaxed as possible.

We Icelanders pride ourselves in the Children house (run by the Child welfare), which specializes in helping children that have been abused, sexually, mentally or physically. They provide therapy and medical examination. In the Children house, which actually is a plain house, has an especially equipped room for interviews. The testimonies that are given are presentable in court. Over the years it has been discussed what is a better option, an interview of a child in the Children house or in the specially equipped room in the court house in Reykjavík. It is my opinion that it depends on the case, and the age of the child.

It is important to keep the child's parents well informed throughout this procedure. To visit the court house can be of great help, as well as to meet the person that will interview the child at some point to go through the procedure that lies ahead. In some Nordic countries this is always an option.

The day of the trial

Only the thought of having to face the offender can cause the victim further victimisation. Although the victim has had some sort of therapy prior to the trial it is

bound to strike the victim mentally in some way. The most common is fright and helplessness.

The main thing is that the victim does not come into contact with the accused, it is not the same thing as facing the offender inside the courtroom. The victim and accused do usually not arrive at the same time. Although waiting rooms should be separate.

The principal in the procedural law is that the victim as well as other witnesses, gives their report in the presence of the accused. The accused has a right to a just trial were he takes part, (for instance by having his defendant ask certain questions that may rise when the victim gives its testimony.) An exception is that the accused is not present when the victim gives the testimony. Under most circumstances the accused respects requests of this sort, that are placed by the victim or her lawyer. In that case the judge will accept the request. If the accused protests the judge can decide that the accused is not to be present if the judge finds it to be significantly stressful or could affect the testimony of the victim. In these cases the accused is situated in a specially equipped room.

On the other hand it is necessary to point out, that though the victim has dreaded this moment for a long time, some victims find it to be a step towards restoration.

The judge can also decide if a request is put forward that the victim gives an anonymous testimony. The procedural law stresses that this has to be of the outmost urgency and may not come down on the rights of the accused to defend him.

Perhaps it may occur that the victim does not want to give her testimony before the court or pulls back her former testimony. The whole case can therefore collapse. The principal is that the evidence shall be placed before the court. What is the value of a police interview, often in video recording, in those cases? This may occur in cases of vulnerable victims, such as cases of human trafficking, sexual offences or cases of domestic violence. In these cases it sometimes doesn't matter that the accused is not present, the witness is far too frightened. Judgements in Iceland indicate that there is a strong emphasis on the principle of evidence (which shall be provided in the court).

When the victim gives the testimony before the court, it is extremely important that she will be given time and not rushed to answer questions. To give a testimony in the court puts tremendous strain on a victim, needless to say if the accused is also present. The victim should be able to tell her story without being interrupted within reasonable time. This is the only chance the victim gets to express herself before the judge. At times it may be necessary to show parts from the police interview, and personally I think it is something that should be done more. At times the procedural time has been very long and can in some ways effect the memory of the victim. Therefore it may be necessary to go through certain parts from the police interview again in case of inconsistency. The courthouse has technical equipment to make this possible in a convenient way.

The Press/media and the public

The principle is that trials are open to the public. Therefore the press/media is not prohibited to take pictures in the courthouse. Limitations are in the procedural law and pictures and recordings in a trial without the judge's permission are prohibited.

The judge can also rule that reports from the trial are not allowed of consideration for the victim and her family. This is entirely prohibited in closed trials.

We all know that reports from the press and the media can be misleading and hurtful, for the victim and her family. To correct such reports can be hard when the harm is already done. The victim has to be prepared for this. Although the trial is closed it is impossible to prevent “leaks”.

The judgement

When a judgement is passed, it can be a relief but also a shock for the victim and her family. If an accused is acquitted the victim feels as if the system has failed, that no one believes her story. The judges must be impartial and base their judgements on the evidence the prosecutor has provided.

It may be hard to explain to someone that has been violated that the accused will not be sentenced. But if the victim has been well informed, treated with respect it may understand better on what the judgement is based on. The human approach is in most cases effective.

We often hear that the sentences are mild, for example in sexual offences cases. The fact is that sentences are heavier than the public may think. In a recent study, that the Nordic countries took part in, the result showed that the public was more lenient than the judges.

In many cases when the accused is sentenced, the judge may decide that he also pays compensation to the victim, for example in sexual offences cases. A special state Compensation fund guaranties a certain amount, that is usually considerably lower than decided in the judgement. The ministry of the interior is looking in to these matters, reviewing the conditions and the amount of compensation. In my opinion this is important and shows respect for the victim.

The judgement is accessible for the public through the website of the Judicial Council as well as the website of the Supreme Court. It can be quite hard for the victim to be in the public eye, therefore it is important that victims receive help to be able to deal with the aftermath.

A fair and just trial both for the accused and the victim should be our goal. There are fundamental rights and constitutional rights that have to be considered. In my opinion we can balance these rights. To prepare a victim for court proceedings in the best way possible, a human approach throughout the proceedings and presentable methods for the victim to deal with the aftermath of a violation, will not diminish the fundamental rights of the accused.

Ole Kristian Hjemdal

Diversity of consequences of traumatic experiences

Traumatic experiences might lead to an almost infinite number of different consequences, but I shall limit myself to three main points.

My first point is that quite different experiences; like being a victim of violence and abuse, or hit by a disaster, or taking part in acts of war, or being a refugee, or loosing someone dear to you in a violent death, may lead to quite similar individual psychological reactions. My second point is one that I'm afraid we all know; that bad things seldom come alone. If you have been exposed to one type of traumatic experience the chances are quite big that you have experienced other types as well. My third point is just what the title says; that traumatic events may have a great diversity of consequences, and that different types of consequences often will interact.

Different traumatic experiences –similar reactions

Among the most common, and most frequently studied, consequences of a lot of different traumatic experiences are individual psychological reactions like post-traumatic stress disorder or PTSD, anxiety, depression and different kinds of phobias.

In a cohort study of women in Oslo we found that the prevalence of psychological problems, mainly anxiety and depression, were significantly higher for those who had been victims of violence and abuse compared to those who had not been abused. While 7 % of the women who had never been abused scored above the limit for having psychological problems on the Hopkins Symptoms Check List (HSCL-10), 18 % of those who had experienced some kind of abuse ever in their life scored above the limit. This association also holds for those women who were abused only during childhood, so the direction of the connection seems to be mainly from the violence and to the problems (Hjemdal, Sogn et al 2012). Of those who had been abused during the last year almost a third scored above the limit.

In a study of Norwegians who survived the tsunami disaster in Khao Lak in Thailand we found pretty much the same reactions. More than a third of those who had been hit by the tsunami at Khao Lak had PTSD two years after the disaster, and almost a third had depression (Hussain et al 2011).

Also among war veterans we find pretty much the same reactions, as well as among survivors of concentration camps, or war sailors (Weisæth and Heir 2009).

What we also find among all the different groups is what in medicine is called a dose - response relation – the stronger the exposure the more powerful the reaction.

Multi-victimization

Numerous studies have shown that violence and other forms of victimization are unevenly distributed in the population. Different conditions connected to economic, social, socio-demographic, geographical, cultural and sub-cultural factors as well as the victim's lifestyle and activities influence the risk of being victimized.

Numerous studies also show that the odds for being victimized increases significantly for those who have already been subjected to violence and abuse - whether it is repeated violence from same perpetrator or different incidents with different perpetrators (Sparks 1981).

Most studies have focused on same type of victimization, mainly sexual abuse, female battering or thefts and burglaries (Carlstedt 2001; Farrell and Pease 2001). Some studies however has also looked at different forms of criminal victimization and have found significant covariance between violent crimes, like personal assault - and property crimes like burglary and personal theft (Hope et. al 1991).

A renewed interest in the phenomena of multiple victimizations has been evoked in the later years, especially connected to studies of child abuse. Finkelhor, among others, has shown that children who have been subjected to more than one type of abuse, what he calls poly-victimization, becomes more severely traumatized than those who are only exposed to one form of abuse (Felitti 2002; Finkelhor, Ormrod et al. 2007).

Let me use some data for a health survey called HUBRO as an example. In this study all the women in Oslo born in the years 1940, 41, 54, 55, 60, 69 and 70 were asked several questions about violence, threats and sexual abuse they might have been exposed to both in childhood and as adults. 8 643 women answered the questions. 27 % of the women reported some form of violent victimization as adults and 17 % said they had been victimized as children. The most common type of victimization they had been exposed to as adults where psychological abuse, in the form of harassment, degradation, and subduing, followed by threats, physical abuse, sexual abuse and rape or attempted rape. Most of the women who had been exposed had experienced more than one form of violence. 87 % of the women who had been victimized as adults had been exposed to at least two types of violent victimization, 44 % to at least three types, 17 % to at least 4 different types, and 7% to all the five different types of abuse.

To put it in another way: the chance of being the victim of some type of violence as an adult increases from 27 % to almost 90 %t if you have already been the victim of another form of abuse.

But the increased odds for victimization go beyond these similar forms of violence and abuse. Also other forms of victimization and misfortune seem to have an increased risk of hitting those who have been victims of some kind of violence and abuse. In the HUBRO study the six month prevalence of theft was more than doubled for those who had been exposed to violence and abuse and the prevalence of whiplash and other serious injuries was also significantly increased.

A dose-response relation between the strength of exposure and the strength of reactions can also be seen in the association between the number of different forms of violence and abuse people have suffered, and the psychological problems they rapport. If we look at the scores of the women in the HUBRO study on the HSCL-10

scale, we find that the higher number of different types of violence they had suffered, both in childhood and as adults, the higher they scored on the problems scale.

Diverse consequences of traumatic experiences

As we all know, traumatic events can have a lot of different consequences, not only for the individual victim, but also for the society as a whole.

Besides the individual psychological reactions of the traumatized person the events may also have different kinds of legal consequences for the victim. In her doctoral thesis, Yngvil Grøvdal (2012) describes how some of these legal consequences were experienced by women who had been abused by their male partners.

Traumatic experiences may also influence the victim's relations to other people, both by destroying relations and by creating new ones. Studies have also shown that victims of both violence and abuse and victims of disasters often tends to isolate themselves socially, and in a study of old people's reactions to violence we found that a majority of the elders did not want any outsiders to interfere or report the violence to the authorities (Hjemdal and Juklestad 2006).

Traumatic experiences can have enormous economical and practical consequences for the traumatized person, not only as a result of direct loss, but also as a long term consequence of diminished ability to work or study. In a study we are now conducting in cooperation with some other centres and institutes we look into the long time effects on participation in the work force as an adult of being subjected to violence as a child. We do that by combining data from some regional school-based survey studies of 15 year olds, conducted at the turn of the century, with data from public registers of school achievement, health registers, prescription registers and registers of work participation. In the project apply multilevel analyses of both individual factors; like having experienced violence and other life adversities, health behaviour, that is seeking medical assistance, using different kinds of medicine etc., mental and physical health and their families' socio-economic and ethnic background – and factors connected with the school they attended at the time of the survey; like level of violence at the school, level of health behaviour among the pupils as a whole, level of perceived support and social integration among the pupils and socio-economic and ethnic characteristics of the pupils, to see how they combine to influence both school achievement and later on also marginalization from work life.

That violence can lead to serious physical injuries should not come as a surprise to anyone. In a study of patients at the emergency wards in Oslo and Bergen, who had been victims of street violence, the most prevalent injury was bruises, but also more serious injuries like open wounds or gashes, and damage to the head, face or eyes were quite common (Johansen 2008).

But violence does not only cause immediate injuries and physical wounds, it also influences the victim's health by increasing the risk of getting a lot of different somatic diseases. Several studies have shown this. In a study of women in Oslo we found that not only experiencing violence as an adult, but also having been abused during childhood, significantly increased the risk of getting a lot of different diseases as an adult. While 10 % of all the women in the study had become ill with asthma as grownups the prevalence was more than 14 % among those who had been abused as children, for hay fever the prevalence was 18 % for the whole sample vs. 24 % for the abused, for bronchitis 3 % vs. 6 % and for fibromyalgia 7 % vs. 12 %. We also found

that being poly-victimized increased the risk even more and there was also a significantly heightened risk for angina pectoris and heart failure for those who were most exposed.

In some of our studies we will also look into more emotional reactions to violence and other traumatic experiences. In a study large population survey of violence and sexual abuse which we are working with at the moment, one of our doctoral students will look into the phenomena of shame and guilt as a reaction to violence, to see if there are gender differences that can explain some of the differences between male and female victims of violence in their scoring of PTSD and depression.

We have also in several studies tried to get a better understanding of grief as a reaction to traumatic experiences, in particular having lost near relatives in accidents or disasters'. For most of us the grief recedes after a while, but for some people it just goes on and on, and becomes what is called prolonged grief, which is now seen as a psychiatric condition (Kristiansen et al 2010).

This has mostly been a rather depressing and morbid story of all the negative and problematic consequences of traumatic experiences. But it is not all black. Even though a considerable proportion of traumatized people are affected negatively by their experience, a lot of them, often a majority if the trauma has not been too devastating, copes rather well afterwards, and shows a great ability of resilience.

For some, even though they might have problems, the traumatic experience can also have some positive aspects, like feeling of having learned something, or having a more reflective view on their life, what is called posttraumatic growth (Hafstad 2011).

References

- Carlstedt, Malena (2001): *Upprepad viktisiering – En studie av utsatthet för brott i Sverige*. Kriminologiska institutionen, Stockholms universitet.
- Farrell, G. & Pease K. (2001) (Eds.) Repeat Victimization. Monsey, NY: Criminal Justice Press.
- Felitti VJ. (2002) The relationship between adverse childhood experiences and adult health: turning gold into lead. *The Permanente Journal*;6:44–47.
- Finkelhor, D., Ormrod, R. K., & Turner, H. A. (2007). Polyvictimization: A neglected component in child victimization trauma. *Child Abuse & Neglect*, 31, 7-26.
- Grøvdal, Y. (2012): *En vellykket sak? Voldsutsatte kvinners møter med strafferettsapparatet*. Unipub, Universitet i Oslo (in press)
- Hafstad, G. S. (2011): *In the aftermath of a disaster. Meaning making and posttraumatic growth in Norwegian children and adolescents who were exposed to the tsunami*. Ph.D. thesis. Oslo: Department of Psychology, Faculty of Social Sciences, University of Oslo
- Hjemdal, O. K. & Juklestad, O. (2006): *En privatsak? Eldres oppfatning av vold og overgrep og om å melde fra om overgrep*. NKVTS rapportserie. Rapport 1/2006

- Hjemdal, O. K., Sogn, H. & Schau, L. (2012): *Vold, negative livshendelser og helse. En gjennomgang av to regionale helseundersøkelser*. NKVTS rapportserie (In press)
- Hope, T., Bryan, J., Trickett, A. & Osborn, D.R. (2001): The Phenomena of Multiple Victimization. The Relationship between Personal and Property Crime Risk Br J *Criminol* 41(4): pages 595-617
- Hussain, A., Weisæth, L. & Heir, T. (2011): Psychiatric disorders and functional impairment among disaster victims after exposure to a natural disaster: A population based study. *Journal of Affective Disorders*. Volume 128, Issue 1 , Pages 135-141,
- Johansen VA, Wahl A. K. & Weisaeth L. (2008): Assaulted victims of nondomestic violence in Norway--injury, crime characteristics and emotions during the assault. *Scand J Caring Sci*. Sep;22(3):445-54.
- Kristensen, P., Weisæth, L., & Heir, T. (2010). Predictors of complicated grief after a natural disaster. A population study two years after the 2004 South-east Asian Tsunami. *Death Studies*, 34, 137-150.
- Sparks R. (1981). Multiple victimization: evidence, theory and future research. *Journal of Criminal Law and Criminology*, 72, 762–778.
- Weisæth, L., & Heir, T. (2009). Post-traumatic stress reactions: a Hindrance or facilitator to peace? I C. Demaria, & Daly, M, *The genres of post-conflict testimonies*, (325-331). Nottingham: Critical, Cultural and Communications Press

Kriminella män som brottsoffer?

Man, våldsbrottsling och fängelsedömd. De som tillhör denna grupp riskerar att utsättas för omfattande våld. Samtidigt har dessa män svårt att bli sedda som brottsoffer eftersom de utsätter andra för våld. Varken medier, politiker eller forskare har varit särskilt intresserade av våldsbrottslingars utsatthet för brott. Den här studien utforskar hur våldsbrottslingarna själva förhåller sig till att vara både brottslingar och brottsoffer.

Fokus för studien är fängelsedömda våldsbrottslingar eftersom de tillhör en kategori som har mycket svårt att bli sedda som brottsoffer samtidigt som de utsätts för omfattande våld. Syftet är att studera hur våldsbrottslingar förhåller sig till brottsofferskapet. Frågor som behandlas är: Hur yttrar sig våldsbrottslingarnas motstånd mot brottsofferskap och utsatthet för våld? Under vilka omständigheter kan våldsbrottslingarna acceptera ett brottsofferskap?

Personer som begår våldsbrott skambeläggs i allmänhet starkt, vilket kan leda till att de stämplas som avvikare. Skambeläggningen sker på mikronivå inom familjen och av andra auktoritetsfigurer som lärare. Processen pågår även på makronivå inom exempelvis rättssystemet och media. Det mest avgörande i stämpningsprocessen är om skambeläggningen följs av en återintegrering av individen i samhället. Utan återintegrering stigmatiseras personen, människor tar avstånd och förknippar honom/henne med negativa egenskaper.

Denna studies empiri bygger på kvalitativa intervjuer. Intervjupersonerna har både erfarenheter av att utsättas för våld och av att utsätta andra för våld. Sammanlagt har sexton män intervjuats. Alla har någon gång dömts för grov misshandel, mord eller vållande till annans död genom misshandel. Utgångspunkten för analysen är både en diskursanalys och en tematisk analys.

I mina intervjuer finns det åtminstone två övergripande diskurser som också hänger ihop med varandra: 1) Det negativa brottsofferskapet och 2) Brottslingar kan inte vara brottsoffer.

Genom intervjuerna löper diskursen om det negativa brottsofferskapet. Intervjupersonerna värjer sig mot frågor om sig själva som brottsoffer. De har inget att vinna på att framställa sig själva som brottsoffer (att få en brottsofferstatus) eller att se sig själva som brottsoffer (att ta på sig en brottsofferidentitet). Kriminella har till exempel svårt att få upprättelse genom rättsväsendet. De kan inte heller få respekt av andra kriminella om de väljer att framställa sig som brottsoffer. Brottsofferskapet framstår som så negativt att det går att se det som att en person kan bli stämplad som brottsoffer på samma sätt som en person blir stämplad som brottsling.

En annan diskurs som löper parallellt genom intervjuerna handlar om att brottslingar inte kan vara brottsoffer. Denna diskurs samverkar med den föregående

diskursen. Tidigare forskning har visat hur brottslingar kontrasteras mot brottsoffer och ses som varandras motsatser. Detta var även något som återspeglades i denna studies intervjuer. En person måste välja mellan att antingen framställa sig som brottsling eller brottsoffer. Brottsling och brottsoffer är inget alternativ.

Läs mer: Kapitel 8 i Heber, A., Tiby, E. & Wikman, S. (2012). *Viktimologisk forskning. Brottsoffer i teori och metod*. Lund: Studentlitteratur.