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Compensation for Victims of Sexual Violence in Sweden: Some Empirical Findings from a Socio-Legal Perspective

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The background of this study is my doctoral thesis in Sociology of Law “Violation and Satisfaction: A Sociology of Law Study of Non-Pecuniary Damages to Victims of Crime” (2012). After about ten years, I decided to make a replication based on the same method as in the original study presented in 2012. The general findings from the replication study are presented in the report “Violation and Satisfaction: Replication of a Socio-Legal Study“ (2022). Both studies include two surveys, one involving the public and the other involving crime victims who had received compensation for criminal injuries from the Swedish Crime Victim Compensation and Support Authority (Brottsoffermyndigheten). The study sample in the survey targeting the public consisted of self-recruited respondents from an online panel. The surveys consist of vignette questions selected from legal usage and questions about the victims’ experiences of the compensation. The legal rule about a victim’s right to compensation for the violation opens to different interpretations and several possible applications because of its vagueness. The study takes its starting point in how damages from criminal violations are determined. This type of non-pecuniary compensation to crime victims has a fundamental uncertainty regarding the computation of damages and what is meant by “violation” in the meaning of the law. There is also drift between the violation and the suffering, as to which the compensation is related. The violation dimension has a more “objective” connotation as a sanction in the sense of an attack on a protected interest within the rule of law. Whereas the suffering dimension focuses more on the “subjective”, individualized injury as the object of attack. According to the law, damages for violation should be set at a level reflecting the current social norms. Therefore, the compensation must be seen in relation to the context of criminal law, levels of punishment, the proportionality of the compensation in relation to the punishment and the crimes’ penal value.

When the results from the replication were analysed, an in-depth analysis was made based on gender and focusing on sexual offences. The result showed significant gender differences in terms of how the respondents estimated different sexual offences and how they perceived the compensation. The compensation for Victims of Sexual Violence has been criticized and debated for a long time from different perspectives. To develop pathways to survivor-centred justice, I think some of these empirical findings can be both theoretically interesting from a socio-legal perspective and of practical value.