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The Provisions on Crime Victims in the Swedish Social Services Act  
*A Study of their Origins and Purpose*

## Abstract

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Title: The Social Services' Provisions on Crime Victims – a study of their origins and purposes

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In 2001, crime victims were introduced as a target group in the Swedish Social Services Act. Alongside special provisions concerning children, youths, elderly persons, persons with functional impairments, substance abusers and family caregivers, the provisions on support to victims of crime can be found in a separate section (5:11 SoL) in the 5<sup>th</sup> Chapter of the Act. The purpose of the essay was to enhance the understanding of the origin of the reform. The analysis was based on a sociological approach to law, which assumes that law is contextual and can be related to prevailing ideologies and relations of power. The findings are based on an analysis of the preparatory work to the legal changes in 2001, such as the government bill, referral body statements, motions and the parliamentary debate. In the study the questions were examined: When, where and by whom was the idea of provisions on crime victims in the Social Services Act raised in the preparatory material? Which arguments were presented for and against the provisions in the preparatory material? What was the purpose of the provisions, as expressed in the preparatory material? The result of the study shows that the crime victim committee proposed the idea of provisions on support to crime victims in the Social Services Act in the governmental report “Crime Victims: What have been done? What should be done?” in 1998. The explicit purpose of the provisions, as expressed in the governmental bill “Support to Crime Victims”, was to clarify the social services responsibility to support crime victims and that active work should be done in this respect. The provisions were mainly argued for and justified by referring to shortcomings in the social services work with crime victims. The main argument against the provisions in the legislative process was that that detailed or target-group oriented provisions can affect the design or fundamental values of the Social Services Act. The result in this study is both consistent and inconsistent with research on crime victim policy in countries. Similar to the United Kingdom, it is, for instance, difficult to find elements of the United States’ crime victim policy orientation, such as offender punishment and sharper penalties. The strategy to improve the situation for crime victims is rather focused on service, support and attitude changes. The preparatory material also show that the provisions on crime victims in the Social Services Act are linked to efforts to confront men’s violence against women. This is a sharp contrast to inner policy circles centered on crime victims in the United Kingdom, where woman’s organizations were almost absent from the inner policy circles centered on crime victims.

Key words: Social Services Act, crime victims, target group, sociology of law, individualization

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## Introduction

Solidarity, democracy, equality and social security have for long been the fundamental values of the Swedish Social Services Act. The legislation is also primarily based on theories that attribute social problems to structural causes (i.e Friis 2005). In addition, the right to assistance (4:1 SoL) in the Social Services Act is still mainly tied to needs, rather than to previous contribution and performance. Individual responsibility, which is expressed in the Act (1:1 SoL), has however, come more to the political forefront in the last decade. There are also indications that the Act is become more focused on the social services' general responsibilities towards selected groups of individuals rather than on the social rights of the individual (Ljungwald and Hollander 2009). For instance, during the last decade several target-group oriented provisions have complemented the Act. Nevertheless, more empirical research is needed to understand the recent development of the Social Services Act.

This essay provides an analysis of a reform from 2001, when crime victims were introduced as a target group for the social services in the Social Services Act (5:11 SoL). The provisions were introduced in section 5:11 SoL, which now reads as follow:

The duties of the social welfare board include working for that those who are subjected to crime and those close to them receive support and help. The Social Services shall especially consider that women who are or have been subjected to violence or other abuse by someone close to them may be in need of support and help to change their situation. The Social Services Committee shall also especially consider that children who have witnessed violence or other abuse by or against a close adult are victims of crime and may be in need of support and help.

In Sweden, many researchers would argue that reforms intending to aid crime victims, such as the provision on crime victims in the Social Services Act, are linked to the feminist movement's efforts to confront men's violence against women (i.e. Lindgren 2004). In other countries studies have, however, shown that legal reforms for crime victims have been pushed substantially by policies promoted in the name of individual responsibility and justifying measures of penal repression (Elias, 1996; Garland, 2001). In the United States, it is clear that the origin of the crime victim movement is associated with the law-and-order policies of the U.S Department of Justice (Weed, 1995). In the 1980s, during the same period that governmental policy shifted away from welfare expansion, the Reagan administration launched the 'decade of the crime victim'. According to Cole (2007), the victim of crime is one of the archetypes of suffering that has been promoted by the conservative movement.

Theories addressing crime victim policy in other countries, such as the United States, should not be generalized to Europe or Sweden. Different traditions have been identified in the victim's movement; offender punishment and participation in the criminal justice system, and service and

support in the social welfare system (Bazemore, 2006). According to Rock (2004), the development of crime victims' rights in the United Kingdom embraced the need to create subjects who could report crime, participate in the criminal justice system, and make offenders accountable for their actions. Representatives from organizations promoting crime victims' right in the United Kingdom, such as "Victim Support"<sup>1</sup>, did, however, resist elements of the United States' crime victim policy orientation, such as victim impact statements, which can be used to argue for a heavier penalty (Rock, 2004 p. 178).

Nonetheless, some researchers have claimed that ideas about crime, justice, responsibility, crime victims and punishment have been spread from the United States to Europe (Wacquant, 2004). According to Wacquant (2004), the new thinking is that the state should reduce social commitments and sharpen penal law. Wacquant argues that penalization covers up social problems that the state no longer can or cares to attack at its roots. The Norwegian researcher Mork Lomell (2006) has also highlighted that the rise of crime victim rights has increased the distinction between suspected offenders and claimed victims. This has led to dividing people into two categories, "victims" who are deserving of rights and "offenders" who are undeserving of rights. In Sweden, Demker and Duus-Otterström (2008 p. 24) argues that the increasing interest in crime victims may have served as a "window of opportunity for the recall of general prevention" in Swedish crime policy. According to Demker and Duus-Otterström it was the conservative political party, "The Moderate Party", which led the transformation to a criminal policy increasingly focused on crime victims. Recently, representatives from the Swedish Association for Victim Support have also made clear statements in favor of heavier penalties for juvenile offenders (i.e. newly appointed Chairman Sven-Erik Alhem in SVT, Debatt October 2009).

### *Purpose of the Study*

The above-mentioned research shows that more empirical studies are needed to understand the development of Swedish crime victim policy. The purpose of this essay is to enhance the knowledge about the origins of the provisions on crime victims in the Social Services Act. The result will be based on the preparatory material to the legal changes in 2001, such as the government bill, referral body statements, motions and the parliamentary debate.

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<sup>1</sup> 'Victim Support' is a national charity for victims and witnesses of crime in England and Wales.

## **Research Questions**

The questions that are examined in this study are:

- When, where and by whom was the idea of provisions on crime victims in the Social Services Act raised in the preparatory material?
- Which arguments were presented for and against the provisions in the preparatory material?
- What was the purpose of the provisions, as expressed in the preparatory material?

## The Social Services' Goals for certain Groups

The social services' goals for different group can be found in the 5<sup>th</sup> Chapter of the Social Services Act. Alongside special provisions concerning children, youths, elderly persons, persons with functional impairments, substance abusers and family caregivers, the provisions concerning support to victims of crime can be found in a separate section (5:11 SoL) of the Act.

Nevertheless, the social services already assume responsibility for the groups in the 5<sup>th</sup> Chapter according to other provisions of the Social Services Act. Section 2:2 SoL states that each municipality is ultimately responsible for ensuring that persons living or staying within its boundaries receive support and assistance. Chapter 3 of the Act further provides that social services shall assume responsibility for the provision of care and service, information, counseling, support, care, financial assistance, and other assistance for families and individuals in need. An individual's entitlement to assistance is stipulated in section 4:1 of the Social Services Act. The above-mentioned responsibilities, naturally, comprise family caregivers, crime victims etc. The 5<sup>th</sup> Chapter clarifies the social services responsibility for these groups.

When the Social Services Act was adopted in 1982 it included only special provisions about children and youths, substance abusers, elderly people, and people with functional impairments. Incongruous with this perspective the 1982 Act clearly opposed conceptions of target- and symptom-oriented measures. The link between eligibility for social assistance and specific causes or situations, such as illness, age or inability to work, was not compatible with the "holistic view" of social problems and individual needs that characterized future social work ideology (Govt. bill 1979/80:1).

In the beginning of the 1990s, about ten years after the enactment of the law, this contradiction was observed by the social services committee, which had been appointed by the Ministry of Health and Welfare to do an extensive review of the Act (Dir. 1991:50). In their main governmental report (SOU 1994:139), the social services committee leveled strong criticism against the Act's target-group oriented sections. The social services committee argued that the provisions "can make it difficult to see everyone's need for support as clear" (SOU 1994:139 p. 302). According to the social services committee, there was a risk that the groups that are not visible in the law, but are in need of support and help, will not receive the same support as the groups that are clearly identified in the Act. The social services committee suggested that the Act instead should emphasize that the social services has an obligation to carry out some activities. The committee states that if this is done "the need for provisions for different target groups will decrease" (SOU 1994:139 p. 304). The committees also argued that laying emphasis on the initial

section of the Act (1:1 SoL), which presents the Act's fundamental principles, such as, democracy, solidarity, equality, and the individual's responsibility for his own situation and that of others, would allow the Social Services Act to "more than earlier appear as a law that is not excluding any group" (SOU 1994:139 p. 304).

When the bill 'Amendments in the Social Services Act' was presented in 1997 (Govt. bill 1996/97:124), the government did not pay heed to the criticism that the social services committee had leveled against target-group oriented provision (SOU 1994:139). Instead, the Act was complemented with another target group, family caregivers. The bill also limited the right to appeal to the Country Administrative Court and introduced a "national standard" (riksnorm) for basic living costs. The provisions on family caregivers (5:10 SoL) states that the social services should support people caring for relatives who are suffering from long-term illness, are elderly, or have functional impairments. In July 2009, the verb "should" was replaced by the more obligatory "shall" in the section (Govt. bill 2008/09:82). The idea that the Social Services Act should be complemented with provisions about family caregivers was in fact proposed by the social services committee in the governmental report (SOU 1994:139). This might at first seem contradictory to their criticism against target-group oriented sections. However, in their report it is suggested that the provision on support to family caregivers should be included in the Act's initial section about the social services responsibilities and tasks, not as a target-group oriented section, which is an essential difference. In the preparatory material for the provisions on family caregivers the government highlighted that the proposal did not imply a "new undertaking, but is a task that is already included in the social services' area of responsibility" (Govt. bill 1996/97:124 p. 164). The government conceptualized that the new provisions about family caregivers "mark a political ambition-increase" (Govt. bill 1996/97:124 p. 164).

In 1998, the Social Services Act was complemented with another target group, women who have been exposed to violence in their home (5:11 SoL). The provisions were introduced by the bill "Women's Peace" (Govt. bill 1997/98:55), which also contained proposals for the definition of a new crime, gross violation of women's integrity, aimed at repeated punishable violations of women, an extension of the crime of rape, a ban on the purchase of sexual services, and a clarification of the employer's responsibility for taking active measures to prevent sexual harassment in the workplace. In the bill it was clear that one of the key referral bodies, the National Board of Health and Welfare, had argued against more detail regulations in the Social Services Act and had ultimately rejected the proposals. The government, however, argued that the shortcomings of the social services in relation to women exposed to violence indicated that the responsibility of the social services for this group should be made clearer. Since 1998, the

section 5:11 SoL has been amended three times. The general provisions on crime victims, which are the focus of this article, were introduced in 2001 (Govt. bill 2001/01:79). In 2006, provisions concerning children who have witnessed violence or other abuse by or against a close adult were added (Govt. bill 2005/06:166). The most recent amendment was made in July 2007, when the wording was sharpened to replace the verb “should” by the more obligatory “shall” in the second and third paragraphs (Govt. bill 2006/07:38). Each of the four bills of section 5:11 SoL establishes that the social services had already assumed responsibility for the support of women exposed to violence, crime victims, and children who have witnessed violence (1997/98:55; 2000/01:79; 2005/06:166; 2006/07:38). The history of the Social Services Act’s target groups can be illustrated with the following table. Note that all new target groups have been introduced after 1997.

Table 1. Target groups in the Social Services Act.

<b>Target Groups</b>	<b>Introduced (Year)</b>	<b>Proposed by</b>
Children and Youths	1982	Ministry of Health and Social Affairs
Elderly people	1982	Ministry of Health and Social Affairs
People with functional impairments	1982	Ministry of Health and Social Affairs
Substance abusers	1982	Ministry of Health and Social Affairs
Family caregivers	1997	Ministry of Health and Social Affairs
Women who have been exposed to violence	1998	Ministry of Labor
Crime victims	2001	Ministry of Justice
Children who have witnessed violence	2006	Ministry of Health and Social Affairs

In 2002, the Social Services Act was restructured and became divided into chapters. The social services goals for certain groups now got their own chapter (Chapter 5), titled ‘Special provisions for different groups’. Paradoxically, the bill (2000/01:80) also emphasized that assistance entitlement is tied to needs, irrespective of group affiliation.

## Theoretical Framework

This essay analyzes one of the most central laws of social work practice in Sweden, the Social Services Act. All social workers within the municipal social services must deal with the Act in one way or another. As Braye and Preston Shoot (2006) point out, the relationship between law, welfare policy, and social work practice is complex. When things go wrong within the social services, however, it is almost always seen as the fault of professional practice or organizational management. Braye and Preston Shoot argue that the role of law is almost never questioned. The proposed solution is therefore often “more law” or “more attention to law” (Braye and Preston-Shoot, 2006 p. 18). Nevertheless, studies such as this essay that aim to analyze and improve understanding of the legal framework of social work are also needed. As highlighted by Hollander and Borgström (2009), many of those who are in contact with the social services are depending on the assumption that social workers deal with laws such as the Social Services Act with knowledge and competence.

In the field of legal studies, there are different notions about how knowledge is produced. Legal dogmatism is used to establish how statutory texts should be interpreted or applied and assumes that knowledge is built by studying hierarchical structured legal sources, such as laws, ordinances, and precedents (Hydén, 1998 and Alexius, 2009). Sociology of law examines the relationship between law and society, for instance where laws come from and how they are made, and are built on social science theories and methods (Hollander, 2009). This study has a sociological approach to law. This approach presumes that law is contextual and can be related to prevailing ideologies and relations of power. From this point of view, legal concepts, such as “crime victim” or “solidarity”, are not only descriptive but also indicators of value and ideology (Skeggs, 2007). These concepts are shaped not only by the conditions of their emergence, but also in the way they are cited (Skeggs, 2004). As Estrada (2004) points out, it is not a problem’s objective character that is the only or the most important factor in determining its status as a social problem. Time and place greatly impact how important a social problem is deemed to be. Valid answers about the origins of the provisions on crime victims in the Social Services Act heavily depend on looking at the context in which the legislative process occurred (Goodin and Tilly, 2008).

### *Latent and Manifest Functions of the Law*

Many laws have the explicit purpose to improve the situation within a certain area, such as crime victim’s access to support and help. In this study, it is, however, important to look beyond the stated purposes of introducing crime victims as a target group in the Social Services Act. It is, for instance, noteworthy that section 5:11 SoL has been amended three times since 1998 without

involving “any legal changes”, such as the rights of crime victims being strengthened (Ljungwald and Hollander, 2009). As pointed out by Mathiesen (2001), the effects of the law can be conscious and intended, but also unconscious and unintended. Mathiesen’s reasoning about latent and manifest functions originates from Merton (1949), who devised the concepts to preclude the confusion between conscious motivation for social behavior and its objective consequences. Merton mentions two purposes for making a distinction between manifest and latent functions that are relevant in this study. First, the concept of latent functions clarifies the analysis of seemingly irrational patterns by looking beyond the question of whether or not a behavior results in its intended purpose. Could it thereby be possible to explain the seemingly irrational pattern of enacting and amending a law that explicitly does not imply any legal changes not only once, but three times over a period of eight years? Second, Merton argues that the concept of latent functions directs attention to theoretically interesting fields of inquiry. It is of course also important to examine manifest functions of the law, for instance, whether or not the provisions on crime victims in the Social Services Act achieve their explicit purposes<sup>2</sup>. However, as Merton points out, as long as we confine ourselves to the study of manifest function, the terms of the inquiry is set by someone else.

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<sup>2</sup> This was actually the purpose of the first study I did of the provisions on crime victims in the Social Services Act. In 2003 I did a follow-up study of the provisions for the National Board of Health and Welfare, where I interviewed social welfare directors and social workers within the social services about their work with crime victims (Socialstyrelsen, 2004).

## Methodology

The findings in this essay are based on an analysis of the preparatory work to the legal changes in 2001, when the provisions on crime victims were introduced in the Social Services Act. As Garland (2001) points out, the politicization of the crime victim is reflected in legislative documents such as government bills and responses from referral bodies and motions. The study's first step was to create a clear model of the Swedish legislative process by accessing documents in the Swedish Parliamentary Library. The following model was developed through a revision and translation of one of the library's unpublished information sheets (the Swedish Parliament Library, 2006). The right-hand column in the following figure lists the documents that have been reviewed and analyzed in this study.

Figure 1. The Swedish Legislative Process.

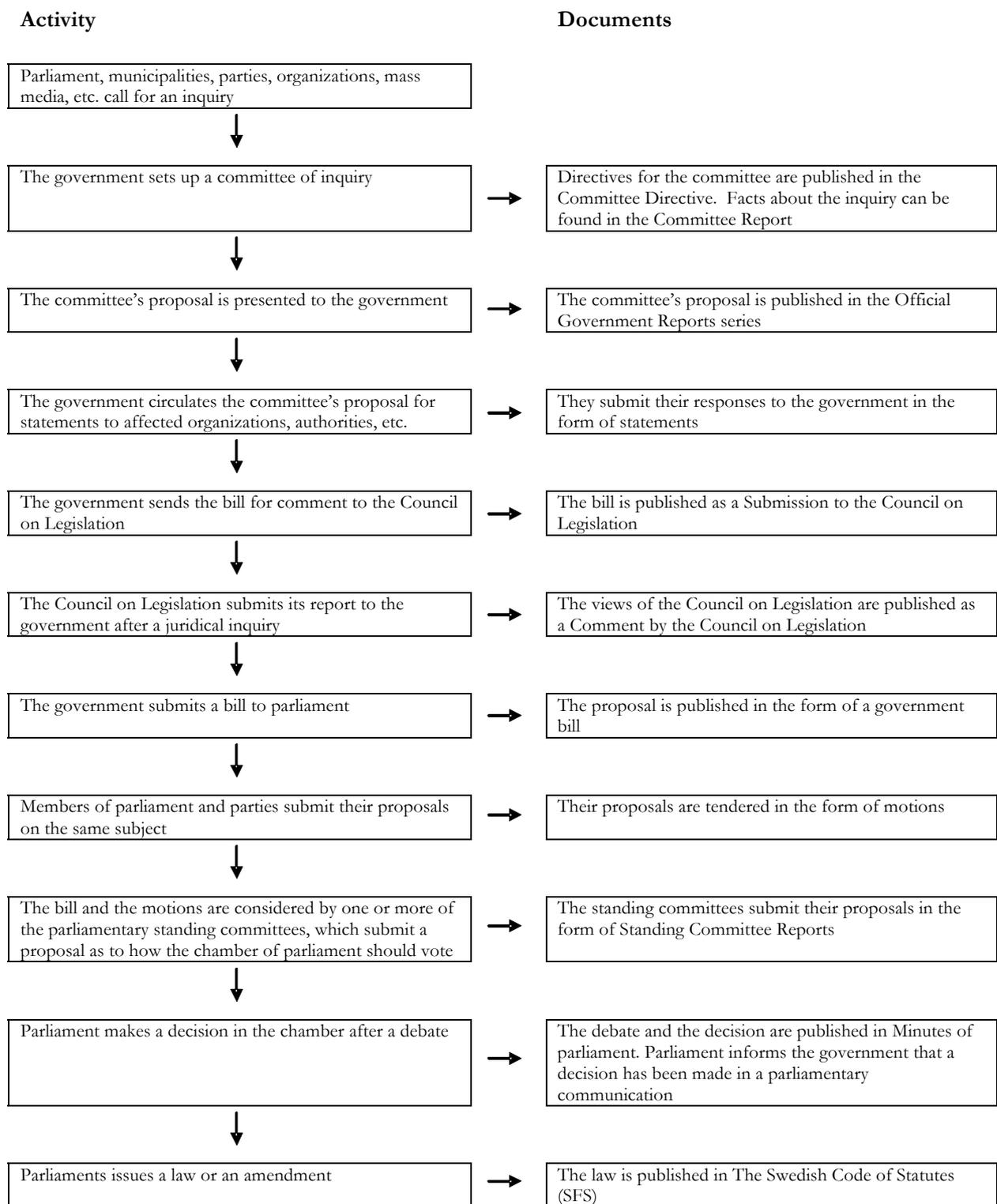


Figure 1 is a description of the Swedish legislative process. The figure is a revision and translation of an unpublished information sheet prepared by the Swedish Parliament Library.

In chronological order, the documents that have been examined are: the committee directives “An Evaluation of Measures in the Crime Victim Area” (Dir. 1995:94) (26 pages), the official governmental report “Crime Victims – What has been done? What should be done?” (SOU 1998:40) (618 pages), comments from referral bodies, the governmental bill “Support to Crime Victims” (Govt. bill 2000/01:79) (66 statements, between one and 13 pages each) (see Appendix A), motions (i.e. proposals tabled in the Swedish parliament by one or more of its members) (31 motions, between one and 26 pages each) (see Appendix B), the Standing Committee Reports (2000/01:JuU20) (45 pages), and Minutes of Parliament (2000/01:108) (24 pages). With the exception of the referral body statements, all the documents were available on the web pages of both, the government and parliament. Copies of the referral body statements were ordered from the Ministry of Justice. The data analysis software NVivo was used to organize and keep track of the documents. A journal was also kept to record when and how insights were gained by this study (Bazeley, 2007).

The stages of legislative activity were analyzed in chronological order via their corresponding documents. The document for each stage was analyzed on its own and then in conjunction with the documents for the other stages. Moreover, this study analyzed documents reflexively, examining how documents for the later stages referred to documents for the earlier stages, such as how the governmental bill interpreted the governmental report. This multi-faceted process allowed for a complete examination of the stages and their associated documents.

To get an overview, each document was read through several times, with the focus primarily on the parts of the texts which covered the provisions on support to crime victims in the Social Services Act. Then, the frequency of different themes was counted to identify key arguments. A direct correspondence between frequency and importance, however, has not been assumed (Bazeley, 2007). The texts were then classified under concluding headlines on the basis of the essay’s purpose and research questions (Esaiasson et al., 2003), such as the arguments for and against the provisions.

The analysis primarily concentrated on arguments. What was included and what we excluded in the preparatory material? This study also examined who vocalized a certain argument, whether a political party, a referral body, organization, and/or political party. The objective of this presentation is to give an overview of the material. To show the reader that the discussion emerges from the data, quotes from the preparatory texts have been cited (Cresswell and Plano Clark, 2006). Some findings have been presented in tables to give an overview of the data. The tables have also been of assistance in the analysis, as they have prevented diversion by less significant material (Morse and Field, 1995).

### *Methodological Considerations*

The field of sociology of law has discussed latent versus manifest functions of the law extensively (Hollander, 2009). Olausson (2005) argues that empirical studies founded on the latent functions of law are problematic. According to Olausson, the explanations for these studies can be conspiratorial, as with Marxist explanations. Olausson highlights that this is the opposite to Merton's intention of how latent functions should be used. In his essay from 1949, Merton highlights that:

Operating with the concept of latent function, we are not too quick to conclude that if an activity of a group does not achieve its nominal purpose, then its persistence can be described only as a instance of "inertia", survival", or manipulation by powerful subgroups in the society (Merton 1949 p. 307).

To deal with these methodological concerns, the article strives to distinguish fact from interpretation. Since it includes many quotes from the preparatory material, readers can form their own impression of the texts. Another limitation of this study is that its result relies exclusively on official legislative documents, such as governmental bill and motions. The analysis would have been deeper and richer if could have accessed spoken arguments in the committees, emails, letters etc., as Rock (2004) did in his reconstruction of how victim's rights evolved in the United Kingdom. The sample could also have been extended to include documents and statements of non-profit organizations or mass media, which also influence the legislative process. Demands from different actors must, however, always ultimately be channeled through the legislative process to have any chance of resulting in a change of law (Tham, 2001a). Different organizations are also given a voice in this study through the referral body statements.

There were some unexpected difficulties in the analysis. The 66 statements from the referral bodies were not available digitally. The statements therefore had to be manually transcribed and imported into Nvivo, causing the coding of this legislative stage to take much longer than expected. The classification of each referral body (see Table 1), was also time-consuming, since the organizations' web sites had to be studied to gain knowledge about each organization's type, English name, abbreviation, etc. We now turn to ethical considerations in this essay. Although this study analyzes official documents, ethics is something that must be considered.

#### **Ethical Considerations**

The nature of this study makes it difficult to fulfill the principle of confidentiality, which includes that it should not be possible to identify particular people in a study. This principle especially concerns information that is "ethical sensitive" (Vetenskapsrådet, 2002 p. 12). To manage this, this study does not identify the names of individuals who have participated in the legislative

process, such as committee or parliament members. Nevertheless, it is possible to identify particular persons from the original sources, such as the committee report and motions. Realizing this, can official statements from politicians, referral bodies, and others be considered “ethical sensitive”? Is a politician not a public figure who has chosen to represent the public? Is the molding of the law not something that everyone should be able to take part of? These questions aside, there might be information in the legislative material that can be considered unpleasant for those involved. The people who participated in the legislative process likely did not think that their statements would be used the way they are in this essay. These concerns, however, are superseded by the research principle, which maintains that available knowledge should be developed, and methods improved (Vetenskapsrådet, 2002). It would in fact be unethical to not conduct research about the origins of the provisions on crime victims in the Social Services Act. After all, the Social Services Act lays down the general principles and guidelines for the social services work that targets some of the weakest members of society.

This study now turns to the preparatory material to the legal changes in 2001, and the context in which the idea of provisions on support to crime victims in the Social Services Act was raised. The legislative stages and their corresponding documents were categorized into four broad episodes, what Goodin and Tilly (2008 p. 15) name “continuous streams of social life”: (1) Before the 1990s, (2) 1991-1995, (3) 1996-2000 and (4) 2001. The study’s aim was to identify key characteristics of the episodes or significant differences among them (Gooding and Tilly, 2008).

## The Emergence of the Crime Victim (Before the 1990s)

In Sweden, the social democrats, which has dominated Swedish politics through the 20<sup>th</sup> century, has been able to pursue a criminal policy in line with the party traditions of solidarity and general social reform: in fact, crime was on the whole not regarded as a political question up-until the 1960s (Tham, 2001a). The first half of the 1970s a number of decriminalization were carried through and the prison population reduced. The term “crime victim” first appeared in the parliamentary register of government bills, private members bills, standing committee reports etc. in 1971 (Tham, Rönneling and Rytterbo, forthcoming). Until the mid 1980s, only a few motions (i.e. proposals tabled in the Swedish parliament by one or more of its members) fell under the title “crime victim” (Tham, 2001b).

In the 1980s, the critique of the social democratic tradition became strong (Tham, 1995). It was at that time, ideas associated with neo-liberalism began to seriously enter the public debate (Boréus, 1997). The 1980s was, on the contrary to the 1960s and the 1970s, marked by an expansion of penal law, particularly the increased criminalization of drug crimes and violence against women (Tham, 1995). Since then, the Swedish government has called for a strengthened prison regime and expansion of penal legislation, restitution and punishment, rather than rehabilitation (Tham, 2001a). In the late 1980s, support to crime victims also started to become framed as a legal issue. In 1988, two laws addressing crime victims were enacted, the Act on Visiting Bans (SFS 1988:688) and the Act on Counsel for the Injured Party (SFS 1988:609). Under the provisions of the latter Act, a legal adviser may in some cases represent crime victims during the legal process. It was evidently not in Sweden only, that the interest in crime victims increased. The United Nations General Assembly adopted the “Declaration of the basic principles of justice for victims of crime and abuse of power” in 1985. Two years later in 1987 “The European Forum for Victim Services” was founded. The Forum, which is now named “Victim Support Europe”, is a network of non-governmental organizations that provides community and court based services for victims and is in consultative status with the Council of Europe and the United Nations (UN).

In summary, before the 1990s there was little public interest in crime victims. In the end of the 1980s, the interest for crime victims started to increase along with the expansion of penal legislation and an increased focus on violence against women. The reforms initiatives taken in the name of crime victims during this period were focused on compensation and interventions in the criminal justice system. We will now continue to the next episode (1990-1995), when the idea that the social services could have a role in supporting crime victims was first raised.

## Crime Victim Support is seen as a Task for the Counsel for the Injured Party and NGOs (1991-1995)

In the beginning of the 1990s, Sweden went through a profound economic crisis, which tested the rationale behind the Swedish welfare state. The economic recession ended more than fifty years of continuous expansion in the welfare sector (Bergmark, 2000). In the election of 1991, the social democratic government was defeated by the center-right coalition, but regained power in the election of 1994. Crime victims became a key component of most political party's agendas during this time. The interest in this group also grew dramatically outside the political arena. For instance, scientific studies about crime victims increased significantly. Åkerström (1995) found that during the 1970s there were only a few articles about crime victims each year in the database "Sociological Abstracts." This number increased to 30-40 articles each year in the 1980s and increased again to approximately 100 articles each year in the 1990s. In a similar study, Svensson (2006) found that this trend continued, as 190 articles were published each year between 1995 and 2004.

In 1993, the Ministry of Justice prepared the governmental memorandum "Crime Victim in Focus - measures taken to strengthen victims' position" (Ds. 1993:29). This memorandum raised the idea that provisions in the Social Services Act could clarify the social services' responsibility for crime victims. This is the earliest reference to this idea that was found in the preparatory material examined in this study. Nonetheless, neither the memorandum nor the government in the bill "Crime Victims in Focus" (Govt. bill 1993/94:143), presented one year later, proposed any amendment to the Act. The memorandum highlights that the work of the social services committee (Dir. 1991:50) should be awaited before any such provisions are proposed. The bill (Govt. bill 1993/94:143) included other provisions that were designed to improve the situation for crime victims. For example, the Crime Victim Fund was established together with the Crime Victim Compensation and Support Authority. The Crime Victim Compensation and Support Authority became responsible for assessing state compensation and administering the Crime Victim Fund. It was also given the task to act as an expert center concerning the rights of crime victims. The Crime Victim Fund, which provides economic support for research, education, and information on crime victims, became financed through a fee imposed on everyone convicted of a crime punishable by imprisonment. Svensson (2006) notes that the state did need to disburse its own funds for this effort by collecting this fee. Svensson, however, argues that the Crime Victim Fund became an important symbol that the neglected crime victim had been given attention by the state.

The interest in violence against women grew steadily in parallel with the increased focus on crime victims. In 1993, an inquiry was initiated by the Ministry of Health and Social Affairs to review matters regarding violence against women (Dir. 1993:88). Between 1994 and 1995, the commission presented two reports “A center for women who have been raped and abused” (SOU 1994:56) and “Women’s Peace” (SOU 1995:60). In the latter report, the commission proposed that provisions about “women who were being or had been subjected to violence or other abuse at home” should be introduced in the Social Services Act. As later demonstrated in this study, this inquiry had a close connection with the crime victim commission (Dir. 1993:88), which started two years later. We will now turn to the guideline that was drawn up by the crime victim commission (Dir. 1995:94).

### *The Social Democratic Government initiates a Crime Victim Inquiry*

In June 1995, the Swedish government initiated an inquiry to review the measures taken for crime victims in the last decade. The purpose of the inquiry was to analyze the effects of the measures, the implementation of different amendments to the law, and the need for further legislative and other changes. A female chief judge and a panel of experts, seven men and four women, were selected to conduct the inquiry. The panel of experts consisted of one director general, one district prosecutor, one lawyer, one doctor of medicine (Ph.D.), one police commissioner, one social worker, one union lawyer, two judges, and two associate judges of appeal. A reference group, four men and three women, was also appointed to the inquiry<sup>3</sup>. Two members in the panel of experts also participated as members in the inquiry about violence against women (Dir. 1993:88) (one as chairman and one as member). Another member of the expert panel became the director of the “The National Center for Battered and Raped Women” (Rikskvinnocenter) in 1994, as cited by the proposals by inquiry about violence against women (SOU 1994:56). Sweden had entered the European Union just several months before the inquiry was initiated. The directives cite other similar cases in committees in the rest of Europe at the time. This includes a case about anonymous witness in the European Court of Human Rights and an expert committee in the Council of Europe working on matters regarding threatened witnesses.

The directives (Dir 1995:94) drew up the guidelines for the inquiry about crime victims and mainly focus on crime victims’ participation in the criminal justice system and the treatment of this group by organizations such as the police service, the judiciary, the prosecution authorities, the prison and probation services, the National Council for Crime Prevention, and the Crime

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<sup>3</sup> The reference group member’s occupations are not stated in the committee report.

Victim Compensation and Support Authority. The directives also emphasize support and service instead of offender punishment. The word “offender” is mentioned once only in the directives and sharpened penal law is discussed in a few areas. The use of preventive measures is highlighted as one of main areas for the inquiry to investigate. The directives points out that:

Crime prevention is very important to the crime victim’s situation. Successful crime prevention work lowers the risk that people will be exposed by crime and contributes to increased safety (Dir. 1995:94, p. 22).

The directives, however, do not define “crime prevention work”. That the social services’ responsibility for crime victims possible could be made clearer by provisions in the Social Services Act is not discussed in the directives. The social services are brought up once under the headline “Education,” where education on issues relating to crime victims for police services is discussed. This section established that:

Education and further training is important also for other professions in the criminal justice system, as well as the social services and health and medical care system (Dir. 1995:94, p. 17).

The quote shows how the directives mention the social services only in the subordinate clauses. The directives also cite that continuation courses have been carried out about violence against women for personnel in the criminal justice system, the social services, and health and medical services, and that the National Board of Health and Welfare has been given funds to develop methods for improved collaboration between authorities in this area. A few other inquiries that are related to questions about crime victims are also mentioned, including the inquiry reviewing matters regarding violence against women (Dir. 1993:88). The inquiry (Dir. 1991:50) appointed to review the Social Services Act and the governmental reports, which had been completed at that time (SOU 1993:30 and SOU 1994:139), are not mentioned at all.

Although the directives mainly emphasize the need of crime victims to be assisted in the criminal justice system, the directives mention that a counsel for the injured party is costly, and that the injured party does not always necessarily need support from a legal expert. Rather than legal support, the directives stress the need to develop the kind of support given by local victim support centers and women’s shelters, such as in the form of lay support persons similar to lay supervisors used in the prison and probation services. The social services’ possible role or responsibilities in this area is not discussed. According to the directives, it is the Crime Victim Compensation and Support Authority founded one year earlier in 1994 that should be considered to have such a role.

As already noted, the directives for the inquiry about crime victims were drawn up in the middle of an economic crisis in Sweden.

The directives point out:

The state of the government's finances implies that there is no scope for amendments that involve increased costs (Dir. 1995:94 p. 25).

According to the directives, the inquiry should aim to find solutions, which result in a redistribution of resources that improve the situation of crime victims.

In summary, during the first part of the 1990s, support and help to crime victims was seen as a task for the counsel for the injured party and non-governmental organizations. Nevertheless, the idea that provisions in the Social Services Act could clarify the social services' responsibility for crime victims was raised during this period. A memorandum by the Ministry of Justice in a center-right government raised the idea in 1993 (Ds. 1993:29), but there were no accompanying recommendations to amend to the Social Services Act. Nonetheless, at that point in history, this idea to amend the Act had not been mentioned in the preparatory material examined in this study. We will now turn to the next episode, the second part of the 1990s, when the crime victim inquiry had completed their work and provided the government with the report "Victims of Crime: What has been done? What should be done?" (SOU 1998:40). In the report, the crime victim committee proposes that provisions on support to crime victims should be introduced in the Social Services Act.

## The Social Services' role in the Provision of Support is discussed (1996-2000)

Many would agree that the immediate economic crisis in Sweden was over by the end of the 1990s (Rothstein and Lindbom, 2004). According to Lindbom (2007), the last cutback in the welfare state was made in 1997, and not only has the economy performed better, but some welfare expansions have occurred since then. In 1994, the social democrats also had returned to power by defeating the right-wing government of 1991-1994.

### *The Crime Victim Committee presents their Governmental Report*

The crime victim committee presented the governmental report "Victims of Crime: What has been done? What should be done?" (SOU 1998:40) (SOU 1998:40) in 1998. The report gives a broad account of the measures taken over the ten years and proposes a number of legislative and other changes, including an extended right to counsel for the injured party and an increased fee to the Crime Victim Fund from 300 to 500 SEK (30 to 50 euro) paid by all offenders convicted for an offence that could result in a prison sentence. The committee also focused on adding training on crime victim matters for personnel within the criminal justice system and improved information to crime victims.

When the report was presented in March 1998, two new target groups had been incorporated in the Social Services Act, family caregivers and women who have been exposed to violence. "Family caregivers" was introduced in 1998 by the bill "Amendments in the Social Services Act" (Govt. bill 1996/97:124), which also limited the right to appeal to the Country Administrative Court and introducing a "national standard" (riksnorm) for basic living costs. "Women who have been exposed to violence" were introduced in 1998 by the bill "Women's Peace" (Govt. bill (1997/98:55), which also contained proposals for the definition of a new crime, gross violation of women's integrity, aimed at repeated punishable violations of women, an extension of the crime of rape, a ban on the purchase of sexual services, and a clarification of the employer's responsibility for taking active measures to prevent sexual harassment in the workplace.

Sweden was also now a member of the European Union, where the interest for crime victims was growing stronger. Between 1996 and 1999, Victim Support Europe produced four statements about crime victims<sup>4</sup>. In 1999, the European Commission adopted a statement entitled "Crime Victims in the European Union – Standards and Actions" to improve access to justice for crime victims and protect their rights (European Commission, August 2004). The European Union Council of Ministers endorsed the statement. The report also refers to

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<sup>4</sup> "Victims' Rights in the process of Criminal Justice" in 1996, "Victim's Rights in the process of Criminal Justice" in 1997, "Social Rights of Victims of Crime" in 1998 and "Victim's Rights of Services" in 1999.

international recommendations and statements, such as the “United Nations Declaration of the basic principles of justice for victims of crime and abuse of power” (1985) and different recommendations from the Council of Europe.

Similar to the directives (1995:94), the governmental report “Victims of Crime: What has been done? What should be done?” (SOU 1998:40) focuses on crime victim’s participation in the criminal justice system, but on services and support, rather than offender punishment and sharper penal law. The report, however, focuses less on preventive measures than the directives. Crime prevention, which the directives points out as an important area of research, is given a three-page section in the report (out of 362 pages). The committee argues that there were no grounds to highlight crime prevention as an area needing more attention, since more attention had already been provided. For example, the government established a national crime prevention program “Our Common Responsibility” (Ds. 1996:59). The committee contended that there is a connection between crime prevention and work to improve the situation for crime victims, and that the areas examined in the report can decrease crime. In contrast to the directives, the crime victim committee defines what crime prevention is. The committee excludes from the definition actions aimed at the structural causes of crime, such as reducing inequalities, poverty and unemployment by stating that crime prevention includes:

*.../prohibition on visiting, obligation for prisons and institutions to provide information to victims when inmates are away from the units etc., increased punishment for interference in a judicial matter, secrecy protection regarding personal information, physical protection, and protection within the national registration (SOU 1998:40 s. 337).*

The committee cites the need to develop support outside the financial and legal areas, as commissioned by the directives. This is referenced as “curative”, “personal” or “psychological” support to crime victims<sup>5</sup>. The committee states that it has been assumed that the legal counsel for the injured party should provide curative support. The committee refers to a study (Sahlin, 1997), which has shown that the same person cannot satisfy crime victims’ need for legal and psychological support. The need for psychological and personal support was difficult to combine with a formal appointment. Besides family and relatives, local victim support centers, and their support persons, and possibly other contacts at social services or health and medical services gave the best personal support. The committee therefore establishes that the

*Curative and personal support often can be better provided for by an engaged support person than a counsel for the injured party, which primarily should focus on the legal part of his or her task (SOU 1998:40, p. 130).*

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<sup>5</sup> The English translation of key concept in this section, such as, kurativt stöd (curative support), personligt stöd (personal support) etc. is taken from the English summary in the report (SOU 1998:40 p. 25-37)

According to the committee, the counsel for the injured party already delegates curative support to women's shelters, local victim support centers, social services, and health and medical services. In line with this, one of the committee's proposals is an increased use of support persons to complement the counsel for the injured party. According to the proposal, it should be possible to appoint a support person in cases where the offence is punishable by imprisonment, and the support person should have a right to reimbursement for their appearance. Nevertheless, the committee does not support a special organization or system similar to lay supervisors used in the prison and probation services as suggested by the directives. According to the committee, a better idea is to support non-governmental organizations economically, so that the recruitment and education of support persons can be extended and improved. The report does not contend that the Crime Victim Compensation and Support Authority could have a role in a system similar to lay supervisors used in the prison and probation service.

### **The Crime Victim Committee wants to clarify the Social Services Responsibility**

In the report, the committee establishes that social services "have an important role to play in the provision of support to crime victims since its staff frequently come in contact with them" (SOU 1998:40, p. 31). The committee highlights that the social services are ultimately responsible for ensuring that those who live in the municipality receive support and help according to their needs (2:2 SoL). This is reminiscent of when family caregivers and women exposed to violence were introduced as target groups in the Social Services Act. According to the committee, crime victims can always turn to the social services to get support and help for material and psychological needs. According to the committee, good knowledge about crime victims' needs and reactions by social services personnel is thereby valuable. For example, such knowledge can make it easier for social services personnel to discover if someone has been exposed to crime, which is something that a person seeking relief does not always reveal on his or her own.

One of the crime victim committee's recommendations is the introduction of provisions into the Social Services Act affirming the responsibility born by the social services for victims of crime (SOU 1998:40). In the report, the proposed section reads as follows:

The social welfare board should work for that those who have been affected by crime get the support and help that they, as well as its relatives, need (SOU 1998:40, p. 346).

The purpose of the provisions, according to the committee was:

/.../for the social services to pay attention in their activities to people who are in need of help and support because they have been exposed to crime (SOU 1998:40, p. 353).

In the report's section about the social services, it is difficult to find specific arguments for or against the provision. The committee argues for the provisions by referring to the 1991 memorandum from the Ministry of Justice (Ds. 1993:29), which the committee maintains:

/.../has done the appraisal that the social services responsibility for those who have been subjected to crime should be made clearer (SOU 1998:40 p. 182).

The committee also refers to the bill "Women's Peace" (1997/98:55), which had been presented by the government one month earlier. According to the committee, provisions including both men and women should replace the provisions proposed by the bill "Women's Peace". If special attention must be paid to women, the proposed provisions by the bill "Women's Peace" can be added to the section.

#### *The Proposals are considered by Referral Bodies*

The governmental report "Crime Victims – What has been done? What should be done?" (SOU 1998:40) was referred for consideration to different organizations in 1998. A total of 78 referral bodies are listed in the governmental bill "Support to Crime Victims" (Govt. bill 2000/01:79, p. 90). Eleven organizations did not to submit statements (Monica Schmidt, Ministry of Justice, personal communication, March 18, 2010). Accordingly, statements from a total of 67 referral bodies have been examined in this study. Each organization submitted one statement.

Table 2. Referral bodies grouped by type of organization or authority.

Referral Bodies	Number of statements
<b>Associations, interest organizations, trade unions etc.</b>	28
Medical Practitioners, psychologists, nurses etc. (4)	
Employer's organizations (4)	
Crime victims (general) (3)	
Judges, lawyers, lay assessors (3)	
Children (3)	
Women (2)	
Church (1)	
Financial sector workers (1)	
Humanitarian (1)	
Industrial, metal, transport and restaurant workers etc. (1)	
Insurance companies (1)	
Relatives of homicide victims (1)	
Social welfare directors (1)	
University graduates and professionals (1)	
Victimized tourists (1)	
<b>Governmental Bodies</b>	16
Ministry of Justice (10)	
Ministry of Health and Social Affairs (4)	
Ministry of Finance (1)	
Parliament (1)	
<b>Courts</b>	10
District court (8)	
Court of appeal (2)	
<b>Municipalities</b>	6
<b>Universities</b>	4
Social sciences (2)	
Law (1)	
Medicine (1)	
<b>County Councils</b>	2
<b>Hospitals</b>	1
Women's clinic (1)	
<b>Total</b>	<b>67</b>

Table 1 shows the type of organizations and authorities, which have submitted statements for the governmental report "Crime Victims – What have been done? What should be done?" (SOU: 1998:40).

The majority of the statements arrived at the Ministry of Justice in October 1998. Members that had been involved in the inquiry signed five of the statements (one expert panel member and four reference group members)<sup>6</sup>.

Many of the referral bodies start their statements by establishing that the report (SOU 1998:40) gives a good overview of the measures taken over the for crime victims (The Swedish Bar Association and The Swedish Confederation of Professional Associations, SACO<sup>7</sup>). The organizations differ in opinion regarding the committee's proposals for crime victims as a whole. On one hand, the Swedish Association of Women's Shelters (SKR) states that:

We support the inquiry as a whole and the demonstration of strength for crime victims that are expressed in the material.

<sup>6</sup> The Crime Victim Compensation and Support Authority, the National Center for Battered and Raped Women, the National Organization for Women's and Girls' Shelters in Sweden (ROKS), and the Swedish Association for Victim Support, the Swedish Association for Victimized Tourists.

<sup>7</sup> The full organization name and abbreviation name (if available) will be used the first time the organization is cited. In the following citations the organization abbreviation name will be used only.

On the other hand, the Department of Criminology at Stockholm University states that:

The inquiry also shows clear features of symbolic action by proposing minor law amendments, some increased grants to non-governmental organizations /.../.

The Swedish Church points out that:

/.../they regret that the committee has not been able to suggest more costly reforms.

Similar to the documents in the earlier stages in the legislative process, the majority of the referral body statements are focused on the crime victim's participation in the criminal justice system. However, they mainly emphasize services and support to crime victims, rather than offender punishment and sharper penalties. In some statements, criticism is leveled against the report for not thoroughly examining the relationship between crime prevention and crime victims (the National Council for Crime Prevention, BRÅ), and for not considering the defendant's situation in the proposals (Gothenburg District Court). For the first time in the legislative process, a few statements use crime victims as a justification for heavier penalties, for instance a statement of the Crime Victim Compensation and Support Authority.

### **Important Referral Bodies argue against the Provisions**

The provisions on support to crime victims in the Social Services Act are discussed or mentioned in 14 out of the 67 statements. It is possible to find arguments both for the provision in the statements. The referral body statements also provide the first clear arguments against the provisions in the legislative process. The Swedish Association for Social Directors (FSS), which are for the provisions, concludes that:

According to the Social Services Act the municipality is ultimately responsible for ensuring that persons living or staying within its boundaries receive support and assistance. Someone who has been exposed to crime can therefore also turn to the social services for support and help. /.../ The amendment in the law is general and may be seen as a way of making crime victims more visible, a development that the association stands behind.

Kiruna, Lund and Östersund Municipality are also positive to the proposal. Lund Municipality underlines the importance of education in this area. Östersund Municipality points out that:

The social services committee is in general positive to the committee's proposals and effects, however, the wording of the law should be made more concrete and that the costs for changes in work procedures and education are underestimated. The municipalities should be compensated for their increased costs.

Children's Rights in Society (BRIS) supports the provisions, but asks:

*.../for an account on what the social services do for children who have been exposed to crime. For instance, what competence and routines exists?*

The Faculty of Medicine Linköping University applauds the proposal, but highlights that many different recourses and measures are needed. According to their statement:

*It is necessary that crime victims as a group is not described as homogeneous category of people – people in many different life situations can fall under the label crime victim. It is therefore necessary that this variation is clear also in the official texts that are written about the social services responsibility for support and help in this context.*

The most common argument against the provisions on crime victims in the Social Services Act is that the social services' responsibility already embraces crime victims according to other provisions of the Social Services Act (The City of Gothenburg; Huddinge Municipality, Kalmar Municipality; SACO; The National Board of Health and Welfare; The Swedish Federation of Local Authorities). The only referral body that rejects the proposal on other grounds is the National Center for Raped and Battered Women, who states that the wording about women who have been subjected to violence in their home as introduced by the governmental bill "Women's Peace" (1997/98:55) should be kept. The referral bodies do not reject the provisions on crime victims only because they would be unnecessary or redundant. They also argue that detailed or target-group oriented provisions can affect the design or fundamental values of the Social Services Act. Their arguments are almost identical to the criticism the social services committee leveled against target-group oriented provisions in their report from 1994, which was presented in the introduction of this essay (SOU 1994:139). The City of Gothenburg underlines that they:

*.../is hesitant to introduce new provisions on crime victims in the Social Services Act. The Social Services Act's character as a framework law may be lost if more groups are specified in the law. .../ It can be valuable to mark this group's right to support from the social services. However, there are other groups that in some situations or under some periods are in need of the social services' support and measures, yet they are not specified in the law.*

According to SACO, points out that:

*To specifically highlight one group in the act can result in that other groups with equal needs are not receiving the same attention. SACO thinks that it is important to preserve the Social Services Act's equal value for all vulnerable groups and that any writing that can undermine its value should therefore be avoided.*

The National Board of Health and Welfare states that they:

*.../reject the proposal to introduce additional provisions for a limited group of citizens.*

The Swedish Federation of Local Authorities rejects the proposal and points out that:

The Social Services Act thus already includes those who have been exposed to crime. If the Social Services Act's content continuously changes to highlight the special needs of different groups, there is a risk for a return to the detail-regulating legislation that preceded the social services' reform.

Before the social services reform in the 1980s, the eligibility for social assistance was tied to specific causes or situations, such as illness, age or inability to work. The social services reform tied the right to assistance to needs, regardless of cause or group affiliation.

The Faculty of Social Science Lund University and Stockholm District Court mention the provisions on crime victims in their statements, but do not take a stance on whether or not they should be incorporated in the Act. The Faculty of Social Science Lund University states if the provisions in the Social Services Act:

/.../should be given real weight and substance, then the verb shall must be used (instead of should). In that way the social services assume an obligation towards the crime victim.

The Faculty states that since the social services committee (Dir. 1997:109) was currently reviewing questions concerning social rights, they abstained from further discussion in this area. The Faculty highlights that the social services committee should be made aware about the importance of creating a social right for crime victims.

In summary, at the end of the 1990s, support and help to crime victims was still seen as a task for the counsel for the injured party and non-governmental organizations. During this period, the crime victim committee (SOU 1998:40), however, questions if the counsel for the injured party should provide both legal and psychological support. In their governmental report the idea of provisions on support to crime victims in the Social Services Act was proposed. Shortly before, provisions about two other target groups were also introduced in the Social Services Act, family caregivers, and women who have been subjected to violence. The provisions about crime victims seem to have been drawn from the provisions about who has been subjected to violence, which was proposed by bill "Women's Peace" (Govt. bill 1997/98:55). The crime victim committee argued that provisions including both men and women should replace the provisions. According to the crime victim committee, the purpose of the provisions is that the social services should pay attention to people "who are in need of help and support because they have been exposed to crime" (SOU 1998:40, p. 353). No clear arguments for or against the provisions are presented in the report. During the same time, the committee's proposals were referred for consideration to different organizations. In the referral statements, the arguments specifically against the

provisions are clearer. Similar to the governmental report presented by the social services committee in 1994 (SOU 1994:139), the referral bodies argue that detailed or target-group oriented provisions can affect the design or fundamental values of the Social Services Act. We will now turn to the last episode in this essay, when the provisions on crime victims were enacted.

## Support to Crime Victims becomes a Target Group for the Social Services (2001)

On March 12, 2001, the government presented the bill “Support to Crime Victims” (Govt. bill 2000/01:79). The social democratic government submitted the bill, which was in government after winning the 1998 election. The proposals were based on the suggestions in the governmental report “Crime Victims – What has been done? What should be done? (1998:40). By 2001, several of the proposed changes in the report had already been considered. For instance, the fee to the Crime Victim Fund had been raised from 300 to 500 SEK (30 to 50 euro). Just three days after the bill was submitted, the government presented the bill “A New Social Services Act etc.” (Govt. bill 2000/01:80), which reinstated the right to appeal to the County Administrative Court and divided the Social Services Act into chapters.

Similar to the documents in the earlier stages of the legislative process the bill focuses on crime victims’ participation in the criminal justice system. The government emphasizes services and support to crime victims, rather than offender punishment and sharper penalties. The bill discusses measures such as shortening the turnaround time and increasing the amount of solved cases in the criminal justice system. However, the principal measures presented by the bill relate to education, cooperation, research, and increased focus on children as crime victims. The bill contained two law amendments, the provisions on support to crime victims in the Social Services Act (SFS 2001:453) and an extension in the right to legal counsel for injured parties (SFS 1988:609). In addition, the bill discussed a few other measures that the government considered necessary to improve information and support to crime victims. The bill also stressed that shortcomings in the work with crime victims cannot solely be attended to through new legislation. To confront these shortcomings, the bill argued that there must first be:

*.../attitude changes, increased knowledge and evolved cooperation between authorities and between authorities and non-governmental organizations (Govt. bill 2000/01:79, p. 11).*

In the bill, the government rejects the report’s (SOU 1998:40) recommendation about support persons. The government does not question that crime victims are often in need of personal or curative support during legal proceedings. The government, however, acknowledges that this support is a task for the counsel of the injured party. If crime victims are in need of more support, their social networks, friends, and relatives can best help them. Non-governmental organizations can also help. The government highlights that:

*Support from people who are engaged voluntarily, which might have experienced similar situations, are probably as valuable as a support person appointed by the court (Govt. bill 2000/01:79 p. 41).*

Moreover, the government maintains that if crime victims have a:

*.../ more qualified need of curative support is measures in connection with the court proceedings probably not sufficient. The support must then be offered before and after the proceedings. (Govt. bill 2000/01:79 p. 41).*

According to the government, non-governmental organizations can also be of great importance, but:

*.../if professional curative measures are needed this is primarily a task for the social services as well as the health- and medical services (Govt. bill 2000/01:79, p. 41-42).*

### **The Government wants to make section 5:11 SoL more Gender Neutral**

In the bill, the government proposes the introduction of provisions on support to crime victims in the Social Services Act. The proposed section reads as follow:

*The social welfare board should work for that those who have been subjected to crime, and their relatives, should receive support and help. Social services should especially consider that women who are or have been subjected to violence or other abuse at home might be in need of support and help to change their situation.*

The government presents arguments for and against the provisions. The government starts by emphasizing, “most referral bodies are positive to the proposal” (Govt. bill 2000/01:79, p. 35). Consistent with statements from the referral bodies, the bill highlights that the social services’ responsibility already includes crime victims. The government argues that:

*To complement the Social Services Act with a special provision about the social services’ responsibility for crime victims does not entail any legislative change (Govt. bill 2001/01:79, p. 36).*

The government refers to two referral bodies, the National Board of Health and Welfare and the Association of Local Authorities, which have argued knowledgeably for the rejection of the proposal. Both organizations argue against more detailed-oriented provisions in the Social Services Act. This argument applies to the provisions about women who were being or have been subjected to violence or other abuse in the Social Services Act, which was introduced by the bill “Women’s Peace” (Govt. bill 1997/98:55). The government concludes that neither of these provisions implies any “actual change” (Govt. bill 2000/01:79, p. 36). The government highlights that the provisions proposed by the bill “Women’s Peace” were, however, justified by the shortcomings of the social services in their work with women subjected to violence, which made it necessary to clarify their responsibility for this group.

As argued by the government:

/.../this reasoning is equally valid for the need of provisions about the social services responsibility for and obligations against everyone who has been subjected by crime (Govt. bill 2000/01:79, p. 36).

The government also argues that the amendment implies that:

/.../the provisions have become gender-neutral, and are more consistent with the so called principle of equality” in section 2:2, as provided by the Local Government Act (1991:900).

The principle of equality is one of the foundations of the Swedish legal system and means that all members of a municipality shall be treated equally, without any favors or special treatment provided to anyone.

The government, however, does not discuss possible effects of introducing more detail-oriented provisions in the Social Services Act. They do not mention that the provisions on crime victims could impact the Social Services Act’s character as a framework law, an impact pointed out by the City of Gothenburg. Moreover, the government does not discuss how the provisions could result in all vulnerable groups not receiving equal support, a concern pointed out by SACO. Lastly, the government does not discuss that the provisions could lead to a return to the detail-regulating legislation that preceded the social services’ reform in the beginning of 1980s, an issue pointed out by the Swedish Federation of Local Authorities.

In the bill the government point out that the provisions in the Social Services Act:

/.../clarify that the social services has a responsibility to support and help everyone that are subjected to crime and active work should be done in this respect (Govt. bill 2000/01:79 p. 36).

According to the government, one key task for social services is to promote collaboration with other authorities and non-governmental organizations. The government highlights that:

Joint action groups may lead to greater awareness regarding the crime victim’s access to help and support, as well as a more effective use of resources respect. Crime victim’s next of kin may also need help and support (Govt. bill 2000/01:79 p. 36).

The bill underlines that the social services must also continue to develop methods for preventive work and for support to women who have been subjected to violence. The social services should pay special attention to the exposed situation of children when there is violence in a family.

The government stresses that:

/.../the fact that a person has been subjected to crime should not automatically require measures from the social services. In the case of less serious events, and even in the case of more serious crimes, personal networks of family and friends can often provide the best support. Non-governmental organizations and other groups in society also have an important function to fulfill in these situations (Govt. bill 2000/01:79 p. 65).

This study now turns to the next step in the legislative process, in which the members of parliament and parties were given the opportunity to express their views on the government's proposals in the bill. The motions offer more diverse viewpoints and arguments than in the prior stages of the legislative process.

### *Proposals of Members of Parliament and Parties*

The motions (i.e. proposals by members of parliament and parties) on the governmental bill "Support to Crime Victims" (Govt. bill 2000/01:79) were submitted between September 2000 and April 2001. There are 31 motions listed under the bill on the Swedish Parliament Library's website (June 1, 2009). The following table divides the motions by political party:

Table 3. Motions of members of parliament and parties on the government bill "Support to Crime Victims (Govt. bill 2000/01:79, divided by political party belonging.

<b>Political Parties</b>	<b>Total number of motions</b>	<b>Number of motions mentioning the provisions on crime victims in SoL</b>
Moderate Party (M)	10	2
The Liberal Party (FP)	5	1
The Center Party (C)	4	0
The Christian Democrats (KD)	4	1
The Social Democratic Party (SAP)	3	0
The Green Party (MP)	2	0
C, M, V, KD, FP, MP <sup>8</sup>	1	0
The Left Party (V)	1	1
<b>Total</b>	<b>31</b>	<b>5</b>

Table 3 shows the motions of members of parliament and parties on the government bill "Support to Crime Victims" (Govt. bill 2000/01:79), divided by political party belonging. The table also shows the number of motions mentioning the provisions on crime victims in the Social Services Act, as proposed by the government bill.

As highlighted in the introduction in this essay (Demker and Duus-Otterström, 2008; Tham, 2001b), the motions reveal that all political parties from left to right unanimously call for increased support to crime victims. One motion from a member of the centre-right opposition

<sup>8</sup> Private member's motion submitted by several parties.

(KD) is “welcoming” of the bill (Ju11). Another motion (C), also from a member of the centre right opposition, states that:

It is unfortunate that the government has waited so long with the bill. One explanation to this delay is probably that crime victim’s situation for a long time has not been a priority of the government in power of that time and its collaborators (Ju12).

This motion (Ju12) also highlights that crime victims often do not get the help they need and lack confidence in the criminal justice system. Even though the majority of the members of parliament are positive to the proposed bill, there is no consensus on how crime victim policy should be shaped. Unlike the documents in the earlier legislative stages, the motions focus not only on services and support to crime victims, but also on offender punishment and sharper penalties. In the motions, many members of the center-right opposition object to how the bill addresses crime victims’ needs and situation. In particular, many members of the Moderate Party disapprove of the government’s general approach and strategies for crime victims. There are also clear examples of how crime victims are used to justify measures of penal repression (Elias 1996; Garland 2001). According to one motion (M) the government’s focus on attitude change and increased knowledge and cooperation is:

/.../a very incomplete starting-point for discussion and decisions. The most important way to strengthen the crime victim’s position is to take measures against crime and how offenders are prosecuted and convicted. An extenuating and understanding attitude towards the crime victim can never completely replace the societal support that actually is expressed with reasonable punishment (Ju13).

The reasoning is echoed in another motion (M) that concludes that the key measures for crime victims, such as solved crime cases, executed sanctions, punishment levels, the protection against recidivists, and the amount of police officers, are not suitably brought up in the bill (Ju14).

According to another motion (M) the criminal justice system is in a deep crisis and:

/.../people’s confidence around the state’s capacity to maintain law and order has gradually weakened. People who have been subjected to crime no longer can trust that crime is investigated and solved. Yet less they can count on that the offender is captured or get punished (Ju927).

Some motions also propose sharpened legislation, including prohibiting visitation (M) (Ju14).

Another motion (M), states that:

A prioritized question must be to strengthen the protection for exposed women. Sharpened punishment for abuse and a mandatory detention for serious offences against women should be carried out as soon as possible (Ju908).

In the motions, there are also examples of how reform for crime victims validates a restriction of prison inmate's rights. For instance, three motions argue that prison inmates should contribute to the Crime Victim Fund by reducing their work compensation by 20 percent. The prohibition against seizing inmates' work compensation (The Prison Treatment Act SFS 1974:03) would thereby be abolished. As pointed out in one of the motions (M), this would be a natural development of a criminal policy focused on the crime victim's situation (Ju911). Another motion, also from the center-right coalition (KD) (Ju913), argues in the opposite direction, emphasizing rehabilitation, decreased punishments, and crime prevention.

### **The Members of Parliament support the Provisions**

The motions primarily discuss the treatment of crime victims in the criminal justice system, such as improved information by the police and support and protection of witnesses. Crimes against women or children are discussed in motions of members of all political parties (Ju12; Ju14; Ju913; A812; Ju923; So505 and So450) (C, M, KD, FP, S, V, MP). The provisions on crime victims in the Social Services Act are mentioned in five motions (Ju11; Ju13; Ju14; Ju15 and So53) (KD, M, M, FP, MP). All eight motions subscribe to the proposal. It is hence difficult to find any clear arguments against the provisions. The arguments for the provisions are also hard to discern.

Similar to the documents in the earlier legislative stages, some members of parliament (M) highlight that the social services' responsibility already embraces crime victims (Ju13 and Ju14). There are, however, no consensus regarding the social services' role in the provision on support to crime victims. On the one hand one motion (MP) contends that:

To work for those who have been subjected to crime and their next of kin is a natural task for the social services. We know that unprocessed experiences can have effects in the social area, which the social services can prevent by facilitate measures (So53).

On the other hand, another motion (M) instead contents that support to crime victims should primarily be given within the limits of the administration of justice (Ju14). Compared to the other motions, the social services' role in the provision of support to crime victims is discussed extensively in this particular motion. It is highlighted that:

The need of measures from the social services are assumed to arise principally when the victims life situation in other respect call for support in accordance with the Social Services Act. The social services importance concerning crime victim measures must therefore be seen as limited (Ju14).

In the same motion, it is highlighted that:

The social services responsibility, both regarding male and female crime victims, is first and foremost depending on other factors that the crime itself. Crime victims cannot, as called

attention to above, be seen as a homogeneous category of people. The need for support measures differs, even among people who have been exposed to similar crime. Crime Victims need for measures from the social services are therefore not in general be based on the crime to some degree, but also depend on the social situation in many respects (Ju14).

The motion also states that:

It is natural for the majority of crime victims to seek support from their family and other people close to them (Ju14)

The motion concludes that need for support from the social services primarily arises in situations when someone close to the crime victim commits the criminal offense or when a social network for is missing entirely for the victim. The proposed legislation should therefore not be seen as an extension of the social services' responsibility. In addition, it is highlighted that the by far best way to prevent men's violence against women in the future is that small boys early are taught to oppose violence. A heavy responsibility therefore is resting upon the families. The social services and the criminal justice systems possibility to replace the role of the family and crime preventers are, according to the motion, extremely limited.

In the motions, there are some suggestions about the provisions to crime victims. As mentioned by the referral body statement from the Faculty of Social Science Lund University, two motions (MP and FP) highlight that the word "should" should be replaced with "shall" (So53 and Ju15). One of the motions argues that:

To be exposed to crime is a serious violation of an individual's personal integrity. /.../ Crime Victims must get support and help to get over the state of chock it implies to be exposed to crime. The Liberal Party thinks that crime victims must get an even stronger and clearer position than what is presented in the government bill (Ju15).

To further emphasize the municipalities' obligation to support and help crime victims, the motion therefore suggests that the word "should" should be replaced with "shall. Another motion (M) suggests that if the special reference to women is kept in the section, a reference to children and young people should be added, since these groups can also be exposed to direct violence or threats of violence within the family (Ju13).

The study now turns to the next stage in the legislative process when the Parliamentary Standing Committee on the Administration of Justice considered the motions together with the bill "Support to Crime Victims" (Govt. bill 2000/01:79).

#### *The Parliamentary Standing Committee considers the Bill and the Motions*

A total of 16 members of the Parliamentary Standing Committee (6 SAP, 4 M, 2 KD, 2 V, 1 C, 1 MP, and 1 FP) that was lead by a social democratic majority considered the motions together

with the bill “Support to Crime Victims” (Govt. bill 2000/01:79). The committee suggested that the parliament should decline all motions and that the two law amendments, the provisions on support to crime victims in the Social Services Act and an extension in the right to legal counsel for injured parties, should come into force on July 1, 2001. One special statement (M) and 17 reservations against the decision were registered (M, KD, C, FP, MP).

The committee starts by “welcoming” the bill’s proposals. According to the committee, the government’s strategy is founded on the notion:

*.../that the whole society has to be engaged. This involves, among other things, improved cooperation between authorities, education efforts, and research” (2000/01:JuU20 p. 9).*

The committee refers to some motions, which disapproved of how the bill addressed crime victims’ needs and situation and instead emphasized offender punishment and sharper penalties. The committee stresses that they share the opinion expressed in the motions that a well-functioning state governed by law is important for crime victims, including that those who commit crime should be identified and prosecuted. Nonetheless, the government points out that:

*Measures that are implemented to, for instance, solve more crime, however, should not conceal the fact that measures that are focused on supporting crime victims also are needed”(2000/01:JuU20 p. 10).*

The committee highlights that this largely involves attitude changes. Similar to organizations promoting crime victims’ right in the United Kingdom (Rock, 2004), such the government thereby shows resistance against a crime victim policy orientation, which can be used to argue for a heavier penalty.

On the same grounds as the government presented in the bill, the committee also rejects the motions proposing that it be possible to appoint a support person in cases where the offence is punishable by imprisonment. According to the committee, personal and curative support is a task for the counsel for the injured party and the crime victim’s social network, friends, relatives, non-governmental organizations, the social services, and the health- and medical services.

### **The Committee’s Supports the Provisions in the Social Services Act**

As in the motions, it is difficult to find any arguments against the provisions on support to crime victims in the Social Services Act in the report. The committee mainly argues for the provisions by stating that it is established that the municipalities has a responsibility for all municipality inhabitants which has been exposed by crime and are in need of support and help.

The committee has:

*/.../no objections to that the social services responsibility for all crime victims is clarified (2000/01:JuU20 p. 14).*

Nonetheless, the committee is not prepared to remove the special reference to women who have been exposed to violence. The committee underlines that the provisions were justified by the shortcomings of social services in their work with women subjected to violence and argue that there are still deficiencies in the social services in this regard. The committee also rejects the motion (KD) considering cost aspects in the work with supporting crime victims, including that the municipalities would need more resources as a result of the amendment in the Social Services Act (Ju11).

The provisions on support to crime victims in the Social Services Act are mentioned in two reservations. The first reservation states that the wording “should” be replaced with “shall” (C and FP) (Reservation 6). The reservation highlights that the:

*/.../intentions behind the law amendment in the spring of 1998, has not fully made themselves felt. We therefore think that the time is ripe to further sharpen the demands on the social services (2000/01:JuU20 p. 29).*

The second reservation states that the government’s estimations are too restricted and that the municipalities will need increased grants owing to the provisions in the Social Services Act (M and KD) (Reservation 14). According to the reservation:

*/.../the purpose of the law amendment is reasonably that the municipalities should do something more than they are doing today (2000/01:JuU20).*

### *The Proposals are debated in Parliament*

In May 2001, the parliament debated the standing committee report (2000/01:JuU20) and the governmental bill “Support to Crime Victims” (Govt. bill 2000/01:79). The debate and the decision are published in Minutes of Parliament (2001). 34 debate statements were made from members of all political parties except the Liberal Party. The provisions on crime victims in the Social Services Act were mentioned in five debate statements (KD, MP, S and V) (statement 2, 4, 17, 25 and 30). The following table shows the number of debate statements divided by political party.

Table 4. Debate statements of members of parliament divided by political party belonging.

Political Parties	Total number of statements	Number of statements mentioning the provisions on crime victims in SoL
The Green Party (MP)	7	1
The Moderate Party (M)	7	0
The Social Democratic Party (SAP)	7	2
The Center Party (C)	5	0
The Christian Democrats (KD)	5	1
The Left Party (V)	3	1
The Liberal Party (FP)	0	0
<b>Total</b>	<b>34</b>	<b>5</b>

Table 4 shows the debate statements of members of parliament on the standing committee report (2000?01:JuU20) and the governmental bill "Support to Crime Victims (Govt. bill 2000/01:79). The table also shows the number of debate statement mentioning the provisions on crime victims in the Social Services Act.

Similar to the motions, all members of parliament from left to right are unanimous in calling for increased support for crime victims. The center-right opposition applauded the bill and the standing committee report, and members of the social democratic majority celebrated the reservations. One statement (M) mentions that the Moderate Party "is satisfied with a lot of what is written in the bill" (Statement 5). Another statement (SAP) highlights that:

/.../ it is a little bit sad that there are 17 reservations in this matter, which concerns an area where we all agree on most questions (Statement 17).

Another statement (V) declares that:

We have looked at the reservations and found that they are wise and good, but is about, as I by the way of introduction said, that the committee's proposal gives a little more and is a little bit faster and is maybe a little clearer" (Statement 32).

Nevertheless, it is clear that the members of parliament do not agree on how to shape crime victim policy. A member of the Moderate Party (M) establishes that the crime victim's situation is one of the criminal justice system's most important questions and that:

A well-functioning state governed by law is the most important thing for crime victims. This of course implies that committed crimes are prevented and but also that the time between the crime and consequences are short (Statement 1).

The statement also highlight that:

To investigate a crime, apprehend and prosecute the offender and enable an action for damages for the injured party is still the criminal justice system's first and most important obligation towards the crime victim (Statement 1).

One statement (M) agrees that the standing committee report:

*.../has a number of good points. But it is not by a mere chance that there actually are 17 reservations (Statement 18).*

### **The Members of Parliament Supports the Provisions in the Social Services Act**

The provisions on crime victims in the Social Services Act are mentioned in 5 debate statements (KD, MP, S and V) (statement 2, 4, 17, 25 and 30). One statement (S) argue for the provisions by highlighting that:

*The social services have an important role to play when it come to societies' support to crime victims – not at least when it come to societies' support to exposed children.*

According to one statement (V):

*.../it is gratifying that this proposal increase the support to crime victims, that the crime victim concept is expanded. Earlier, it you read the Social Services Act, it has been a complete focus on the situation on women, which has been good. Now it is written that it is about everyone who have been exposed to crime. That we find welcoming.*

As in the earlier stages of the legislative process, one statement (MP) stresses that the wording “should” should be replaced with “shall,” in relation to the section about women who have been exposed to violence (Statement 4). According to the statement, the children of these women should also be included:

*The children of these women should of course also be included. They are absolutely in need of help and should be included in the measures.*

One statement (S) notes that since the municipalities' responsibility for supporting crime victims is clearer, the municipalities should take the responsibility for appointing support persons (Statement 25). After a debate, the parliament made a decision about the provisions on support to crime victims in the Social Services Act. 283 members of parliament voted for the Committee on the Administration of Justice proposals (117 SAP, 75 M, 38 V, 37 KD, and 16 C). 27 members (12 FP and 15 MP) voted for the reservation proposing that the wording “should” should be replaced with “shall.” 39 members were absent. The provisions came into law on July 1, 2001.

In summary, in 2001, support to crime victims became a special area of responsibility for the social services. According to the bill (Govt. bill 2000/01:79), the aim of the provisions are to clarify that the social services have a responsibility to support and help those who have been subjected to crime and that active work should be done in this respect. The role of non-

governmental organizations and the counsel for the injured party is, however, still emphasized in the preparatory material. For instance, the bill (Govt. bill 2000/01:79) and the standing committee report (Justiedepartementet, 2001), also especially underline that personal or curative support is a task for the counsel for the injured party. In the bill, the role of crime victim's personal networks, such of family and friends, in this context are also stressed more than in the earlier stages in the legislative process. Except from in the bill, it is in this episode difficult to find any arguments against the provisions on crime victims in the Social Services Act. Members of all political parties seem to support this idea. The main arguments for the provisions are also vague. The arguments seem to be drawn from the bill "Women's Peace" (Govt. bill 1997/98:55), which had argued that the shortcomings of the social services in relation to women subjected to violence indicate that the responsibility of the social services for this group should be made clearer. According to the government, this reasoning is equally valid for provisions about the social services responsibility for and obligations against "everyone who has been subjected by crime" (Govt. bill 2000/01:79). The study now turns to the last section of this essay, where the preparatory texts will be related to the theoretical starting-points in this essay.

## Conclusions

The purpose of this essay has been to enhance understanding of a reform from 2001, when crime victims were introduced as a special target group in the Social Services Act. More specifically the questions that has been examined are (1) When, where and by whom was the idea of provisions on crime victims in the Social Services Act raised in the preparatory material? (2) Which arguments were presented for and against the provisions in the preparatory material? (3) What was the purpose of the provisions, as expressed in the preparatory material?

### *When, Where and by Whom was the Idea Raised?*

In the 1990s support to crime victims was seen as a task for non-governmental organizations and the counsel for the injured party. The earliest reference to the idea that provisions in the Social Services Act could clarify the social services' responsibility for crime victims, is in a memorandum by the Ministry of Justice in a center-right government from 1993 (Ds. 1993:29). At this time, there were no accompanying recommendations to amend the Social Services Act. In the end of the 1990s the crime victim committee (SOU 1998:40) questions if the counsel for the injured party should provide both legal and psychological support to crime victims. The crime victim committee had been appointed by the social democratic government to do review measures taken for crime victims in the last decade. In their governmental report "Victims of Crime: What has been done? What should be done?" (SOU 1998:40) they propose that provisions on crime victims should be introduced as a target group in the Social Services Act. The provisions came into force on July 1, 2001, as suggested by the social democratic government in the bill "Support to Crime Victims" (Govt. Bill 2000/01:79).

### *The Purpose of and Arguments for and against the Provisions*

Throughout the legislative process various actors give conscious or intended purposes to clarifying the social services' responsibility for crime victims by provisions in the Social Services Act. The provisions are mainly argued for and justified by referring to shortcomings in the social services work with crime victims. The crime victim committee express that the purpose of the provisions is that the social services should pay attention to people "who are in need of help and support because they have been exposed to crime" (SOU 1998:40, p. 353). According to the social democratic government, the aim of the provisions are to clarify that the social services have a responsibility to support those who have been subjected to crime and that active work should be done in this respect (Govt. bill 2000/01:79). Some referral bodies state that the amendment may be seen as a way of making crime victims more visible (FSS).

Nevertheless, the theoretical standpoint in this essay presumes that it would be insufficient to only describe the apparent purposes of the law. If the study only examined manifest function, someone else would also set the terms of the inquiry, such as the crime victim committee or the social democratic government who enacted the law (Merton, 1949). By extending the observations and analysis beyond the manifest purposes and the arguments against the provisions, the picture becomes more complicated. As Merton points out, “social life is not as simple as it first seems” (Merton, 1949 p. 309). The referral body statement does, for instance, reveal functions of the law that might be unintended or latent. The main argument against the provisions in the legislative process was that that detailed or target-group oriented provisions can affect the design or fundamental values of the Social Services Act. For instance, one referral body (SAC) notes that “it is important to preserve the Social Services Act’s equal value for all vulnerable groups” and that “any writing that can undermine its value should therefore be avoided”. They are very reminiscent of the criticism the social services committee leveled against target-group oriented provisions in their report from 1994 (SOU 1994:139) as described in the introduction of this essay. Nonetheless, the concern that the Act’s provisions were focused more on the social services’ responsibilities towards selected groups of citizens, rather than on the social rights of the individual, disappeared in this legislative process in the late 1990s. After 1998, any political party member does not discuss it in the bill, in the standing committee report, or in any motion or debate statement.

Hence, there is a risk that that the provisions on support to crime victims may undermine fundamental values of the Social Services Act, such as solidarity and equality. It is difficult to determine whether this ideological makeover really is unconscious and unintended, as Mathiesen (2006) points out, the functions of law can be more or less latent, as there are variations, transitions and mixtures. The government is clearly conscious of the criticism against detail-oriented provisions, since they refer to this criticism in the bill (Govt. bill 2000/01:79). The bill does, however, not discuss the possible effects of detail-oriented provisions. Given that a social democratic government proposed the provisions on crime victims, it is especially odd. One would think that it would be important to a social democratic government to preserve the Social Services Act’s fundamental principles, such as equality and structural explanations of social problems.

The provisions on crime victims may also be a modest step towards changing the eligibility requirements for assistance. The right to assistance, according to the Social Services Act, is still tied to needs, irrespective of cause group affiliation (Govt. bill 2000/01:80). However, as the Swedish Federation of Local Authorities points out, if the Social Services Act continuously

changes to highlight the special needs of different groups, there is a risk for a return to the detail-regulating legislation that preceded the social services' reform in the beginning 1980s. In other words, the link between eligibility for social assistance and specific causes or situations, will again be reinforced.

In this study we have also seen that organizations such as the National Center for Battered and Raped Women have demanded that "social services has to realize that women's abuse is a crime, not only a family problem" (SOU 1998:40, p. 183). The problem is, in other words, not that the social services do not work with crime victims. The social services have long supported groups, such as substance abusers, the homeless, and people with a criminal background, which unquestionably are the groups most affected by crime (i.e. SCB 2004). The problem is that they social services do not define their problems or needs of these groups as a result of crime. By altering how social problems are viewed in this way, the solutions for these problems will change. This indicates that the provision on crime victims might, just like many other reforms in criminal policy, be more about "defining a social problem", than "finding a solution to a social problem" (Andersson, 2002).

### *Discussion*

This essay has shown that more studies need to be conducted to explore the development of Swedish crime victim policies. The result in this study is consistent and inconsistent with research on crime victim policy in countries. The preparatory material shows similarities between the Swedish experience and Rock's (2004) findings about the development of crime victims' rights in the United Kingdom. We can find examples demonstrating the need to create subjects who could report crime, participate in the criminal justice system, and make offenders accountable for their actions. Similar to the United Kingdom, it is also difficult to find elements of the United States' crime victim policy orientation the majority of the documents. The main strategy to improve the situation for crime victims is focused on service and support, attitude changes, education and cooperation, and not offender punishment and sharper penalties. Arguments where the vindictive crime victims are used to justify heavier punishment can only be found in a few referral body statements and in motions and debate statements of the center-right opposition, principally the Moderate Party. The motions from the Moderate Party there are also examples of how reform for crime victims validates a restriction of prison inmate's rights. For instance, three motions argue that prison inmates should contribute to the Crime Victim Fund by reducing their work compensation by 20 percent. The prohibition against seizing inmates' work compensation (The Prison Treatment Act SFS 1974:03) would thereby be abolished. In other counties, there are examples where the inmate's rights have been limited at the same time that the crime victim's

rights have been expanded, such as in the United States' 1994 Violent Crime Control and Law Enforcement Act (VCCLEA). In addition to expanding the federal death penalty and enhancing penalties for immigration-related crimes, the reform included extensive crime victim legislation, such as the Violence against Women Act (VAWA). The Act also overturned a section of the Higher Education Act of 1965, which permitted prison inmates to receive a Pell Grant<sup>9</sup> for postsecondary education while incarcerated. This is also a clear example of how the rise of crime victim rights can be used to divide people into two categories, "victims" who are deserving of rights and "offenders" who are undeserving of rights, as pointed out by Mork Lomell (2006) in the introduction of this essay.

The documents in the legislative process also show that the provisions on crime victims in the Social Services Act are, similar to many other reforms intending to aid crime victims, linked to efforts to confront men's violence against women. A woman who has been exposed to domestic violence has served as an archetype for the law (Åkerström and Sahlin 2001). This is a sharp contrast to inner policy circles centered on crime victims in the United Kingdom, where woman's organizations were almost absent from the inner policy circles centered on crime victims (Rock, 2004).

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<sup>9</sup> The Pell Grant program is a federal grant program sponsored by the United States Department of Education.

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## Appendix A – Referral Bodies

Appendix A is a list of organizations, which have submitted statements for the governmental report “Crime Victims What has been done? What should be done?” (SOU: 1998:40).

1. The Childrens Ombudsman (Barnombudsmannen)
2. The National Council for Crime Prevention (Brottsförebyggande rådet)
3. The Swedish Association for Victim Support (Brottsofferjourernas riksförbund)
4. The Crime Victim Compensation and Support Authority (Brottsoffermyndigheten)
5. The Swedish National Courts Administration (Domstolsverket)
6. The Swedish Economic Crime Authority (Ekobrottsmyndigheten)
7. The Financial Sector Union of Sweden (Finansförbundet)
8. The Swedish National Institute of Public Health (Folkhälsoinstitutet)
9. The Crime Victim Association in Älvdalen (Föreningen Brottsoffer Älvdalen)
10. The Swedish Association for Social Directors (Föreningen Sveriges socialchefer)
11. The Swedish Insurance Federation (Försäkringsförbundet)
12. Gävle District Court (Gävle tingsrätt)
13. The City of Gothenburg (Göteborgs kommun)
14. Gothenburg District Court (Göteborgs tingsrätt)
15. Helsingborgs District Court (Helsingborgs tingsrätt)
16. Skåne Blekinge Court of Appeal (Hovrätten över Skåne Blekinge)
17. Huddinge Municipality (Hudding Kommun)
18. Faculty of Law Uppsala University (Juridiska fakulteten, Uppsala universitet)
19. The Swedish Chancellor of Justice (Justitiekanslern)
20. City of Kalmar (Kalmar kommun)
21. Kiruna Municipality (Kiruna kommun)
22. The Swedish Prison and Probation Services (Kriminalvårdsstyrelsen)
23. The Department of Criminology, Stockholm University (Kriminologiska institutionen vid Stockholms universitet)
24. The Swedish Trade Union Confereration (Landsorganisationen i Sverige)
25. The Federation of Swedish County Councils (Landstingsförbundet)
26. Luleå District Court (Luleå tingsrätt)
27. Lunds Municipality (Lunds kommun)
28. Faculty of Medicine Linköping University (Medicinska fakulteten vid Linköpings universitet)
29. The Swedish Association for Lay Assessors (Nämndemännens Riksförbund)
30. Swedish Parliametary Ombudsmen (Riksdagens ombudsmän)
31. Children’s Rights in Society (Riksförbundet Barnens Rätt i Samhället)
32. The Swedish National Swedish Insurance Board (Riksförsäkringsverket)
33. The National Center for Battered and Raped Women (Rikskvinnocentrum)
34. The Swedish National Association of Relatives of Homocide Victims (Riksorganisationen för anhöriga till våldsdödade)
35. The Swedish National Organization for Women’s and Girls’ Shelters (Riksorganisationen för kvinnojourer)
36. The Swedish National Police Board (Rikspolisstyrelsen)
37. The Swedish National Tax Board (Riksskatteverket)
38. The Prosecutor General of Sweden (Riksåklagaren)
39. Save the Children Sweden (Rädda barnens riksorganisation)
40. Swedish Legal Aid Authority (Rättshjälpsmyndigheten)
41. Swedish National Board of Forensic Medicine (Rättsmedicinalverket)
42. Faculty of Social Science (Samhällsvetenskapliga fakulteten vid Lunds universitet)
43. The Swedish National Board of Health and Welfare (Socialstyrelsen)

44. The Swedish National Board of Institutional Care (Statens institutionsstyrelse)
45. The Stockholm County Council (Stockholms läns landsting)
46. Stockholm District Court (Stockholms tingsrätt)
47. Sundsvall District Court (Sundsvalls tingsrätt)
48. Svea Court of Appeal (Svea hovrätt)
49. The Swedish trade federation (Svensk Handel)
50. Swedish Employers Confederation (Svenska arbetsgivarförbundet)
51. Swedish Federation of Local Authorities (Svenska kommunförbundet)
52. The Church of Sweden (Svenska kyrkans centralstyrelse)
53. The Swedish Society of Medicine (Svenska Läkarsällskapet)
54. The Swedish Red Cross (Svenska Röda Korset)
55. The Swedish Bar Association (Sveriges Advokatsamfund)
56. The Swedish Confederation of Professional Associations (Sveriges Akademikers centralorganisation)
57. The Swedish Association for Judges (Sveriges domareförbund)
58. The Swedish Association of Women's Shelters (Sveriges Kvinnojourers riksförbund)
59. The Swedish Medical Association (Sveriges Läkarförbund)
60. The Swedish Association of Psychologists (Sveriges Psykologförbund)
61. The Swedish Association for Victimized Tourists (Sveriges Riksförbund för brottsdrabbade resenärer)
62. Umeå Local Victim Support Center (Umeå Brottsofferjour)
63. The Swedish Association of Health Professionals (Vårdförbundet SHSTF)
64. Västernorrland County Council (Västernorrlands läns landsting)
65. Växjö District Court (Växjö tingsrätt)
66. Örebro District Court (Örebro tingsrätt)
67. Östersund Municipality (Östersunds kommun)

## Appendix B – Motions

Appendix B is a list of the motions (i.e. proposals by members of parliament and parties) on the governmental bill “Support to Crime Victims” (Govt. bill 2000/01:79). The motions are listed under the bill on the Swedish Parliament Library’s website (June 1, 2009).

- A812. *Liberal jämställdhetspolitik.* The Liberal Party.
- Ju11. *Med anledning av prop. 2000/01:79 Stöd till brottsoffer.* The Christian Democrats.
- Ju12. *Med anledning av prop. 2000/01:79 Stöd till brottsoffer.* The Center Party.
- Ju13. *Med anledning av prop. 2000/01:79 Stöd till brottsoffer.* The Moderaterna Party.
- Ju14. *Med anledning av prop. 2000/01:79 Stöd till brottsoffer.* The Moderaterna Party.
- Ju15. *Med anledning av prop. 2000/01:79 Stöd till brottsoffer.* The Liberal Party
- Ju224. *De osynliga barnen.* C, V, KD, MP, M, FP
- Ju410. *Ersättning för vittnesstöd.* The Moderate Party
- Ju730. *Vittnesstöd.* The Moderate Party
- Ju812. *Förtursbehandling av mål med unga målsägande.* The Liberal Party.
- Ju903. *Stödet till brottsoffer.* The Christian Democrats.
- Ju904. *Unga brottsoffer.* The Moderate Party.
- Ju906. *Brottskadlagen.* The Moderate Party.
- Ju908. *Brottsoffer.* The Moderate Party.
- Ju911. *Trygghet till liv och egendom.* The Moderate Party.
- Ju912. *Kvinnans rätt till hemmet.* The Center Party.
- Ju913. *Rättsväsendet.* The Christian Democrats.
- Ju914. *EU och kampen mot den internationella brottsligheten.* The Christian Democrats.
- Ju918. *Våld mot barn.* C, V, KD, M, MP, FP.
- Ju921. *Rättstrygghet.* The Center Party.
- Ju922. *Stärk skyddet för brottsoffer.* The Liberal Party.
- Ju923. *Sexuellt utnyttjande av barn.* The Social Democratic Party.
- Ju924. *Barn som brottsoffer.* The Social Democratic Party.
- Ju927. *Rättsväsendet.* The Moderate Party.
- Ju930. *Brottsoffren.* The Moderate Party.
- Ju933. *Rättsambället.* The Liberal Party.
- So53. *Med anledning av prop. 2000/01:80 Ny socialtjänstlag m.m.* The Green Party.
- So450. *Våldet i sambället.* The Green Party.
- So502. *Kvinnojourernas verksamhet.* The Social Democratic Party.
- So505. *Ändring i socialtjänstlagen.* The Left Party.
- So545. *Perspektiv på kvinnors hälsa.* The Center Party.