



## **Case study regarding the setting up of a victim support service**

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### **Experiences from Sweden**

**2013**



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**This project has been implemented in the framework of the project “Support System for Crime Victims: in Latvia and Beyond” supported by the European Commission Directorate-General for Justice: specific programme “Criminal Justice”.**

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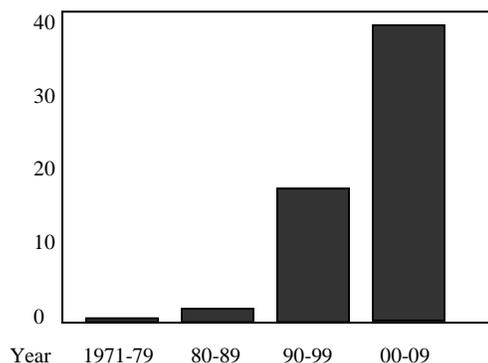
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# 1. Please describe the existing victims support services in your country?

In Sweden the word victim was coined during the 1970. It was then the criminal system started to explicit talk about victim of crimes and the word appeared in the Swedish Academy's official wordbook. Although the term isn't used in the legal text, in the laws, there the term plaintiff is still used. The researcher Österberg means that the expression victim occurred because the radical changes that occurred during the 1960 and the early 1970. <sup>1</sup>According to Österberg the feminist movement and the discussion they provoked about the violence against women, inside and out of the family, was the starting point. It was easy to see these women as victims and that eventually changed the discourse. The victim of crime discourse could be seen as an expression for the evolvement of the society and primarily the visibility of women's everyday. During this time the whole society was undergoing a democratization process. That process also affected the way victims was seen and they were given more and more rights. During this time it was primarily women that were seen as victims.

Österberg and other historians emphasize that already during the medieval time courts and the criminal system identified people that suffered without own guilt. A person without guilt (victim) has had a role in the criminal process even if the term victim wasn't used. During the 1970 the criminal system was working under the assumption that the offender needed treatment. The fact that there now was another party with their own rights in the process – the victim – has affected the perception of crime.<sup>2</sup>

Motions



One way to illustrate the importance and development of the term victim is by measuring the number of motion in the justice committee in Sweden's parliament. The number of motions concerning victims has really accelerated during the last two decades.

The victim discourse is pushed forward by a political consensus. Even the Swedish King and Queen have engaged themselves in favor for the victims. The King organized during the mid-1990s a roundtable discussion with the prime minister, three other ministers and all the party leaders. The Queen is patron of the NGO Victim support organization (BOJ).

<sup>1</sup> Österberg 2002, *Upptäckten av den oskyldiga människan: brottsoffer som problem*, in E. Bergenlöv, M. Lindstedt Cronberg & E. Österberg (ed), *Offrer för brott* (s.9-24), Nordic Academic Press, Lund

<sup>2</sup> Jenny Björkman, 2004, *Historisk tillbakablick*, in M. Lindgren, K-Å. Pettersson & B. Hägglund (ed) *Utsatta och sårbara brottsoffer*, (31-40), Jure, Stockholm

A number of important measures to better satisfy the interests of victims of crime began to be seriously undertaken in Sweden in the middle of the 1980s. Since then a number of reforms on a wide variety of matters have been carried through. This can be illustrated by the development is to look at the legislative development. The legislative advancement also shows what kind of focus the legislators have had during this timeframe.

#### Legislation concerning victims of crime 1978-2009

1978:413 Brottskadlagen	1978:413 Criminal Injuries Compensation Act
1979:122 Lag mot barnaga	1979:122 Law against corporal punishment against children
1 981:1313 Skadestånd i brottmål	1 981:1313 Damages in criminal cases
1984:399 All våldtäkt allmänt åtal	1984:399 All rape cases fall under public prosecution
1988:6 Skadestånd i brottmål	1988:6 Damages in criminal cases
1988:7 Brottsoffers rätt till info.	1988:7 Victims right to information.
1988:25 Kränkingsersättning	1988:25 Violation Compensation
1988:609 Målsägandebiträde	1988:609 Plaintiff counsel
1988:688 Besöksförbud	1988:688 Restraining Order
1991:481 Dold identitet m.m.	1991:481 Hidden Identity etc.
1992:147 Våldtäkt utvidgas	1992:147 Rape extended
1994:306 Hets mot folkgrupp	1994:306 Hate crimes
1994:419 Brottsoffermyndigheten	1994:419 Crime Victim Compensation and Support Authority
1994:420 Stödperson	1994:420 Support person
1998:393 Våldtäkt utvidgas/Grov kvinnofridskränkning	1998:393 Rape extended / Violence against women
1998:407 Kvinnlig omskärelse	1998:407 Female circumcision
1998:408 Sexköp kriminaliseras	1998:408 Buying sex is criminalized
1998:409 Socialtjänstens ansvar för brottsoffer	1998:409 Social services responsibilities for crime victims
1999:997 Särskild företrädare för barn	1999:997 Special representative for children
2001:484 Stöd till brottsoffer	2001:484 Assistance to victims
2001:937 Barnmisshandel i socialtjänsten	2001:937 Child abuse in social services
2002:445 Lag om medling med anledning av brott	2002:445 Act on mediation in connection with crimes
2002:436 Trafficking för sexuella ändamål	2002:436 Trafficking for sexual exploitation
2003:484 Besöksförbud utvidgas	2003:484 Restraining order extended
2005:90 Våldtäkt utvidgas/våldtäkt på minderåriga	2005:90 Rape extended / Rape on minors
2006:453 Barn som bevittnar våld	2006:453 Children who witness violence
2006:1083 Skoldiskriminering	2006:1083 School discrimination
2007:225 Utvidgning av socialtjänstens ansvar	2007:225 Extension of social services responsibilities
2007:606 Utredning vid barns död	2007:606 Investigation for child's death
2009:343 Vuxnas kontakter med barn i sexuella syften	2009:343 Adult contacts with children for sexual purposes

As the tableau shows there have been a constant effort by the legislators to improve the situation for victims of crime both in general and for special focus groups. In the beginning the focus was on women and in the late 1990 children.<sup>3</sup>

There are some of the legislations that have affected victims of crime in general more than others. The 1978:413 Criminal Injuries Compensation Act gave victims of crime a right to compensation when an injury has been caused by a criminal act. The following formal requirements normally apply:

- (a) The crime must have been reported to the police.
- (b) The injury cannot be fully compensated by the offender or through insurance.
- (c) The claim for criminal injuries compensation must be made within two years of the commission of the offence or of the termination of legal proceedings.

The second one that I want to mention is the 1994:419 Crime Victim Compensation and Support Authority Act. With the forming of the Crime Victim Compensation and Support

<sup>3</sup> Henrik Tham, *Brottsoffrets uppkomst och utveckling som offentlig fråga i Sverige*, in C. Lernstedt & H. Tham (ed) *Brottsoffret och kriminalpolitiken*, (24-50) Norstedts Juridik AB, Stockholm

Authority the Swedish victims got a strong authority behind them. The aim for the authority is to promote victims' rights, needs and interests.

The year 1998 was an important year when it comes to legislation several acts concerning victims came. This year the social services responsibility was extended. A special paragraph concerning the municipality's responsibilities was added to the social act. The municipalities had had since the 1980 a general duty to make sure that every one that resides gets the support and help they need. The social service has an overall responsibility to all victims as well as a specialized when it comes to young victims and victims of domestic violence.

But one of the most important aspects of the victim support organization in Sweden can't be seen in the tableau and that is the start of the Victim Support Association (BOJ) in 1988. The association has approximately 100 local offices all around Sweden – one in every police district.<sup>4</sup> It is BOJ that has the primarily responsibility for the victim support in the municipalities. They transfer their obligation to BOJ. At the local office there is generally a coordinator that organizes the volunteer support persons. The support person's job is to listen and acknowledge the victim. The support person has vow of silence and set up with the discretion that is advisable. If necessary, the victim can receive support in dealing with agencies that can provide such as psychological counseling, shelter or financial support. It might be necessary to get help with government contacts and to get information on the right to damages. The support person also provides guidance in the criminal process. Trained witness support persons gives information on how the trial goes and provide support during the trial. The victim and the witness do not meet the accused alone. The National Association guides to local offices in their work. The Association is responsible for the education of members and to give ongoing training in the field by organizing seminars and develop educational materials. Furthermore, the National Association provides statistics of number of cases and types of crime from the local offices. The National Victim Association tries to form opinions and make demands to influence decision makers and improve conditions for victims. In recent years, victims increasingly have come into focus and BOJ is pushing to ensure that the stated ambitions turns into concrete action. The National Association also operates a National Call Centre where all offices can connect their phones when they are not able to answer themselves. In this way, all victims receive first aid. The Association has also trained a number of languages volunteers by and can provide support and information in 22 languages.

There are a number of other victim oriented organizations that offer similar support as BOJ but to a specific group of victims. For example Roks, the national organization for women's and young women's shelters in Sweden, is the largest member organization for women's shelters and young women's shelters in the country. Roks aims at safeguarding the common interests of the shelters in their work against male violence towards women. Roks strives to shape public opinion, and actively works to make the public aware of the

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<sup>4</sup> The association is now undergoing a big organizational change to accommodate to the new infrastructure as well as the new police organization. The police are changing into one cohesive authority instead of the 21 that exists today.

reality that the shelters face, as well as conduct outward dialogues around the issues concerning the shelters. There are currently around 100 women's and young women's shelters within the organization. Roks is a feministic organization working on the rights of women's and young women's rights and liberation, as well as equality on all levels. There is also the opposite a national man's shelter organization, as well as organizations that are aimed at specific crimes.

The police has an obligation to give victims support and information about what they can expect as well as restore a sense of security for crime victims and better fight crime. The Ordinance on Preliminary Crime Investigations (1974:948) contains provisions on the obligation of the police and prosecutors to provide information to an injured party at various stages of the preliminary investigation. The police also have victim coordinators in each police district that's there to support and to organize an equal support for all victims according to their individual needs.

#### *The prosecutor's obligation to present the victim's claim for damages*

Under the provisions of Chapter 22, Section 2 of the Code of Judicial Procedure, the prosecutor has an obligation to present the victim's claim for damages if this can be done without marked inconvenience and the claim is not manifestly unfounded. The Office of the Chief Public Prosecutor has given general instructions on this question in "Victims in criminal cases", a publication which gives good guidance to prosecutors.

#### *Legal advisers and supportive persons*

A legal adviser can be appointed by the court and has, under the provisions of the Act on Legal Advisers (1988:609) the task of providing assistance to the victim in matters of legal procedure. Customarily an advocate or legally trained assistant from an advocate's office is appointed as a legal adviser. The legal adviser receives a fee in accordance with the principles laid down in the Act on Legal Assistance. A supportive person is intended to provide personal support to the victim during questioning during the preliminary investigation and the court hearing. The right of the supportive person to be present at such times is regulated in the Code of Judicial Procedure. Supportive persons do not have to be formally appointed and they receive no fee for their appearances<sup>5</sup>.

Some strong points as I see it concerning the victim support system in Swedish:

- There is a consensus in the parliament that victims of crime have a right to support, compensation, information and so forth.
- There is a broad awareness in the different organizations about the needs of victims as well as on what assistance that can be offered.
- A broad awareness in the public and an interest to secure help as well as a willingness to participate as volunteers.

Some weak aspects:

- Finances, the support builds mainly on BOJ and they are a nonprofit organization.
- And that's another weak point that the support is base on a NGO that's not accountable to anyone.

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<sup>5</sup> Tham as above.

- The support can look different throughout the country since there isn't anyone that has an overall responsibility. Although BOJ has introduced minimum standards that the local offices have to comply to in order come to term with this weakness in their organization.

## ***2. In which cases victims of crime can apply for state compensation, and how the amount is calculated?***

### *Damages*

The person who has committed a crime is liable to compensation for any damage or injuries caused by the criminal act. This compensation is known as damages.

It is the injured party who must claim damages from the offender. To facilitate this, the prosecutor must prepare and present your claim for damages at the hearing if you so request. In principle, you can claim damages for all damage and injuries incurred in connection with the crime, e.g. damaged or lost belongings, medical expenses, pain and suffering, and violation of personal integrity.

If you wish to claim damages, you should tell the police so when they question you. At the same time you should say that you want the prosecutor to help you with your claim.

Even if the court orders the defendant to pay you damages, this does not mean that you will automatically receive the money. In many cases, offenders either cannot or will not pay voluntarily. In that case, the Swedish Enforcement Authority (Kronofogden) can help you collect the damages.

After the sentence has been announced, the local enforcement agency receives a copy of the sentence from the court. Some time after the hearing, you will receive a letter from this agency asking whether you would like them to collect the damages on your behalf.

If you do, you should fill in the form sent to you and return it to the Swedish Enforcement Authority. They will then investigate the financial situation of the offender. If he or she is found to have executable assets or income, the agency will ensure that you receive your damages.

### *Insurance*

If the person who has been convicted of a crime is unable or unwilling to pay the adjudged damages, or if the offender is unknown, the crime victim may still be able to get compensation through insurance.

Many people have an insurance policy that covers loss, damage, or injuries resulting from crime. Your household insurance policy may compensate you for theft and also for personal injuries resulting from assault or rape. There are also accident insurance policies which may compensate for personal injuries arising from crimes.

Almost all insurance policies have an excess clause, stipulating that you must bear a certain cost yourself. There may also be other terms limiting your right to compensation in various ways. These terms vary between different insurance companies.

It is very important to report any loss, damage, or injury to the insurance company as soon as possible. If you do not have an insurance that fully covers the injuries you have suffered, you can sometimes get compensation from the state: criminal injuries compensation.

### *Criminal Injuries Compensation*

Victims can obtain criminal injuries compensation from the Swedish State, through the Crime Victim Compensation and Support Authority. The injury must have been caused by a criminal act. The following formal requirements normally apply: (a) the crime must have been reported to the police, (b) The injury cannot be fully compensated by the offender or through insurance, (c) The claim for criminal injuries compensation must be made within two years of the commission of the offence or of the termination of legal proceedings. The compensation be obtained for;

(a) If personal injury has been sustained, compensation may be paid for

- the cost of, e.g., health care, medicines or damaged clothing,
- loss of earnings,
- pain and suffering,
- disfigurement and loss of amenity.

(b) Crimes against the person may also confer entitlement to compensation for violation.

(c) Crimes against property may in some cases confer entitlement to compensation, if the offender was a fugitive or was released on special conditions from a prison or certain other types of public institution.

If a crime victim dies of his injuries, his relatives are entitled to compensation for any psychological damage caused by the news of his death. Compensation may also be payable in respect of funeral expenses.

The costs of legal assistance are not normally reimbursed. Claiming criminal injuries compensation must be made on a special form, which can be downloaded from [www.brom.se](http://www.brom.se). The form can also be ordered from the Crime Victim Compensation and Support Authority. The time it takes to process a claim depends naturally on the nature of the case. A normal case takes between two and five months to deal with. More complex cases, such as where the authority has to obtain medical assessments, can take longer. It is rare for a case to take more than a year to process. The claimant can help to expedite the case himself by following the instructions on the claim form and furnishing the documents described on it.

The decision on the case by the Crime Victim Compensation and Support Authority will be sent both to the claimant and to the assisting authority where such an authority has interceded. Any compensation will as a rule be paid over within three weeks of the decision being taken. It is possible for the recipient to choose in what way the compensation is to be paid. The simplest method is to have it paid into a bank account.

Section 10 of the Criminal Injuries Act provides that the Crime Victim Compensation and Support Authority must deduct an excess except in certain exceptional circumstances. The reason for this provision is that insurance policies under which criminal injuries compensation may be payable normally include an excess and that there should be no penalty for having insurance. The provision is also justified, just like any other excess provision, by the fact that it deters any trivial claims that might otherwise burden the system and use up resources disproportionately.

The decision of the Crime Victim Compensation and Support Authority can't be appealed against. The Crime Victim Compensation and Support Authority is the tribunal of first and last instance in matters of criminal injuries compensation. The authority can, however, review its own decisions if asked to do so.<sup>6</sup>

#### *Examples of compensations paid out by the Crime Victim Compensation and Support Authority*

##### **Criminal injury compensation for pain and suffering and violation of rape**

Crime Victim found reason to raise the flat-rate compensation for pain and suffering in cases of rape from the previous 10 000 to 15 000 SEK and compensation for violation of previous SEK 75 000 to 100 000.

##### **Criminal injury compensation for the violation of rape**

Crime Victim found that a 16-year-old girl, victim of rape by two men, were entitled to higher compensation for violation than the normal amount of SEK 100 000. Compensation was set at SEK 125 000.

##### **Criminal injury compensation for pain and suffering in child rape**

Crime Victim found that a flat-rate compensation for pain and suffering in the rape of children - without a hint of violence or other coercive than that is that the crime was directed against a child - should be SEK 15 000.

##### **Criminal injury compensation for violation of molestation and unlawful persecution**

Crime Victim found that a woman, who for more than a year had been subjected to molestation and unlawful persecution, were entitled to compensation for the violation of SEK 25 000.<sup>7</sup>

### ***3. How victims support services can contact victims of crime and vice versa?***

No there isn't a proactive mechanism on behalf of state that reaches out to victims, and assesses their individual needs and offers them the support they need. The victims get information by the police and the police have an obligation to ask if the victim wants any help. If they answer yes the police transfer the case to BOJ.

The obligation for the police to ask all victims was put in force last year.

BOJ hade 48,324 cases the year 2012. The year 2011 had the same shelters 31,526 cases. It will be interesting to see if this increase will last since the statistics (month by month) show that the transfers of cases slowed down during the later part of the year.

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<sup>6</sup> [www.brom.se](http://www.brom.se)

<sup>7</sup> [www.brom.se](http://www.brom.se)

***4. Please describe the role of medical institutions (hospitals, doctors) in identifying potential crime victims:***

As mentioned earlier, each municipality is responsible for social services in their area and has the ultimate responsibility for that individuals receive the support and help they need. However, this does not diminish the responsibility resting on the other principals (2 Ch. 1 § Social service act (SoL)), for example, health and care. The goal of health care is good health and a health care on equal terms for the entire population. Care should be given with respect to all human equality and human dignity. It who have the greatest need for health care must be preferred to care (§ 2 Health and medical care Act (HSL)). Health services should be conducted to meet requirements for good health. Care and treatment should as far as possible designed and implemented in consultation with the patient. Health services will work to prevent illness (2 a and c § § HSL and Chapter 6. Patient Safety Act 2010:659, PSL).

The staff of the health and medical services plays an important part in the way the community assumes responsibility for victims of crime. The health service has a clear responsibility to identify, respond to and take care of victims of crime. Securing evidence and accurate documentation is important and essential for good criminal investigation and to secure a good legal process in a possible future litigation particularly in relation to rape cases.

In an acute stage victim of crime can need help with contact with health services for care, to physical or mental damage this shall be documented. The crime victims or relatives may also be in need of professional crisis management and trauma treatment. At a later stage, there may be need for contact with health services for psychotherapy or other treatment.

***Forensic medical***

The health care task to medically describe any injuries. This documentation of injuries is of fundamental importance from a legal perspective. The same applies to assessments of mental damage an individual may have when being victims of violence and other violations. A forensic medical report is a medical certificate or other damage that may be significant to the investigation of a suspected offense. It can refer to both the victim of the crime and the suspects. Right Certificate is an important basis for evaluating whether a crime was committed. It is issued only at the request of police or prosecutors (the Act (2005:225) on medical certificates of cause Crime).

There is special clinics (at a few hospital in Sweden) were someone that has been raped or are in a domestic violence situation can get specialized care. Unfortunate isn't the care equal all over the country.<sup>8</sup>

***5. This research is grounded in restorative justice values and philosophy as a holistic response to crime at the same time remaining a healthy critical perspective.***

In Sweden the legislative basis for RJ is quite simple. There is the framework act for mediation that enables mediation throughout the criminal procedure. The mediation act

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<sup>8</sup> [www.socialstyrelsen.se](http://www.socialstyrelsen.se)

itself hasn't got any restrictions when it comes to ages or crimes. With one exception, if one of the parties is under the age of 12 extraordinary reasons should exist.

The basis for the mediation is that it's a reported crime and that the offender has admitted the crime or part of it. According to the act the mediation can happen before, during or after the criminal procedure. If the mediation is to take place before the criminal procedure the mediator and the criminal investigator shall have a consultation so that the mediation doesn't interfere with the investigation.

The police has a recommendation that states that they should ask the offender if they are interested in mediation. If the offender is positive the police refer the case to mediation. But it is also possible for the prosecutor, the judge, the social service and the victim support agencies to refer cases to mediation. The victim and the offender can also themselves take contact with the mediation service. It's up to the mediator and the parties themselves to decide if and when the mediation should take place.

The restorative measures are applicable to all offenders and victims as long as the two basic preconditions (reported crime and admission of guilt) are met. The target group is young offenders since the mandatory for the municipalities only stretches for the young offenders (up till 21) but the mediation act itself has no such restrictions. Neither has it any restrictions when it comes to what sort of crimes that can be referred to the mediations service. Although the preparatory work states that when it comes to crimes as; sexual assault, rape and domestic violence caution should apply.

Since the form of RJ that's offered in Sweden is victim offender mediation it requires that both parties freely participate in the process. The mediator can together with the primary parties (the victim and the offender) decide that they want to include other parties into the mediation.

Mediation in Sweden is considered to be a supplement to the criminal proceeding. It's possible for a mediation agreement to become part of a court ruling if the agreement is included in a youth contract (a contract between the offender and the social service that states what the offender has to do instead of an ordinary sentence) that the court orders. Another way that a mediation agreement can come into play is if the parties take it up with the judges during the trial. Then the judge can take the agreement into consideration in the judgment.

One of the clearly regulated provisions when it comes to the effects of the mediation is the possibilities for the prosecutor to take the positive attitude to mediation by the offender into account when deciding to prosecute or not. In the ground works for the paragraph it's stated that it's the will of the offender that's the basis for the prosecutor's decision. That's because the legislators wanted to ensure that no pressure is put on the victim to participate.

The mediation can end in an oral or written agreement or in no agreement at all. The agreement can include an apology, an economic compensation or an agreement

concerning work on their own or in some combination. The mediator's responsibility when it comes to the agreement is that the agreement isn't unjust. If the mediator gets wind of that the agreement isn't fulfilled the mediator can, if it isn't obviously unnecessary, report back to the prosecutor who can revoke the decision not to prosecute.

The mediation can't affect the criminal records but I could be something that's taken into account if and when a discussion of an early release comes into question.

The criminal investigator has a time limit of six weeks with youth offenders. Since mediation can take place before the criminal proceedings the legislator has made provisions for the investigations limit to be extended so that the mediation can take place.

There aren't really any provisions in place procedural safeguards since the mediation is a complement to the legal process. There are no special rights to appeal a mediation place. A party that feels mistreated or believes that the mediation was handled in the wrong way can report this to the social board that's responsible for the mediation service. The parties can have a legal representative or another support person with them during the restorative process.

There isn't any official collaboration between victim support organization and the mediation service it's up to the different services to organize. Although sometimes Victim support persons sits in on the mediation in support of the victim. They can make contact between the organizations and there are some victim support persons that are trained as a mediator as well as a victim support person.

### *Statistics*

The final reports from National crime preventive council (Brå) reported a survey of the mediation situation in Sweden before 2008. They show that mediation occurred in 254 of the country's 290 municipalities. The remaining municipalities indicated that they would probably be able to offer mediation at the end and that they currently took steps to ensure this.

According to the survey, at the end of 2007, there were 397 active mediators 272 of these were employed by the mediation service and 125 were lay mediators. How it looks today is difficult to compare since the overview the national Social board did 2012 isn't done in the same way as the one 2007. Of Sweden's 290<sup>9</sup> municipalities 135 has there own mediation service. They have approximately 240 mediators were 9-15 % are lay mediators. 79 mediation services have some other form off organization – they either collaborate across municipalities or buy it.

The statistics regarding the matters that come to mediation can be misleading in many ways. It is mediation services themselves that determines which of the cases that comes to mediation service that go through mediation, which means that the figures do not

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<sup>9</sup> The overview was answered by 224 municipalities. It was mainly smaller (less than 10 000 inhabitants) municipalities that fell away. My experience of working with mediations in Sweden is that it's the smaller towns that have the most difficult to maintain a good mediation service or a mediation service at all.

reflect the crime rate in the country. For example, some mediation services mainly mediate in shoplifting while other services don't mediate in shoplifting cases at all.

The statistics available from Brås previous assignments are limited and was only initiated mediation from the mediation activities in receipt of financial support from Brå. It showed that of the cases (criminal case) that came to the mediation took place two-thirds of the boys and the rest of the girls. The relatively large proportion of girls due to shoplifting was the single largest group of offenses in the statistics and there are girls in the majority.

The majority of young offenders at any single time, and it is generally most common crime is acquisitive crime. The most common types of crimes that come to mediation is shoplifting, assault, vandalism and other types of theft crimes. Mediation Act gives no guidance on what crimes mediation is appropriate. The Act's preparatory works noted, however, that certain crimes can be difficult or even inappropriate to mediate, such as domestic violence.

The crimes occurred in 88% of cases to a single individual in the age range 4-91 years, average age of the crime victim was thus 28 years. The age of the perpetrator varied between 6 and 54 years, the average age was 15 years. In 55% of cases were the crimes inflicted by various public facilities or shops, department stores and the like. Of the 44% who were individuals accounted for 68% of male and 32% female.

Given that it is from the year 2008 has become mandatory for municipalities to offer mediation for young people under 21 years of age and the other legislative changes on young offenders undertaken in recent years, it is likely that a change will occur with respect to both age range and crime.

According to Brå, a mediation designed in such a way that both the offender and the crime victim benefits from it. Brå argues, however, that the purpose of reducing recidivism requires a more focused business than the current one. Also believes that the purpose of mediation is to prevent recidivism, the mediation in such pilfering generally questioned. Shoplifting is the most widespread youth crime. If mediation efforts aimed at the entire group, it is likely that most of them would never commit a new crime or commence a criminal court. The three strategic crimes identified at high risk for continued criminal career is theft of vehicles, robbery and theft.<sup>10</sup>

***6. Please describe the awareness level regarding the issue of secondary victimization among law enforcement agencies, NGOs, mass media, victims' advocacy groups, and larger public.***

There is a good awareness regarding the issue of secondary victimization both among law enforcement agencies, NGOs, mass media, victims' advocacy groups as well as the larger public. The law enforcement agencies have during the last decade had several projects

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<sup>10</sup> Linda Marklund, Ett brott – två processer, medling vid brott med unga lagöverträdare i Sverige, thesis Uppsala university, 2012.

aiming to reduce the possibilities of secondary victimization. The results have been widely publicized and it is a question the NGOs constantly work with.

For example has the courts the last few years been working with the way they interact with the different parties when it comes to trial. Not just the judges but the whole administrative staff has been involved. In answer to critic that was directed at the courts for secondary victimization.<sup>11</sup>

***7. Please provide information on crime rates in your country. Is there any substantial research on reporting and not reporting crimes and reasons for not reporting?***

In 2012, nearly 1.4 million reported crimes, a decrease of 15,100 crimes against the previous year. Compared to 2011 the broad categories fraud, drug offenses and offenses against the person increased in the number of reported crimes, while vandalism, theft crimes and traffic offenses decreased. The individual types of crime that increased the most in the number of reported crimes between 2011 and 2012 was pick pocketing, fraud using the internet, harassment, hacking and sale of narcotics.

Nearly half of all crimes reported concern various types of theft and vandalism. But it does not mean that this type of crime is most common - some crimes despite everything have a tendency not to be reported. Assuming these to the police unknown crimes, gives that probably traffic offenses and drug offenses actually are the most common crimes.

Different types of theft and burglary is the most common crime reported. Approximately 38 percent of all registered crime can be counted in this category. Among these so-called acquisitive crime includes theft and shoplifting.

Crimes against person - essentially violent crime - account for 18 percent of the total number of reported crimes. In crimes against persons include, for example, assault and sex offenses. Very common are also different types of vandalism, which represents 11 percent of the number of crimes reported. Violation of traffic law accounts for over 5 percent of the total number of reported crimes. Approximately 9 percent of the total number of reported crimes are fraud and about 7 percent of crimes against narcotics law.

The past decade the theft offenses has decreased - by 15 percentage points since 2003 - while most other crimes have increased their shares. Crimes against the person (ch. 3-7 Penal Code) increased by 5 percentage points, while fraud and drug offenses increased by 4 percentage points. The proportion of traffic offenses and vandalism decreased by 1 percentage point compared to 2003.

*Reported and non reported crimes*

Brå has the government's assignment to collect crime statistics as well as doing research into different question arising from that statistics. There is hidden crime in addition to the reported crime. The hidden crime, the size is unknown and varies between different types of crime, but the adoption of certain crimes to be so extensive that you can actually

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<sup>11</sup> [www.bra.se](http://www.bra.se), [www.boj.se](http://www.boj.se) and [www.brom.se](http://www.brom.se)

compare with the tip of the iceberg. The relationship between the actual number of crimes and the number of reported crimes is called dark figure.

*Changes in society affects the number of unreported*

The real figure is not constant. It can increase or decrease over time, and it varies between different types of crime which often makes it difficult to accurately describe the crime structure. However, the dark figure less significant when looking at whether crime is increasing or decreasing over a period of a few years. In this case reflects the reported crime trends actual developments relatively well, no matter how large or small dark figure is.

Real figure may be influenced by everything from changing attitudes to crime in society, changes in insurance regulations or priorities of the judiciary and other authorities. For example, a stricter approach to child abuse in society lead to more incidents where children are mistreated noted and reported to the police, but that the actual number of child assault has increased.

*Certain types of crimes are reported less frequently*

Determines how much of the crime is reported and therefore comes with the statistics on reported crimes are the ability to detect crime, and willingness to report crime to the police, known as the propensity to report. The extent to which crime is discovered and reported to the police, however, varies considerably between different types of crime. In the interpretation of the statistics usually for convenience divide crimes into three categories:

- Victims of Crime interaction (assault, sexual, etc.)
- Victims Crimes without interaction
- Investigation and intervention of crime (crime initiative)

*Coarser violence is reported more frequently*

Crimes such as assault, assault and sex offenses directed against the victim, who also confronted by the offender are included in this category. But even robbery, legally classified as an acquisitive crime is classified under this category. With this type of crimes, the severity of the crime is of great importance if the crime gets notification or not. Coarser threats and violence, violence which provides physical damage or breakage and when occurs weapons is reported to a greater extent then less serious and trivial events.

For victims of crime interaction also plays the social relationship between the victims and perpetrators person a large role in propensity. In general, violence and intimidation between unfamiliar is reported more frequently than crimes where the people involved know each other or are family members. This means for example that violence within the family is under-represented in crime statistics, while the so-called street violence are likely to be better represented.

For this type of crime is also the individual's perception of a violent or threatening situations as criminal significance of the incident is reported or not. It is possible that

violence that occurs as part of a profession or in school is not perceived as offenses to the same extent as violence in other contexts. This means that crime statistics probably describes the development of the larger violence between strangers rather well, while the statistics are more uncertain indicator of the development of family violence or mild violence and threats.

#### *Big loss reported more frequently*

The category of crime victims were no interaction happened is various kinds of pecuniary crimes, as theft, burglary and vandalism, but also to some extent fraud. The name comes from the fact that in this type of crime is rare that victims and perpetrators are confronted in person. Generally, crimes of greater values are more frequent reported than theft and vandalism where the economic loss is less. Here the insurance policy a major role. For property crimes such as car theft and more serious theft crime, where insurance companies usually require a police report, the police reported crime is assumed to reflect the actual crime is relatively good, while the statistics are likely to be a poorer indicator of other types of crime, such as fraud and vandalism.

#### *The authorities' work affects unreported*

Offences usually reported and registered as a result of the police and other stakeholders work efforts, usually called reconnaissance crime. The reporting of crimes is a very poor measure of the actual crime size for this type of crime because the number of crimes that come to the judiciary knowledge related to reconnaissance efforts by the police and other authorities. This may involve, for example that the tax office makes a focus on a certain type of fraud, or that the administrative councils focus their inspections on a particular type of environmental crime.

Unreported crimes are generally assumed to be very high for this category, which includes drug offenses, traffic offenses, economic crimes and offenses. Retail Theft, where the risk of a crime will be detected and reported related to retail operations to detect shoplifting and other thefts in stores, is another example of this category. Damage to public transport and local government as well as fraud are reported by insurance, usually also considered a type of reconnaissance crime, because the amount of such crimes that come to the judiciary knowledge largely controlled by the government or other actors' priorities and actions.<sup>12</sup>

#### ***8. Is protection and support for victims of crime a political priority and consequently priority of the criminal justice system? Please elaborate.***

Yes, as have been shown above, there is constantly new efforts being taken to secure and help victims. And it comes from a parliament in consensus. As said before both the police organization and BOJ are currently undergoing an organizational change partly to better secure that all victims get the support they need.

Legislation is constantly revised and the victim support advocates are among the parties that get asked to write referrals. The Crime Victim Compensation and Support Authority and Brå gets financial funding for doing research in important questions for victims. The

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<sup>12</sup> [www.bra.se](http://www.bra.se)

international day for victims on 22 February are always highlighted by the media. As well as The Stockholm Criminology Symposium. The Stockholm Criminology Symposium is an annual event, attracting more than 600 researchers, policy-makers and practitioners from all over the world. There is a fundamentally important awareness with the politicians that this is an important question for the public.<sup>13</sup>

***9. What other countries such as Latvia that is lacking a substantial victim's support mechanism can learn from your country, both positive and negative experiences?***

One can look at this from three different levels, the individual, the society and the criminal system/state. There are strengths and weaknesses on all levels but sometime they level out each other.

When it comes to the individual there is a strength in the fact that the support person is a peer. It's not someone that's in a power position or someone that's there to judge. The support is individual and is designed/focused on the basis of the victim's needs. BOJ has developed lowest standards in order to secure that all the victims get a good support. The problem can arise because the local offices looks so different and the education of the support persons aren't secured. The local offices are in charge of their own education even though the national support association support them and gives courses for the coordinators. One other problem is that quite a lot of the support persons are elderly and sometime can it be difficult to decide if a person is clear enough in the head to be able to fulfil the assignment. Another difficult aspect is that it's a non-profit organisation and that some of the offices are so small that the board of the organisation and the volunteers are the same persons. So who are there to tell them they aren't doing a proper job and who should ask them to leave their position (either one). Some of the offices are located in very small towns where it sometimes can be problematic to find a support person that hasn't any involvement in the case.

Some of these above mentioned problems has to do with the way society looks. In small communities there can be problematic organise non-profitable organisations because there isn't enough people that are interested in working there. The organisation can also become vulnerable because of the high ages of the support persons. One of the positive effects of having a non-profit organisation doing the main part of the support to victims are that the society becomes involved. From the state and the municipality point of view I think they see it as a less expensive way of organising the mandatory support.

As I see it, the criminal system just wants a dependable support system that they can refer the cases to. It doesn't matter if it's non-profitable or state organised. One problem might be that the state/municipalities can't demand the same competence on a non-profit organisation as they could if it was organised by the state. Some demands can be places since they help fund the organisation but not the same and they can't go in and scrutinise and reprimand the service in the same way – they don't have the same control for good or bad.

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<sup>13</sup> [www.bra.se](http://www.bra.se)