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EDITED BY ULLA V. BONDESON

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# Feminist Policy against Violence in Sweden

Johanna Niemi-Kiesiläinen<sup>1</sup>

## Introduction<sup>2</sup>

Sadly, a bear killed a hunter in Piteå district in Northern Sweden in the same week of October 2004 as a mother of three was killed by her ex-partner. It is easy to guess which of these tragedies received more media attention during the next week; the bear killing a hunter. Unexpectedly, however, a man from Piteå, Hans Hansson was enraged by this reaction. How was it possible that a brutal murder by axe was not as noteworthy and shocking as an accidental death in a hunting encounter?

The life in the little town of Piteå never returned to same as it was before. The men in the area started a men's movement against violence towards women. They organized themselves and offered help to local women. They collected over 10.000 names in an address to the Minister of Justice, Thomas Bodström, demanding more efficient program against men's violence,<sup>3</sup> and in March 8-9<sup>th</sup> 2005 Piteå became the site for a country wide conference on men's violence against women. While these forms of action are a novelty only in the sense that they are undertaken by a movement consisting of only or mostly men, there is a genuinely radical aspect in the Piteå's local movement. These men have also started to reconsider their responsibility for violence and the relationships be-

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Niemi-Kiesiläinen, Johanna, "Feminist Policy Against Violence in Sweden", pp. 1-13 revised paper presented at a seminar organized by the *Co-ordination Action for Human Rights Violation*, Warsaw 2005

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- 1 The author, professor of law, Umeå university, is a native of Finland who has had a privilege to observe closely the Swedish reform discussion since her appointment in Umeå university in 2004.
- 2 The article is a revised version of a talk in the open session "Women, Children and the Law: Protection or Barrier? Distinctive Features of the Legislative Framework Which Protects Women and Children from Abuse: Practice in Three Countries" at the Seminar of the Sub-network 3, Co-ordination Action for Human Rights Violation (CAHRV). The seminar was organized by CAHVR and the Institute for Social Studies, Warsaw University on May 20, 2005 in Warsaw, Poland. CAHVR (2004-2007) is founded by the European Commission's Sixth Framework Programme.
- 3 Dagens Nyheter 27.1.2005.

tween the male culture and violence. How do they support male structures that can lead to violence? How do they socialize their sons in the free time activities, such as sports and hunting societies? Do they tolerate or even encourage hostile attitudes towards women? This, I think, is a unique discussion on masculinity that would not be possible anywhere else but in Sweden.

The Piteå men, even though their local initiative is unique, do not work in isolation. A men's discussion on their responsibility for violence against women has started in Sweden. Johan Ehrenberg, an essayist and commentator, initiated the discussion by claiming that all men are responsible for rape.<sup>4</sup> In a TV debate in the autumn 2004, Ehrenberg, together with the Equality ombudsman Claes Borgström, defended this view, claiming that all men have advantage of discrimination against women and that all men should be responsible for acting against violence. In this discussion a conservative commentator, professor Bo Rothstein from University of Gothenburg, led the opposition. But by the end of the discussion even Rothstein admitted that he would take some responsibility for the work against men's violence as long as men are not required to feel collective guilt for something they have not done.

This discussion is a result of long and persistent feminist policy against men's violence in Sweden. The work has started already in the early 1980s, but it gained momentum in the early 1990s after a general review of power relations, including power and gender, was made.<sup>5</sup> After that the Swedish government nominated a commission to prepare a proposal for legal change and other programs on men's violence against women. The report, *Women's Peace*, was published in 1995.<sup>6</sup> The report was a comprehensive review of existing legislation and the practises of different agencies, including the criminal justice system, social welfare agencies, health care and non-governmental organizations. The proposal for legal reform consisted of several reforms. The most important was the introduction of a new crime the Grave Violation of Women's Peace, an attempt to make visible and to draw into the domain of criminal law the continuing, humiliating and process-like nature of men's violence against known women. Also, a reform of law on sexual crimes was proposed. In addition, several proposals to promote the work of the state agencies and communal bodies in

4 Johan Ehrenberg, *Alla män ansvarar för våldtäkterna*. *Aftonbladet* 1.12.2003.

5 SOU 1990:44 *Demokrati och makt i Sverige*. On the feminist policies and legal reform see Svensson Eva-Maria, *Sex Equality: Changes in Politics, Jurisprudence and Feminist Legal Studies*. In Nousiainen, Gunnarsson, Lundström & Niemi-Kiesiläinen (eds), *Responsible Selves. Women in the Nordic Legal Culture*. Ashgate 2001 p. 71-104; Svensson Eva-Maria and Pylkkänen Anu, *Contemporary Challenges in Nordic Feminist Legal Studies*. In Svensson, Pylkkänen & Niemi-Kiesiläinen (eds), *Nordic Equality at a Crossroads. Feminist Legal Studies Coping with Difference*. Ashgate 2004, p. 17-46.

6 SOU 1995:60 *Kvinnofrid*.

their work against violence were made. About at the same time, a proposal that later led to the criminalization of purchase of sex was presented.<sup>7</sup>

In the following, I will first relate the legal reforms to the theoretical understanding of violence that has influenced the reform policy. Then I will discuss the reforms that have received the broadest publicity, both in Sweden and internationally, the new crime of Grave Violation of Women's Peace and the criminalization of purchase of sex. I will argue that their most important impact has been to make issues related to violence against women visible and therefore they have an important symbolic value. The symbolic value of these reforms, however, is not isolated but gets its meaning in a context of systematic reform policy. In the end, I will conclude with a list of legal issues that should be addressed when the role of law and legal reform regarding the issues of violence against women are discussed.

## Theoretical Understanding of Violence

The Swedish reform policy has been strongly influenced by a theoretical understanding of men's violence against their female partners based on Liz Kelly's concept of continuum of violence and Eva Lundgren's concept of normalization process of violence.<sup>8</sup> Lundgren, professor of sociology and women's studies at the Uppsala University, has developed her theory on the basis of interview research of women and men who have lived in long violent partnerships.<sup>9</sup>

According to Lundgren both the woman and the man in an abusive relation accept violence as a normal part of the relationship. The man has a normative ideal of the marriage in terms of male domination and female subordination. The man reacts to deviations from this ideal by tightening his control of the woman. His emotional changes between intimacy and distance, aggression and violence can all be interpreted as means of control. Gradually, the battered woman internalizes the man's image of herself as the faulty and unworthy one who more or less deserves the abuse. Finally, she internalizes the violence as a normal part of her subordination. For an international reader, the resemblances to Lenore Walker's battered wife syndrome are obvious.<sup>10</sup> Lundgren emphasizes the connection between violence and the structural difference in power between the sexes at the societal level more than Walker does but the implications of the theory at the level of concrete violent relationship seem to be the same.

7 SOU 1995:15 *Könshandel*.

8 Lundgren Eva, *Väldets normaliseringsprocess*. ROKS 2004.

9 Lundgren Eva, *Gud och alla andra källor*. 1992.

10 Walker Lenore, *The Battered Wife Syndrome*. 1979.

The normalization theory has met critique in Swedish research, but even the post-modern and constructionist young researchers, who analyze the processes in which power, sex and gender are constituted, often connect their research to the structural understanding of sexual power and violence. Only recently a debate on the feminist understanding of violence against women has gained momentum. It is debated heatedly in the media, but the frontline in this debate are not the same as they used to be, as the examples on men's discussion about the responsibility for violence against women indicates. The seriousness of violence, its continuing nature and its connectedness to the gendered power structures is hardly ever questioned. The debate is on whether and how to incorporate the issues of power into the research and work against violence.

## Women's Peace Reform

The normalization theory of violence was one of the points of departure in the work of the Commission on Violence against Women.<sup>11</sup> The Commission considered it important that the new crime would include acts which were not offences according to the criminal law but which effectively contributed to the mental processes of control, abuse, violence and mental terror in an intimate relationship. As the Commission noted, the abused woman has often been subjected to behavior for which no sanctions currently apply; for example, the man may have hidden joint possessions, such as the telephone or keys, may have forbidden her to meet friends and relatives, or may have insulted and defamed her.<sup>12</sup> Thus, her vulnerable situation is not only characterized by specific acts of physical violence but other controlling actions.

The Commission wanted to draw this process of control under the criminal law and it proposed a new crime that would have had included such behaviour. After different state agencies and interest groups were given the opportunity to comment on the proposal, the proposal was modified so that the crime Grave Violation of Woman's Peace only covers such acts that already fall under some other, though less serious, criminalization.<sup>13</sup> Controlling behaviour, which goes beyond criminal acts, is not included nor the use of insulting language, even if the latter may constitute the crime of defamation or slander. As a consequence,

11 SOU 1995:60 *Kvinnovåld* p. 102.

12 SOU 1995:60, p. 102, 300, 305.

13 Criminal Code, Chapter 4, 4a §. Lag 1999:845.

About the discussion in the legislative process see Nordborg Gudrun and Niemi-Kiesiläinen Johanna, *Women's Peace: A Criminal Law Reform in Sweden*. In Nousiainen K, Gunnarsson Å, Lundström K & Niemi-Kiesiläinen J (eds), *The Responsible Selves. Women in Nordic Legal Culture*. Ashgate 2001, pp. 353-373.

the new crime means that a series of crimes, such as battery, unlawful threat and coercion, can be judged together as Grave Violation of Women's Peace and a maximum sentence of six years can be given.<sup>14</sup> In practice, circa 1850 cases against women's peace have been reported to the police last year.<sup>15</sup> The sentences have been rather moderate, often between six and twelve months of prison in cases of up to five batteries and seldom over two years for repeated batteries and threats.<sup>16</sup>

The Commission wanted to make visible men's violence against women in close relationships and this idea was reflected in the gendered title of the crime. Even though also a gender-neutral but otherwise similar crime Grave Violation of Peace, which can be applied in other intimate relationships, was enacted the main effect of the new law has been that the awareness of violence against women has increased tremendously. Especially, the police and the prosecutors pay attention to the repeated acts of violence in the investigation and prosecution of violent crime in the families. The Swedish law allowed the prosecution of several criminal acts in the same trial even before the new law but since the focus in the investigation was on the reported crime as an isolated incident, this rarely happened. Now the police and the prosecutor seem to pay much more attention to the repeated patterns of violence, which are all too common in violence against women.

## Commercial Sex

The criminalization of purchase of sex has been the most widely discussed part of the Women's Peace Reform. This criminalization can be described both as quite moderate and as very radical. The crime is quite moderate if measured by the severity of the possible sentence for it since the penalty cannot exceed six months of jail and is in practice a fine. The criminalization is quite radical since there is no corresponding criminalization of the prostitute's activity, that is, the selling of sex.<sup>17</sup> Nor are the prostitutes otherwise controlled or pursued. Rather they are

14 More serious crimes, such as aggravated battery or rape, are punished apart from Grave Violation of Women's Peace.

15 Kriminalstatistik 2003. Brå 2004, p. 28. [http://www.bra.se/extra/faq/?module\\_instance=2&action=question\\_show&cid=143&category\\_id=0](http://www.bra.se/extra/faq/?module_instance=2&action=question_show&cid=143&category_id=0).

16 In two cases that reached the Supreme Court, the defendants were given 10 and 8 months in prison for repeated assaults. NJA 2003 s. 144. NJA 2004 s. 97. In a case on violence against a daughter, the punishment was 1,5 years of prison, NJA 2004 p. 437

17 A number of countries forbid prostitution. Usually the prostitute's activity is made a crime but in some countries (or for example in some States in the USA) also the client's action can be punished. In practice, however, the control focuses on the seller of sex.

offered social services and encouraged to leave the activity. The one-sided criminalization of buying of sex is radical because it is based on the understanding of prostitution as a consequence of gendered power relation between the sexes.

If measured by the number of enforcements, the law on sex purchase would not be considered a success. Only a handful of buyers are fined each year and the punishment is a fine. The fine has, however, been in many cases quite high.<sup>18</sup> To some extent this is a sign of success; street prostitution has diminished, indeed, though not disappeared. There is disagreement about whether the law has had any effect on prostitution indoors and on the net. Because these activities have always been hidden, they are very difficult to measure. During the years the law has been in force, prostitution has gone online in all countries, notwithstanding regulation and therefore it is difficult to say whether the law has somehow accelerated this trend. At the same time, the worst prophecies have not been fulfilled. There is no evidence of increasing control of women by the traffickers and procurers. As an unintended effect, the law has made Sweden less attractive for trafficking in women in comparison to neighbouring countries.

The main effect of the criminalization of the purchase of sex is, however, the increased consciousness of the prostitutes' lot both in the media and among the general public. In surveys up to 85 per cent of the Swedes accept the law and think it is a good one. The media writes a lot about commercial sex – it still sells – but the phenomena are contextualized as sexual and/or commercial exploitation, not as one of sexual choice.<sup>19</sup> Last winter the media has reported mostly on child pornography, on youngster who pose on the net and sexual abuse of children through the net.

Of course the law alone has not changed the attitudes. Rather, the law should be seen as a consequence of the heightened consciousness. But clearly the feminist understanding of prostitution as a consequence of structural inequalities between the sexes and as an abuse of gendered power relations has been the most important outcome of the process in which the law was enacted as part of a more comprehensive policy on violence against women.

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18 For example, a Justice of the Supreme Court was fined 40.000 Swedish crowns (4.000 euros) for purchase of sex in spring 2005 in a case that received wide publicity. Dagens Nyheter 26.5.2005.

This level had been earlier confirmed by the Supreme Court in case NJA 2001 p. 527.

19 It goes without mentioning that the legislation on procuring, trafficking and child pornography is updated and fairly effectively enforced.



## More Effective Policing and Prosecution

The policies on violence against women became openly feminist in the 1990s but the active work on violence started already in the 1980s. Rape in marriage was made a crime in 1965. The legal reform on prosecution of assault in 1982 can be considered as a turning point. Through the 1982 reform all assaults and batteries were made crimes that do not require a complaint from the victim but should be investigated by the police and prosecuted. The legal reform was not quickly fully implemented. Still in 1995 almost half of the investigations of domestic batteries were laid down in lack of evidence.<sup>20</sup> Still today there is reason to worry about the low rate of successful investigations and prosecution. Out of 1850 reported breaches against women's peace – a serious crime – only less than three hundred led to prosecutions.<sup>21</sup> It is reported that about 44 per cent of reported cases of violence against women and 22 per cent when it is counted per person have been successfully investigated by the police.<sup>22</sup>

Since 1995 the government, acting on the recommendations of the Women's Peace Commission, has driven a comprehensive policy to educate the criminal justice system on violence against women.

As the above mentioned numbers indicate, the educational attempts have been met with a varying degree of success. Actually, a recent review was highly critical of the educational programs, implementation of the policies and the coordination of different agencies. Police, the prosecution authorities and the court system have taken violence against women in their internal training programs but the training has not yet reached all of the personnel. There are local initiatives to streamline the policies, to coordinate the work of different agencies and to develop new working practices but the coordination at the national level was critiqued by the review. Many of the good practices developed at the local level seem to spread out too slowly.<sup>23</sup>

20 SOU 1995:60 *Kvinnofrid* p. 201.

21 Kriminalstatistik 2003. Brå 2004, p. 128. [http://www.bra.se/extra/faq/?module\\_instance=2&action=question\\_show&id=143&category\\_id=0](http://www.bra.se/extra/faq/?module_instance=2&action=question_show&id=143&category_id=0).

22 [http://www.bra.se/extra/news/?module\\_instance=2&id=3](http://www.bra.se/extra/news/?module_instance=2&id=3) Nilsson Lotta, *Misshandel mot kvinnor och barn*. Brottsutvecklingen i Sverige 2001-2003 (red. Lars Dolmer). Brå Rapport 65 p. 74.

23 *Slag i luften* SOU 2004:121.

## Protection Orders

One of the policies that has been met with ambivalence is the protection order. The law on protection order was enacted already in 1988 to protect those who are in risk of crime, stalking or other serious harassment.<sup>24</sup> Since 2003 the protection order can be granted even to persons who share the same apartment for one month,<sup>25</sup> whereas the protection order in other cases may last for one year. The prosecutor can make an order quickly after the threat has become to the knowledge of the police. The threatened person may ask for the order or it may be imposed on the initiative of the police. The sanction for breach of the protection order is fine or a maximum of one year in prison but for small breaches no penalty should be given.

The protection orders are sought frequently, 6 500 per year of which about one half are granted. Many women have been helped by the protection order, even though according to a recent study the support has often been more psychological than protective against violence.<sup>26</sup> The breaches against the protection order are frequent. About as many breaches are reported as there are protection orders in force. It is known that the reporting rate is low<sup>27</sup> because many women feel frustrated and tired of reporting the breaches.

## Sexual Crimes

The theoretical understanding of violence as normalized has not been easy to apply to sexual violence, which has been discussed continuously in the media after a number of infamous cases. These cases – called by the name of the community where the crime took place as Rissne, Södertälje, Tumba – all circulate around the same setting: a gang rape of an intoxicated, often young woman. In some of these cases the prosecution has led to verdict, often of sexual abuse, not of rape. In the last mentioned case, Tumba, the Supreme Court dismissed charges against all the defendants on the ground that no sexual abuse had taken place. The case with four defendants<sup>28</sup> has been experienced as particularly repulsive by most people, not only feminist campaigners. The prosecutions were

24 Lag om besöksförbud 1988:688.

25 Lag 2003:484.

26 [http://www.bra.se/extra/pod/?module\\_instance=12&action=pod\\_show&id=354](http://www.bra.se/extra/pod/?module_instance=12&action=pod_show&id=354) Monica Edlund, Karin Svanberg, *Besöksförbud*. En utvärdering av lagen och dess tillämpning. Brå Rapport 2003:2.

27 [http://www.bra.se/extra/pod/?module\\_instance=8&action=pod\\_show&id=77&full=true](http://www.bra.se/extra/pod/?module_instance=8&action=pod_show&id=77&full=true)

28 The evidence indicates that more persons had participated in the abuse but four could be prosecuted.

dismissed, however, because the victim, an adult woman, had not resisted but, according to the defendants' similar accounts, rather acted as an active part in the sexual acts. The fairly heavy intoxication and indication of hash in her blood were not given any decisive evidentiary value by the Supreme Court.

Also the low rate of cleared rapes by the police indicates that the policy has not been equally successful in sexual crimes. It is reported that at least 60 per cent of sexual crimes are not cleared by the police and only 12 per cent of the 2500 rapes reported to the police led to prosecution.<sup>29</sup>

## The Results of the Policy

With the exception of sexual crimes, the Swedish policy has been extremely successful. Sweden is a country with a low level of violence. The most reliable figures on violence are homicide rates. In Sweden an average of 16 women are killed every year by their partners or ex-partners.<sup>30</sup> In Finland the figure is over 20, even though the number of inhabitants is roughly half of that of Sweden.<sup>31</sup> The comparison between the two countries is interesting because these countries have more similarities than differences; both have high technology, advanced welfare policies, high educational standards and are measured as the most gender equal countries in the world.<sup>32</sup> Unlike Sweden, Finland has had no openly feminist policy against violence and the violence against women has become a discussed topic only in the late 1990s. Both countries have made a frequency study on violence against women and in the following I will compare some indicators in the respective studies.<sup>33</sup> The studies were not identical and therefore comparison should be made carefully.

Violence against women out of partnership seems to be more common in Sweden than in Finland. This result has to be read with caution since the Swedish study emphasized that the women should report all violence they had encountered, including threats. Violence in a partnership, to the contrary,

29 Peter L. Martens, *Sexualbrott* p. 85-104 p. 94. Erik Grevholm, Lotta Nilsson and Malena Carlstedt, *Våldtäkt – en kartläggning av anmälda våldtäkter*. Brå 2005:7.

30 BRÅ-rapporten 2001:11, *Dödligt våld mot kvinnor i nära relationer*, p. 6.

31 Kivivuori 1999, Hurta 2002. Sweden has 9 million inhabitants and Finland 5 million.

32 Most recently World Economic Forum rated Sweden as the most gender equal country in the world and Finland was the fifth. Lopez-Claros, Augusto and Zahidi Saadia, *Women's Empowerment: Measuring the Global Gender Gap*. [http://www.weforum.org/pdf/Global\\_Competitiveness\\_Reports/Reports/gender\\_gap.pdf](http://www.weforum.org/pdf/Global_Competitiveness_Reports/Reports/gender_gap.pdf).

33 Lundgren Eva, Heimer G., Westerstrand J. and Kalliokoski A-M., *The Captured Queen: Men's violence against women in "equal" Sweden. A prevalence study*. Brottssoffermyndigheten. Umeå 2002; Heiskanen Markku & Piispa Minna, *Faith hope and battering. A survey of men's violence against women in Finland*. SVT, Oikeus 1998:20.

seems to be less common in Sweden. In Finland about one half of divorced and separated women had experienced violence from their ex-partners. The figure is high even in Sweden, about 35 per cent of divorced and separated women.

Violence from the current partner was reported by eleven per cent of Swedish women and half of them reported violence from the last year. These are low figures in any international comparison. The Finnish figures are twice as high and they are at the same level as in many other Western countries.

Table. Experiences of violence in Finland and Sweden.

Experienced	Finland	Sweden
Violence (over 15yrs) <sup>34</sup>	40 %	46 %
Sexual harassment (over 15 yrs)	52 %	56 %
Ex-partner violent	50 %	35 %
Current partner at some point of time	22 %	11 %
Current partner during the last year	10 %	5,5 %

Both surveys paid special attention to the controlling behaviour of the men in the relationship. Also here the Swedish figures are lower than the Finnish ones. Both, however, show a noteworthy level of control, indicating that in addition to physical violence also psychological control needs serious attention.

Table. Mens's controlling behaviour in the relationship.<sup>35</sup>

	Finland	Sweden
Jealousy	8,1 %	5,8 %
Name calling	6,4 %	3,5 %
Control of use of money	3,9 %	2,2 %
Control of contacts	5,7 %	2,1 %
Threat to hurt oneself	2,6 %	1,1 %
Prohibition to work	1,4 %	0,2 %
Threat to hurt children	0,2 %	0,1 %
At least one controlling behaviour	27,4 %	12 %

34 Including threat of violence, sexual coercion and attempted rape but not sexual harassment.

35 Heiskanen & Piispa 1998 p. 18, Lundgren et al. p. 30.

## What Can Be Learned

In my work on criminal procedure and partnership violence I have compared the legislation in Finland, Sweden and state of Wisconsin in the United States.<sup>36</sup> Both Sweden and Wisconsin have for a long time pursued an active policy against domestic violence, based on feminist arguments and initiated by an active feminist movement. In Finland an active work in this field has started only in the end of 1990s. My conclusion is that for an efficient policy against violence both a change in attitudes and a systematic analysis of the legal provisions are needed. In the legal reform project at least the following issues are of importance:<sup>37</sup>

1) Violence against women should be investigated and prosecuted notwithstanding a complaint from the victim (public prosecution). This regulation should cover all relevant crimes, in addition to assault and battery of all degrees, also unlawful threat, all forms of coercion and all sexual crimes, including rape in marriage. Prosecution practices need follow-up and possibly guidelines to underline the duty to prosecute.

2) Protection orders are much needed but their efficiency should be critically assessed. The protection orders should not be the primary response to crimes against women, replacing or substituting for the slow and inefficient criminal investigation of these crimes. It should be a priority that these crimes are investigated and prosecuted efficiently. Protection orders that are connected to the criminal proceedings should be reasonably sanctioned.

It is possible that the women should be able to resort to civil protection orders which are procedurally light and easy to implement but they should not be substitutes for criminal proceedings.

3) Mediation in family violence and violence against women should be used. Under a threat of violence an honest participation in mediation is not possible. In addition, the response to violence should always come from the criminal justice system, not from the victim.

4) Victim services, both shelters and support and legal aid in the criminal proceeding, are as important as always.

5) The relationship between the police and the social services needs careful examination. When do the social services report violence against children and

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36 Niemi-Kiesiläinen Johanna, *Rikosprosessi ja parisuhdeväkivalta*. WSOY 2004. (A summary of the contents is found in [http://www.jus.umu.se/personal/johanna\\_niemi/Johanna\\_Crim-ProcDV.htm](http://www.jus.umu.se/personal/johanna_niemi/Johanna_Crim-ProcDV.htm)). See also Niemi-Kiesiläinen Johanna, *Criminal Law or Social Policy as Protection Against Violence*. In Nousiainen K, Gunnarsson Å, Lundström K & Niemi-Kiesiläinen J (eds), *Responsible Selves. Women in Nordic Legal Culture*. Ashgate 2001, p. 289-310.

37 The focus of my work has been on violence against female partners and criminal proceedings. The importance of legal provisions concerning children both as victims of violence and witnesses of violence against their mother can not be overestimated. All the points are equally relevant in relation to children.

women to the police? Especially when children are victims of violence, violence should always be reported. An adult woman may often decide herself but cases of imminent danger should be reported.

6) Programs for violent men have become quite popular during the last ten years. While these programs are an alternative to penalties worth considering, the programs should have as a starting point that men take full responsibility for their violence and understand the gendered power relations in the use of violence.<sup>38</sup> As the Swedish example shows, criminal sanctions can be used to highlight the seriousness of violence against women both among the public and the professionals working with violence.

## Conclusion

Any legal reform is bound to fail without proper implementation. In the reforms concerning violence against women implementation is even more crucial than in many other legal reforms since the attitudes concerning violence against women still often reflect old values, such as holding these crimes "private matters" or "minor disputes". Problems in implementation are probably met everywhere where the laws are reformed. It is as important to change the attitudes and understanding of violence against women as to change the laws. The Swedish example shows, however, that a consistent and systematic effort to make a change can succeed.

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38 Edwards Susan & Hearn Jeff, Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change. *Council of Europe*, Strasbourg 2004.

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# Feminist Policy against Violence in Sweden

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## Introduction<sup>2</sup>

Sadly, a bear killed a hunter in Piteå district in Northern Sweden in the same week of October 2004 as a mother of three was killed by her ex-partner. It is easy to guess which of these tragedies received more media attention during the next week; the bear killing a hunter. Unexpectedly, however, a man from Piteå, Hans Hansson was enraged by this reaction. How was it possible that a brutal murder by axe was not as noteworthy and shocking as an accidental death in a hunting encounter?

The life in the little town of Piteå never returned to same as it was before. The men in the area started a men's movement against violence towards women. They organized themselves and offered help to local women. They collected over 10.000 names in an address to the Minister of Justice, Thomas Bodström, demanding more efficient program against men's violence,<sup>3</sup> and in March 8-9<sup>th</sup> 2005 Piteå became the site for a country wide conference on men's violence against women. While these forms of action are a novelty only in the sense that they are undertaken by a movement consisting of only or mostly men, there is a genuinely radical aspect in the Piteå's local movement. These men have also started to reconsider their responsibility for violence and the relationships be-

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- 1 The author, professor of law, Umeå university, is a native of Finland who has had a privilege to observe closely the Swedish reform discussion since her appointment in Umeå university in 2004.
- 2 The article is a revised version of a talk in the open session "Women, Children and the Law: Protection or Barrier? Distinctive Features of the Legislative Framework Which Protects Women and Children from Abuse: Practice in Three Countries" at the Seminar of the Sub-network 3, Co-ordination Action for Human Rights Violation (CAHRV). The seminar was organized by CAHVR and the Institute for Social Studies, Warsaw University on May 20, 2005 in Warsaw, Poland. CAHVR (2004-2007) is founded by the European Commission's Sixth Framework Programme.
- 3 Dagens Nyheter 27.1.2005.

tween the male culture and violence. How do they support male structures that can lead to violence? How do they socialize their sons in the free time activities, such as sports and hunting societies? Do they tolerate or even encourage hostile attitudes towards women? This, I think, is a unique discussion on masculinity that would not be possible anywhere else but in Sweden.

The Piteå men, even though their local initiative is unique, do not work in isolation. A men's discussion on their responsibility for violence against women has started in Sweden. Johan Ehrenberg, an essayist and commentator, initiated the discussion by claiming that all men are responsible for rape.<sup>4</sup> In a TV debate in the autumn 2004, Ehrenberg, together with the Equality ombudsman Claes Borgström, defended this view, claiming that all men have advantage of discrimination against women and that all men should be responsible for acting against violence. In this discussion a conservative commentator, professor Bo Rothstein from University of Gothenburg, led the opposition. But by the end of the discussion even Rothstein admitted that he would take some responsibility for the work against men's violence as long as men are not required to feel collective guilt for something they have not done.

This discussion is a result of long and persistent feminist policy against men's violence in Sweden. The work has started already in the early 1980s, but it gained momentum in the early 1990s after a general review of power relations, including power and gender, was made.<sup>5</sup> After that the Swedish government nominated a commission to prepare a proposal for legal change and other programs on men's violence against women. The report, *Women's Peace*, was published in 1995.<sup>6</sup> The report was a comprehensive review of existing legislation and the practises of different agencies, including the criminal justice system, social welfare agencies, health care and non-governmental organizations. The proposal for legal reform consisted of several reforms. The most important was the introduction of a new crime the Grave Violation of Women's Peace, an attempt to make visible and to draw into the domain of criminal law the continuing, humiliating and process-like nature of men's violence against known women. Also, a reform of law on sexual crimes was proposed. In addition, several proposals to promote the work of the state agencies and communal bodies in

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4 Johan Ehrenberg, *Alla män ansvarar för våldtäkterna*. *Aftonbladet* 1.12.2003.

5 SOU 1990:44 *Demokrati och makt i Sverige*. On the feminist policies and legal reform see Svensson Eva-Maria, *Sex Equality: Changes in Politics, Jurisprudence and Feminist Legal Studies*. In Nousiainen, Gunnarsson, Lundrström & Niemi-Kiesiläinen (eds), *Responsible Selves. Women in the Nordic Legal Culture*. Ashgate 2001 p. 71-104; Svensson Eva-Maria and Pylkkänen Anu, *Contemporary Challenges in Nordic Feminist Legal Studies*. In Svensson, Pylkkänen & Niemi-Kiesiläinen (eds), *Nordic Equality at a Crossroads. Feminist Legal Studies Coping with Difference*. Ashgate 2004, p. 17-46.

6 SOU 1995:60 *Kvinnofrid*.

their work against violence were made. About at the same time, a proposal that later led to the criminalization of purchase of sex was presented.<sup>7</sup>

In the following, I will first relate the legal reforms to the theoretical understanding of violence that has influenced the reform policy. Then I will discuss the reforms that have received the broadest publicity, both in Sweden and internationally, the new crime of Grave Violation of Women's Peace and the criminalization of purchase of sex. I will argue that their most important impact has been to make issues related to violence against women visible and therefore they have an important symbolic value. The symbolic value of these reforms, however, is not isolated but gets its meaning in a context of systematic reform policy. In the end, I will conclude with a list of legal issues that should be addressed when the role of law and legal reform regarding the issues of violence against women are discussed.

## Theoretical Understanding of Violence

The Swedish reform policy has been strongly influenced by a theoretical understanding of men's violence against their female partners based on Liz Kelly's concept of continuum of violence and Eva Lundgren's concept of normalization process of violence.<sup>8</sup> Lundgren, professor of sociology and women's studies at the Uppsala University, has developed her theory on the basis of interview research of women and men who have lived in long violent partnerships.<sup>9</sup>

According to Lundgren both the woman and the man in an abusive relation accept violence as a normal part of the relationship. The man has a normative ideal of the marriage in terms of male domination and female subordination. The man reacts to deviations from this ideal by tightening his control of the woman. His emotional changes between intimacy and distance, aggression and violence can all be interpreted as means of control. Gradually, the battered woman internalizes the man's image of herself as the faulty and unworthy one who more or less deserves the abuse. Finally, she internalizes the violence as a normal part of her subordination. For an international reader, the resemblances to Lenore Walker's battered wife syndrome are obvious.<sup>10</sup> Lundgren emphasizes the connection between violence and the structural difference in power between the sexes at the societal level more than Walker does but the implications of the theory at the level of concrete violent relationship seem to be the same.

7 SOU 1995:15 *Könshandel*.

8 Lundgren Eva, *Väldets normaliseringsprocess*. ROKS 2004.

9 Lundgren Eva, *Gud och alla andra karlar*. 1992.

10 Walker Lenore, *The Battered Wife Syndrome*. 1979.

The normalization theory has met critique in Swedish research, but even the post-modern and constructionist young researchers, who analyze the processes in which power, sex and gender are constituted, often connect their research to the structural understanding of sexual power and violence. Only recently a debate on the feminist understanding of violence against women has gained momentum. It is debated heatedly in the media, but the frontline in this debate are not the same as they used to be, as the examples on men's discussion about the responsibility for violence against women indicates. The seriousness of violence, its continuing nature and its connectedness to the gendered power structures is hardly ever questioned. The debate is on whether and how to incorporate the issues of power into the research and work against violence.

## Women's Peace Reform

The normalization theory of violence was one of the points of departure in the work of the Commission on Violence against Women.<sup>11</sup> The Commission considered it important that the new crime would include acts which were not offences according to the criminal law but which effectively contributed to the mental processes of control, abuse, violence and mental terror in an intimate relationship. As the Commission noted, the abused woman has often been subjected to behavior for which no sanctions currently apply; for example, the man may have hidden joint possessions, such as the telephone or keys, may have forbidden her to meet friends and relatives, or may have insulted and defamed her.<sup>12</sup> Thus, her vulnerable situation is not only characterized by specific acts of physical violence but other controlling actions.

The Commission wanted to draw this process of control under the criminal law and it proposed a new crime that would have had included such behaviour. After different state agencies and interest groups were given the opportunity to comment on the proposal, the proposal was modified so that the crime Grave Violation of Woman's Peace only covers such acts that already fall under some other, though less serious, criminalization.<sup>13</sup> Controlling behaviour, which goes beyond criminal acts, is not included nor the use of insulting language, even if the latter may constitute the crime of defamation or slander. As a consequence,

11 SOU 1995:60 *Kvinnovåld* p. 102.

12 SOU 1995:60, p. 102, 300, 305.

13 Criminal Code, Chapter 4, 4a §. Lag 1999:845.

About the discussion in the legislative process see Nordborg Gudrun and Niemi-Kiesiläinen Johanna, *Women's Peace: A Criminal Law Reform in Sweden*. In Nousiainen K, Gunnarsson Å, Lundström K & Niemi-Kiesiläinen J (eds), *The Responsible Selves. Women in Nordic Legal Culture*. Ashgate 2001, pp. 353-373.

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the new crime means that a series of crimes, such as battery, unlawful threat and coercion, can be judged together as Grave Violation of Women's Peace and a maximum sentence of six years can be given.<sup>14</sup> In practice, circa 1850 cases against women's peace have been reported to the police last year.<sup>15</sup> The sentences have been rather moderate, often between six and twelve months of prison in cases of up to five batteries and seldom over two years for repeated batteries and threats.<sup>16</sup>

The Commission wanted to make visible men's violence against women in close relationships and this idea was reflected in the gendered title of the crime. Even though also a gender-neutral but otherwise similar crime Grave Violation of Peace, which can be applied in other intimate relationships, was enacted the main effect of the new law has been that the awareness of violence against women has increased tremendously. Especially, the police and the prosecutors pay attention to the repeated acts of violence in the investigation and prosecution of violent crime in the families. The Swedish law allowed the prosecution of several criminal acts in the same trial even before the new law but since the focus in the investigation was on the reported crime as an isolated incident, this rarely happened. Now the police and the prosecutor seem to pay much more attention to the repeated patterns of violence, which are all too common in violence against women.

## Commercial Sex

The criminalization of purchase of sex has been the most widely discussed part of the Women's Peace Reform. This criminalization can be described both as quite moderate and as very radical. The crime is quite moderate if measured by the severity of the possible sentence for it since the penalty cannot exceed six months of jail and is in practice a fine. The criminalization is quite radical since there is no corresponding criminalization of the prostitute's activity, that is, the selling of sex.<sup>17</sup> Nor are the prostitutes otherwise controlled or pursued. Rather they are

14 More serious crimes, such as aggravated battery or rape, are punished apart from Grave Violation of Women's Peace.

15 Kriminalstatistik 2003. Brå 2004, p. 28. [http://www.bra.se/extra/faq/?module\\_instance=2&action=question\\_show&cid=143&category\\_id=0](http://www.bra.se/extra/faq/?module_instance=2&action=question_show&cid=143&category_id=0).

16 In two cases that reached the Supreme Court, the defendants were given 10 and 8 months in prison for repeated assaults. NJA 2003 s. 144. NJA 2004 s. 97. In a case on violence against a daughter, the punishment was 1,5 years of prison, NJA 2004 p. 437

17 A number of countries forbid prostitution. Usually the prostitute's activity is made a crime but in some countries (or for example in some States in the USA) also the client's action can be punished. In practice, however, the control focuses on the seller of sex.

offered social services and encouraged to leave the activity. The one-sided criminalization of buying of sex is radical because it is based on the understanding of prostitution as a consequence of gendered power relation between the sexes.

If measured by the number of enforcements, the law on sex purchase would not be considered a success. Only a handful of buyers are fined each year and the punishment is a fine. The fine has, however, been in many cases quite high.<sup>18</sup> To some extent this is a sign of success; street prostitution has diminished, indeed, though not disappeared. There is disagreement about whether the law has had any effect on prostitution indoors and on the net. Because these activities have always been hidden, they are very difficult to measure. During the years the law has been in force, prostitution has gone online in all countries, notwithstanding regulation and therefore it is difficult to say whether the law has somehow accelerated this trend. At the same time, the worst prophecies have not been fulfilled. There is no evidence of increasing control of women by the traffickers and procurers. As an unintended effect, the law has made Sweden less attractive for trafficking in women in comparison to neighbouring countries.

The main effect of the criminalization of the purchase of sex is, however, the increased consciousness of the prostitutes' lot both in the media and among the general public. In surveys up to 85 per cent of the Swedes accept the law and think it is a good one. The media writes a lot about commercial sex – it still sells – but the phenomena are contextualized as sexual and/or commercial exploitation, not as one of sexual choice.<sup>19</sup> Last winter the media has reported mostly on child pornography, on youngster who pose on the net and sexual abuse of children through the net.

Of course the law alone has not changed the attitudes. Rather, the law should be seen as a consequence of the heightened consciousness. But clearly the feminist understanding of prostitution as a consequence of structural inequalities between the sexes and as an abuse of gendered power relations has been the most important outcome of the process in which the law was enacted as part of a more comprehensive policy on violence against women.

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18 For example, a Justice of the Supreme Court was fined 40.000 Swedish crowns (4.000 euros) for purchase of sex in spring 2005 in a case that received wide publicity. *Dagens Nyheter* 26.5.2005.

This level had been earlier confirmed by the Supreme Court in case NJA 2001 p. 527.

19 It goes without mentioning that the legislation on procuring, trafficking and child pornography is updated and fairly effectively enforced.



## More Effective Policing and Prosecution

The policies on violence against women became openly feminist in the 1990s but the active work on violence started already in the 1980s. Rape in marriage was made a crime in 1965. The legal reform on prosecution of assault in 1982 can be considered as a turning point. Through the 1982 reform all assaults and batteries were made crimes that do not require a complaint from the victim but should be investigated by the police and prosecuted. The legal reform was not quickly fully implemented. Still in 1995 almost half of the investigations of domestic batteries were laid down in lack of evidence.<sup>20</sup> Still today there is reason to worry about the low rate of successful investigations and prosecution. Out of 1850 reported breaches against women's peace – a serious crime – only less than three hundred led to prosecutions.<sup>21</sup> It is reported that about 44 per cent of reported cases of violence against women and 22 per cent when it is counted per person have been successfully investigated by the police.<sup>22</sup>

Since 1995 the government, acting on the recommendations of the Women's Peace Commission, has driven a comprehensive policy to educate the criminal justice system on violence against women.

As the above mentioned numbers indicate, the educational attempts have been met with a varying degree of success. Actually, a recent review was highly critical of the educational programs, implementation of the policies and the coordination of different agencies. Police, the prosecution authorities and the court system have taken violence against women in their internal training programs but the training has not yet reached all of the personnel. There are local initiatives to streamline the policies, to coordinate the work of different agencies and to develop new working practices but the coordination at the national level was critiqued by the review. Many of the good practices developed at the local level seem to spread out too slowly.<sup>23</sup>

20 SOU 1995:60 *Kvinnofrid* p. 201.

21 Kriminalstatistik 2003. Brå 2004, p. 128. [http://www.bra.se/extra/faq/?module\\_instance=2&action=question\\_show&id=143&category\\_id=0](http://www.bra.se/extra/faq/?module_instance=2&action=question_show&id=143&category_id=0).

22 [http://www.bra.se/extra/news/?module\\_instance=2&id=3](http://www.bra.se/extra/news/?module_instance=2&id=3) Nilsson Lotta, *Misshandel mot kvinnor och barn*. Brottsutvecklingen i Sverige 2001-2003 (red. Lars Dolmer). Brå Rapport 65 p. 74.

23 *Slag i luften* SOU 2004:121.

## Protection Orders

One of the policies that has been met with ambivalence is the protection order. The law on protection order was enacted already in 1988 to protect those who are in risk of crime, stalking or other serious harassment.<sup>24</sup> Since 2003 the protection order can be granted even to persons who share the same apartment for one month,<sup>25</sup> whereas the protection order in other cases may last for one year. The prosecutor can make an order quickly after the threat has become to the knowledge of the police. The threatened person may ask for the order or it may be imposed on the initiative of the police. The sanction for breach of the protection order is fine or a maximum of one year in prison but for small breaches no penalty should be given.

The protection orders are sought frequently, 6 500 per year of which about one half are granted. Many women have been helped by the protection order, even though according to a recent study the support has often been more psychological than protective against violence.<sup>26</sup> The breaches against the protection order are frequent. About as many breaches are reported as there are protection orders in force. It is known that the reporting rate is low<sup>27</sup> because many women feel frustrated and tired of reporting the breaches.

## Sexual Crimes

The theoretical understanding of violence as normalized has not been easy to apply to sexual violence, which has been discussed continuously in the media after a number of infamous cases. These cases – called by the name of the community where the crime took place as Rissne, Södertälje, Tumba – all circulate around the same setting: a gang rape of an intoxicated, often young woman. In some of these cases the prosecution has led to verdict, often of sexual abuse, not of rape. In the last mentioned case, Tumba, the Supreme Court dismissed charges against all the defendants on the ground that no sexual abuse had taken place. The case with four defendants<sup>28</sup> has been experienced as particularly repulsive by most people, not only feminist campaigners. The prosecutions were

24 Lag om besöksförbud 1988:688.

25 Lag 2003:484.

26 [http://www.bra.se/extra/pod/?module\\_instance=12&action=pod\\_show&id=354](http://www.bra.se/extra/pod/?module_instance=12&action=pod_show&id=354) Monica Edlund, Karin Svanberg, *Besöksförbud*. En utvärdering av lagen och dess tillämpning. Brå Rapport 2003:2.

27 [http://www.bra.se/extra/pod/?module\\_instance=8&action=pod\\_show&id=77&full=true](http://www.bra.se/extra/pod/?module_instance=8&action=pod_show&id=77&full=true)

28 The evidence indicates that more persons had participated in the abuse but four could be prosecuted.

dismissed, however, because the victim, an adult woman, had not resisted but, according to the defendants' similar accounts, rather acted as an active part in the sexual acts. The fairly heavy intoxication and indication of hash in her blood were not given any decisive evidentiary value by the Supreme Court.

Also the low rate of cleared rapes by the police indicates that the policy has not been equally successful in sexual crimes. It is reported that at least 60 per cent of sexual crimes are not cleared by the police and only 12 per cent of the 2500 rapes reported to the police led to prosecution.<sup>29</sup>

### The Results of the Policy

With the exception of sexual crimes, the Swedish policy has been extremely successful. Sweden is a country with a low level of violence. The most reliable figures on violence are homicide rates. In Sweden an average of 16 women are killed every year by their partners or ex-partners.<sup>30</sup> In Finland the figure is over 20, even though the number of inhabitants is roughly half of that of Sweden.<sup>31</sup> The comparison between the two countries is interesting because these countries have more similarities than differences; both have high technology, advanced welfare policies, high educational standards and are measured as the most gender equal countries in the world.<sup>32</sup> Unlike Sweden, Finland has had no openly feminist policy against violence and the violence against women has become a discussed topic only in the late 1990s. Both countries have made a frequency study on violence against women and in the following I will compare some indicators in the respective studies.<sup>33</sup> The studies were not identical and therefore comparison should be made carefully.

Violence against women out of partnership seems to be more common in Sweden than in Finland. This result has to be read with caution since the Swedish study emphasized that the women should report all violence they had encountered, including threats. Violence in a partnership, to the contrary,

29 Peter L. Martens, *Sexualbrott* p. 85-104 p. 94. Erik Grevholm, Lotta Nilsson and Malena Carlstedt, *Våldtäkt – en kartläggning av anmälda våldtäkter*. Brå 2005:7.

30 BRÅ-rapporten 2001:11, *Dödligt våld mot kvinnor i nära relationer*, p. 6.

31 Kivivuori 1999, Hurttä 2002. Sweden has 9 million inhabitants and Finland 5 million.

32 Most recently World Economic Forum rated Sweden as the most gender equal country in the world and Finland was the fifth. Lopez-Claros, Augusto and Zahidi Saadia, *Women's Empowerment: Measuring the Global Gender Gap*. [http://www.weforum.org/pdf/Global\\_Competitiveness\\_Reports/Reports/gender\\_gap.pdf](http://www.weforum.org/pdf/Global_Competitiveness_Reports/Reports/gender_gap.pdf).

33 Lundgren Eva, Heimer G., Westerstrand J. and Kalliokoski A-M., *The Captured Queen: Men's violence against women in "equal" Sweden. A prevalence study*. Brottsoffermyndigheten. Umeå 2002; Heiskanen Markku & Piispa Minna, *Faith hope and battering. A survey of men's violence against women in Finland*. SVT, Oikeus 1998:20.

seems to be less common in Sweden. In Finland about one half of divorced and separated women had experienced violence from their ex-partners. The figure is high even in Sweden, about 35 per cent of divorced and separated women.

Violence from the current partner was reported by eleven per cent of Swedish women and half of them reported violence from the last year. These are low figures in any international comparison. The Finnish figures are twice as high and they are at the same level as in many other Western countries.

Table. Experiences of violence in Finland and Sweden.

Experienced	Finland	Sweden
Violence (over 15yrs) <sup>34</sup>	40 %	46 %
Sexual harassment (over 15 yrs)	52 %	56 %
Ex-partner violent	50 %	35 %
Current partner at some point of time	22 %	11 %
Current partner during the last year	10 %	5,5 %

Both surveys paid special attention to the controlling behaviour of the men in the relationship. Also here the Swedish figures are lower than the Finnish ones. Both, however, show a noteworthy level of control, indicating that in addition to physical violence also psychological control needs serious attention.

Table. Mens's controlling behaviour in the relationship.<sup>35</sup>

	Finland	Sweden
Jealousy	8,1 %	5,8 %
Name calling	6,4 %	3,5 %
Control of use of money	3,9 %	2,2 %
Control of contacts	5,7 %	2,1 %
Threat to hurt oneself	2,6 %	1,1 %
Prohibition to work	1,4 %	0,2 %
Threat to hurt children	0,2 %	0,1 %
At least one controlling behaviour	27,4 %	12 %

34 Including threat of violence, sexual coercion and attempted rape but not sexual harassment.

35 Heiskanen & Piispa 1998 p. 18, Lundgren et al. p. 30.

## What Can Be Learned

In my work on criminal procedure and partnership violence I have compared the legislation in Finland, Sweden and state of Wisconsin in the United States.<sup>36</sup> Both Sweden and Wisconsin have for a long time pursued an active policy against domestic violence, based on feminist arguments and initiated by an active feminist movement. In Finland an active work in this field has started only in the end of 1990s. My conclusion is that for an efficient policy against violence both a change in attitudes and a systematic analysis of the legal provisions are needed. In the legal reform project at least the following issues are of importance:<sup>37</sup>

1) Violence against women should be investigated and prosecuted notwithstanding a complaint from the victim (public prosecution). This regulation should cover all relevant crimes, in addition to assault and battery of all degrees, also unlawful threat, all forms of coercion and all sexual crimes, including rape in marriage. Prosecution practices need follow-up and possibly guidelines to underline the duty to prosecute.

2) Protection orders are much needed but their efficiency should be critically assessed. The protection orders should not be the primary response to crimes against women, replacing or substituting for the slow and inefficient criminal investigation of these crimes. It should be a priority that these crimes are investigated and prosecuted efficiently. Protection orders that are connected to the criminal proceedings should be reasonably sanctioned.

It is possible that the women should be able to resort to civil protection orders which are procedurally light and easy to implement but they should not be substitutes for criminal proceedings.

3) Mediation in family violence and violence against women should be used. Under a threat of violence an honest participation in mediation is not possible. In addition, the response to violence should always come from the criminal justice system, not from the victim.

4) Victim services, both shelters and support and legal aid in the criminal proceeding, are as important as always.

5) The relationship between the police and the social services needs careful examination. When do the social services report violence against children and

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36 Niemi-Kiesiläinen Johanna, *Rikosprosessi ja parisuhdeväkivalta*. WSOY 2004. (A summary of the contents is found in [http://www.jus.umu.se/personal/johanna\\_niemi/Johanna\\_Crim-ProcDV.htm](http://www.jus.umu.se/personal/johanna_niemi/Johanna_Crim-ProcDV.htm)). See also Niemi-Kiesiläinen Johanna, *Criminal Law or Social Policy as Protection Against Violence*. In Nousiainen K, Gunnarsson Å, Lundström K & Niemi-Kiesiläinen J (eds), *Responsible Selves*. Women in Nordic Legal Culture. Ashgate 2001, p. 289-310.

37 The focus of my work has been on violence against female partners and criminal proceedings. The importance of legal provisions concerning children both as victims of violence and witnesses of violence against their mother can not be overestimated. All the points are equally relevant in relation to children.

women to the police? Especially when children are victims of violence, violence should always be reported. An adult woman may often decide herself but cases of imminent danger should be reported.

6) Programs for violent men have become quite popular during the last ten years. While these programs are an alternative to penalties worth considering, the programs should have as a starting point that men take full responsibility for their violence and understand the gendered power relations in the use of violence.<sup>38</sup> As the Swedish example shows, criminal sanctions can be used to highlight the seriousness of violence against women both among the public and the professionals working with violence.

## Conclusion

Any legal reform is bound to fail without proper implementation. In the reforms concerning violence against women implementation is even more crucial than in many other legal reforms since the attitudes concerning violence against women still often reflect old values, such as holding these crimes "private matters" or "minor disputes". Problems in implementation are probably met everywhere where the laws are reformed. It is as important to change the attitudes and understanding of violence against women as to change the laws. The Swedish example shows, however, that a consistent and systematic effort to make a change can succeed.

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38 Edwards Susan & Hearn Jeff, Working Against Men's "Domestic Violence": Priority Policies and Practices for Men in Intervention, Prevention and Societal Change. *Council of Europe*, Strasbourg 2004.