

SUMMARY

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Restraining orders in Sweden

An evaluation of the law, the new regulations,
their implementations and effects

The Swedish National Council for Crime Prevention – centre for knowledge about crime and crime prevention measures.

The Swedish National Council for Crime Prevention works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work.

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Background to the Act

The Restraining Orders Act was introduced in Sweden in 1988. The fundamental objective of the Act is to prevent crimes against, and to create a sense of security for, individuals who are subject to stalking and harassment. The law is drafted in a gender-neutral way, but it is clear from the preliminary work conducted in connection with the formulation of this legislation that the Act was in particular intended to be applied in situations in which a woman is exposed to violence or threats within a relationship or where a man is harassing and stalking a woman in connection with the break-down of an intimate relationship.

On 1 September 2003, the law was extended by the inclusion of two new forms of restraining order: the *specially extended restraining order* and the *domestic exclusion order*. Under a specially extended restraining order, individuals may be ordered to stay away from areas of particular importance to the victim. Under the domestic exclusion order, the victim's partner may be ordered to stay away from the couple's shared residence for a maximum of one month.

At the time the law was extended, The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå) was instructed by the government to evaluate the new regulations. The Council's remit included describing the implementation and effects of the new regulations, and describing any impediments to effective implementation of the law and the realization of its aims. A further aim of the evaluation was to provide a basis for assessing the need for adjustments to the system of regulation and its practical implementation, and specifically to illuminate the issue of how the needs of children are addressed in connection with decisions to issue restraining orders.

Methodology

The report is based on data collected from several different sources, the principal ones being:

- a random sample of 409 applications for restraining orders (of which 205 were approved and 204 rejected) filed in 2003 in Sweden's three metropolitan counties, namely Stockholm, Västra Götaland and Skåne.
- 263 questionnaires completed by: individuals who had been granted restraining orders (176), individuals whose applications had been rejected (59) and individuals who had been served with restraining orders (28). The surveys were distributed in 2006 by the police authorities in 10 of Sweden's 21 counties.
- 397 reports of breaches of restraining orders filed during 2004, obtained from eight strategically selected police authorities.

In addition, the National Council interviewed public prosecutors, police officers, personnel at support organizations, and representatives of the social services. Representatives of crisis support organizations for women and victim support groups were also interviewed. Statistics were obtained *inter alia* from Statistics Sweden (SCB), the Swedish Prosecution Authority, the Swedish National Courts Administration and the Swedish National Police Board (RPS).

Implementation of the law

The number of applications for restraining orders has increased steadily since the law came into force. In the first three years (1988-1991), an average of 300 per-

sons per annum filed an application for a restraining order.¹ In 2006, the number of applications exceeded 10,000 (in the same year, the population of Sweden was estimated at 9.1 million). In the context of the current evaluation, the National Council compiled statistics from several different sources on the implementation of the Act during the period since the year 2000. In the course of this period, the number of applications has practically doubled, while the proportion of applications granted has gradually declined somewhat over recent years.

Table 1. Number of restraining orders, 2000–2006.²

Restraining orders	2000	2001	2002	2003	2004	2005	2006
Number of applications	5 761	6 560	7 477	7 806	8 536	9 466	10 133
Number of applications granted by public prosecutors	3 054	3 184	3 455	3 741 ¹	4 027 ¹	4 217 ¹	4 294
Number of applications rejected by public prosecutors	2 707	3 376	4 022	4 065	4 509	5 249	5 839
Applications granted by public prosecutors, as % of total	53	49	46	48	48	45	42
“Standard” restraining orders	2 957	3 094	3 383	3 652	3 953	4 078	4 129
Extended restraining orders	97	90	72	89	74	56	52
Specially extended restraining orders				0	0	2 ¹	1
Domestic exclusion orders				15 ²	33 ²	81 ¹	112

¹ Source: Swedish Prosecution Authority and RPS (Swedish National Police Board).

² Source: RPS.

The rise in the number of applications is probably due in part to an increasing number of individuals having become aware of the possibility of applying for a restraining order, and also to the fact that the police are increasingly providing information about this option. On the basis of interviews conducted with both police officers and public prosecutors the decline in the proportion of applications that are granted is assumed to be a result of the fact that as the number of applications has grown, it has become more common for these applications not to meet the criteria specified in the Restraining Orders Act.

It should be borne in mind that the number of applications does not correspond to the number of individual applicants. According to the questionnaire distributed by the Council to individuals under the protection of a restraining order, one quarter of respondents had previously already been granted a restraining order against the same individual. It is not unusual either for a rejected application to be followed by a fresh application for a restraining order, or for a short-term decision to be followed by an application for a further restraining order.

According to the public prosecutors interviewed, the fact that only a few specially extended restraining orders have been issued since the introduction of the new regulation in 2003 is first and foremost due to the fact that applications rarely meet the criteria required for decisions of this kind. For a specially extended restraining order to be issued, a prior extended restraining order must first have been violated. According to several public prosecutors, the issuance of a new restraining order in a situation where a prior restraining order has not produced the intended effect does not appear to serve any meaningful purpose.

¹ Brå (2003:2). *Restraining orders. An evaluation of the law and its implementation.*

² If no source is indicated, the figure is obtained from the Swedish Prosecution Authority.

Length of restraining orders

Other than in the case of domestic exclusion orders, which are issued for a maximum of one month, restraining orders may be issued for up to a year. Slightly less than half of the decisions examined by the Council were for six-month orders, whereas just under one-third related to a period of a whole year. The remaining orders issued were evenly distributed across the range of possible time-frames provided for by the legislation.

A socio-economically weak group

To acquire a more exact picture of the life situations underlying the applications included in the study, details of the socio-economic situation of those involved were compiled on the basis of data from Statistics Sweden's register of population statistics. These statistics indicate that the applicants constitute a socio-economically weak group. In many cases, they are characterised by low levels of educational achievement and are less often in paid employment than other inhabitants of the three metropolitan regions, and also by comparison with the Swedish national average. They have a lower disposable income, and they are more likely to be members of families that are in receipt of social security benefits. In many cases, they are immigrants from non-European countries. The survey also shows that those individuals whose behaviour constitutes the focus of the restraining order application are even more likely to be in a socially disadvantaged situation than those who file the application for the order.

Table 2 summarizes the socio-economic situation of the parties involved in the cases examined by the National Council.

Table 2. Socio-economic situation of individuals aged between 20 and 74 years involved in applications for restraining orders in Sweden's three metropolitan counties, relative to the three metropolitan regions and Sweden nationally in 2003. Percent.

	Applicants n=373	Subjects of application n=384	Metropolitan county	Sweden, national
Education to only compulsory comprehensive school, or equivalent	30	38	15	22
Not in paid employment ¹	49	58	13	34
Low-income earner ²	22	43	9	15
Receiving social security benefits	42	39	3	5
Not born in Sweden	41	48	15	15

¹ Not in paid employment, with or without statement of taxable income.

² Individuals with disposable income in the lowest quartile.

Parties involved are often couples

The application material studied shows that most of those applying for restraining orders (four out of five) are women and that the vast majority of those who comprise the subjects of these applications (nine out of 10) are men. In the majority of cases, the parties concerned are currently involved or have been involved in a relationship. For the most part, the relationship has ended; almost half of the applicants had previously been involved in a relationship with the person who is the subject of the application. Table 3 shows the different types of relationship between the applicant and the subject of the application.³

³ In certain cases it was difficult to determine whether the relationship between the parties had ended. This was sometimes due to a lack of background information, and was in some cases a result of conflicting information. Because the material examined by the National Council is heavily dominated by the descriptions provided by injured parties (as contained first and foremost in prior reports of crimes made to the police), there is generally good reason to interpret these figures with caution.

Table 3. Analysis of 409 applications based on the relationship between the parties. Number of cases and percent.

Relationship of individuals	Number of cases	Percentage
Previously a couple	188	46
Currently a couple	80	20
Other family	63	15
Other relationships	66	16
Relationships not stated	12	3
Total	409	100

Half of applicants have children aged under eighteen

Children aged under eighteen years are involved in roughly half the cases studied by the National Council.⁴ Of the cases involving minors, just over half include at least one child common to both parties. In addition, children aged under eighteen account for one-tenth of the applicants. Half of the applications filed by minors referred to a family member. Restraining order cases thus often concern children, either indirectly or directly.

Nearly all applications include a crime reported to the police

Applicants have in practically all cases reported their partners for one or more criminal offences. It is not unusual for a crime to have been reported within the week or two preceding the filing of the application. The crimes reported generally consist in physical abuse, threatening behaviour and molestation.

Reports mentioning violence (aggravated assault, assault, rape, reported gross violation of a woman's integrity) against the applicant are found in half of the applications. Reports of "serious" offences of these types are particularly common when the parties are currently involved in a relationship. Four out of five applications in this category include reports of serious crimes.

Applications are more likely to be granted if it is judged that reported crimes can be proven

Applications for restraining orders are usually filed with the police in connection with the reporting of a crime, and a decision is made by the public prosecutor. (Hearings on public prosecutor's decisions and decisions relating to restraining orders also take place in the courts, although this is unusual.) Restraining orders may be issued if there is a risk that the intended subject of the order will commit a crime against, stalk or in some other way seriously harass the person intended to be protected by the order. The judgement as to whether such a risk exists is based in the first instance on whether the person to whom the application refers has committed a crime against the life, health, liberty or peace of mind of the other person. If the subject of the application has in the past repeatedly committed offences against the applicant, the application is normally to be granted.⁵

The factor that above all determines whether or not an application is granted is whether it is judged that a reported crime can be proven. Of the cases

⁴ It may be assumed that children are mentioned more often when the application concerns two individuals who have been or are currently involved in a relationship, particularly if they have children in common. As a result, children may be involved somewhat more frequently than is indicated by the material when other types of relationship are involved.

⁵ A previous crime against the applicant is not a criterion for issuing a restraining order, however, although domestic exclusion orders should be approved on a highly restrictive basis in cases where no previous crimes have been committed. If a domestic exclusion order is issued, this means that an individual is prohibited from visiting or in any other way making contact with, or following, the person under protection. Anyone who violates a domestic exclusion order may be sentenced to a term of imprisonment of up to one year.

in which a criminal investigation had been conducted and where sufficient evidence had been found that a crime had been committed, two thirds of the applications filed in 2003 were granted, while applications were granted in only one third of the cases where it was judged that there was insufficient evidence that a crime had been committed.

Table 4. Number of decisions by whether cases included a report from a criminal investigation. Row percentages. (N=397)

Report from criminal investigation	Granted (n=205)	Rejected (n=192)	Total
Yes (n=156)	74	26	100
No (n=241)	37	63	100

For the crime to be proven, supporting evidence is normally required

When it is adjudged that there is insufficient evidence for a crime reported in connection with an application to be proven in the courts, this is – according to public prosecutors interviewed – for the most part due to the fact that there is no evidence or witness testimony to substantiate the alleged offence from anyone other than the individual who reported the crime. Some investigations are also discontinued because the injured party no longer wishes to co-operate, which makes it more difficult to pursue the case. Documentation showing that the public prosecutor has judged that a crime can be proven in the courts existed in 40 percent of the applications studied. In almost 90 percent of these cases, there was supporting evidence in the form of forensic medical certificates and witness testimony.⁶

Applications including a report to the police of a serious crime are more likely to be granted than applications in which a report to the police concerns a less serious offence. However, a more detailed analysis indicates that it is not the seriousness of the crime in itself that is decisive; it is rather the case that serious offences are more likely to be supported by other evidence than less serious crimes.

Regional and local differences in judgements made by public prosecutors

A study conducted at the University of Uppsala⁷ reveals that the proportion of applications granted varies not only from one public prosecutor's office to another, but also from one public prosecutor to another within the same office. During the period 2000–2004, differences of up to 20 percentage points in the proportion of applications granted were found across six prosecutor's offices in central Sweden. Possible explanations for this include variations in the material used by the police in different counties, but also the fact that knowledge about violence in intimate relationships and experience with this type of case may vary among offices specializing in cases of family violence, and offices with no such specialization.

The National Council's own study also indicates that there are quite substantial variations in the duration of the restraining orders issued. The average duration of restraining orders was two months longer in Skåne than in Västra Götaland.

⁶ A report from a criminal investigation is also found in 60 percent of the applications with supporting evidence in the form of a forensic medical certificate or witness testimonies, as against fourteen percent of applications which lack supporting evidence.

⁷ Öhlin, L. (2006). *Besöksförbud. En genomgång av besöksförbudshanteringen i Uppsala län*. (Restraining orders. A review of restraining order procedures in the County of Uppsala.)

Domestic exclusion orders

In the first full year (2004) following the extension of the Act, only 33 domestic exclusion orders were issued. The statistics for 2006 indicate that this number has more than tripled (see Table 1). In many cases, the reason that these orders remain so few, in spite of the increase in the number of applications granted, is that the cohabiting individuals have moved apart just before or at the same time as the application for a domestic exclusion order was made. Of the applications studied in Sweden's three metropolitan counties in 2003, only two percent or so of those granted a restraining order appear to have been cohabiting at the time the application for a restraining order was made. For a domestic exclusion order to be issued, the risk of a crime being committed against the applicant must also be *tangible*, which is not the case in other types of restraining order.

Another factor further explaining the low number of domestic exclusion orders is that one of the parties has moved into temporary accommodation. Even if, in the formal sense, the parties are cohabiting, several of the public prosecutors interviewed by the National Council take the view that in such cases it may be difficult to prove that the risk of crime is tangible.

A further reason for the sparse use of the new regulation is that in those cases where the risk of crime against the vulnerable person is judged to be tangible, this also has the effect that the public prosecutor can demand the detention of the person referred to in the application. Detention is viewed by public prosecutors as a more natural measure than a domestic exclusion order, partly because a demand for detention is a simpler procedure, and partly because detention provides a more effective protection than a domestic exclusion order.

Experiences of individuals under protection

The National Council's questionnaire to individuals granted restraining orders reveals that more than half (60 percent) had been the victims of violence prior to the application, and roughly as many stated that they had been harassed. Three quarters of respondents stated that they had been subjected to threats prior to filing their applications.

The survey also indicates that the main reasons why those granted a restraining order had applied for one in the first place were that their partner had been "jealous" or had demonstrated a "need to control". The third most common reason was that the other party was mentally ill or had a personality disorder.⁸ Furthermore, almost half of those granted a restraining order stated that alcohol or drugs had contributed to their partner's behaviour.

The vast majority of those who responded to the questionnaire had reported the person to the police for a crime in connection with their application, and half of those reported to the police had also been detained in connection with the report. The fact that such a high proportion of the reports resulted in detentions indicates the severity of the crimes that in many cases precede a restraining order. Around half of the respondents who had been granted a restraining order had also reported the person for a crime at an earlier date.

Violations of restraining orders rarely involve violence

The 397 reports of breaches of restraining orders studied and the questionnaires to those who had been granted a restraining order together shed light on the nature of the ways in which the orders had been breached and contacts made. The analysis shows that four out of five incidents that led to reports of restrain-

⁸ This was not included as a fixed response option, but was stated by many under the heading of "Other".

ing order violations consist of contacts made by telephone or SMS text messages. Contacts of this kind occur in 60 percent of the reports.

Reports of violations rarely refer to other criminal offences in addition to the breach of the order itself. When this does occur, it most commonly involves unlawful threats made via telephone or SMS text messages. Reports of assault are very rare in connection with breaches of restraining orders. Only one percent or so of the reports mention an assault.

The questionnaire to individuals whose applications for a restraining order had been granted also indicates that the only a very small proportion of order-violations include references to assault. Around five percent of those granted a restraining order state that they had been assaulted by their former partner during the period of the restraining order. At the same time, 60 percent state they had been assaulted prior to having applied for a restraining order.

Sweden's crime statistics for 2004 show that at least one-third of restraining orders are breached and around one-third of the individuals reported for these violations are the subject of repeated reports. The questionnaire to those who had been granted a restraining order indicates that nearly half of the respondents had been exposed to restraining order violations at least once, and that the majority of these individuals had been exposed to several violations. On the basis of these results, it seems reasonable to assume that between one-third and half of all restraining orders are breached.⁹

Sweden's crime statistics indicate that a very small proportion of individuals account for a very large percentage of the violations reported. In 2004, the group of individuals reported for at least 20 violations of restraining orders comprised a total of 26 individuals. Together these persons accounted for nearly one-third of all the violations reported that year.

Positive experiences of police and an increased sense of security

A third of those who stated they had reported one or more restraining order violations had been offered further help or protection from the police, above all in the form of alarm packages and information on crime victim support organizations. In a very small number of cases, the police had also stepped up protection by means of dog patrols in the person's residential area and one or two had been moved to a safe house. It was somewhat more common for individuals who had reported several restraining order violations to have been offered extra assistance or protection, by comparison with those who had only reported a violation on one occasion.

In around 40 percent of all cases, the police had not itself made contact with the person under protection following the decision to issue a restraining order. In the cases where contact had been made by the police, the survey responses indicate that they did so only once or twice. This proportion is roughly the same irrespective of whether the person under protection had reported a violation. However, despite the small number of contacts during the period of the restraining order, more than 80% of survey respondents stated that their experience of the police was fairly or very good. The responses also indicate that individuals' experience of the police is above all influenced by the way they are dealt with by individual police officers.

More than 80 percent of respondents stated that the restraining order on the whole produced a positive effect. An increased sense of security and being left in peace were emphasized above all else as the improvements that had resulted from the issuance of the restraining order. Those who raised some negative as-

⁹ The survey responses show that 1/5 of those protected under restraining orders do not report violations more than once, even if the violations are repeated.

pect mentioned first and foremost the fact that the restraining order had not been complied with. But it was almost as common for such respondents to report that their sense of insecurity remained – irrespective of whether they had experienced violations of their restraining orders. In some cases this was due to a fear that the person placed under the restraining order would later take revenge. In some cases, it was due more to a general sense of insecurity that remained after a long period of victimisation.

Those who have had their applications rejected perceive their situation in a more negative light. A larger proportion of these individuals feel that their situation has deteriorated and they feel a great deal more insecure subsequent to filing the application.

Table 5. Answers to seven survey questions, by whether individuals had been granted a restraining order or had their applications rejected. Percent.

Question	Approved	Rejected
Why did you apply for a restraining order?		
Threats	75	56
Harassments	61	61
Assault	59	41
Was the person placed in detention when a crime was reported?		
Yes	46	19
Have you been exposed to violations/ unwanted contacts after the restraining order was granted?		
Yes, several times	39	58
Did the person do any of the following in connection with these violations/ unwanted contacts?		
Harassed once or more	37	51
Threatened once or more	26	30
Assaulted once or more	5	3
What has happened since the decision on the restraining order was taken?		
More telephone calls	6	22
More harassment	5	19
More threats	3	14
More visits	1	9
Do you feel more secure now than you did before the decision was taken?		
Yes	63	15

Support for applicants

As indicated above, many of those who apply for a restraining order live under difficult social conditions. A high percentage of them are unemployed and are dependent on social security benefits. A substantial proportion have entered Sweden as immigrants from non-European countries and may not have family and friends in Sweden who can provide them with support. The fact that a quarter of those under the protection of restraining orders state that they have previously been granted a restraining order against the same person, together with the information provided in response to open questions, also suggests that many have lived under the pressure of threats, violence and harassment for a long period of time. All in all, this supports the notion that those who apply for a restraining order are not only in need of support from the legal system but also from other sources.

So, what was does the situation of those who participated in the survey look like? Had they requested and received support? In general, it may be said that half of the applicants, both those granted and those not granted a restraining order, had received support from family or friends, which in turn constituted the most common source of support for the applicants. Otherwise, a third of the

survey respondents had asked for additional support to that provided via the legal system, which is perhaps fewer than one might have expected. Even fewer actually received support of this kind.

It is reasonable to suppose that those who apply for a restraining order and whose applications are rejected would be in need support from bodies other than the legal system to an even greater extent than those who have been granted a restraining order. These individuals – the vast majority of whom are women – find themselves in a situation which they find so difficult that they have made an official request to society to help them obtain protection. But they are not considered to meet the legal requirements for such protection. In this situation, it would appear to be particularly important for these individuals to be offered support by other bodies to assist them in managing their life situation. The questionnaire responses from those whose applications were rejected give the impression that this is not the case, however. On the contrary, they received less help than those whose application for a restraining order had been approved. An exceedingly small proportion of these individuals – five percent – had been contacted by the social services and offered help in connection with their application.

It is also possible to describe the results as indicating that half of these vulnerable women did *not* have, or perceived that they did not have, any network of family and friends to provide them with support in the situation in which they found themselves. A small proportion of both groups had received support from the social services. The major difference between those whose applications for a restraining order had been granted and those whose applications had been rejected relates to the assistance provided by women's and crime victim support organizations. Just over a third of those who had been granted a restraining order had received support from women's and crime victim support organizations, as against just over one in ten of those whose application had been rejected.

In all, one-third stated that they had received support from the social services and/or a women's and crime victim support organization, while two-thirds had not received any such support.

Table 6. Proportion of those whose applications for a restraining order had been granted/ rejected who had received various types of support. Percent.

Support from	Approved	Rejected
Family and/or friends	48	49
Women's/crime victim support organizations	35	14
Social services	16	12
Other	16	12
No support from either social services or women's/crime victim support organizations	63	78

The situation of those placed under a restraining order

In addition, 28 individuals who had been placed under a restraining order were given the opportunity to respond to the survey. All but one were men and the person with whom these individuals were prohibited from having contact were women in all cases bar one. Nearly all said that they had received no information about the possibility of obtaining support in connection with the decision to issue a restraining order. The majority of these men stated that they would have liked to receive some form of information and an offer of support. The main

source of the support that they actually received during the period of the restraining order was family and friends.

Work on assisting men who use violence against persons close to them is not yet very well advanced in Sweden. The first crisis management centre for men was established in 1986, around two years before the Restraining Orders Act was made law. Today, it is estimated that around 50 centres of this kind exist in Sweden.¹⁰

Since 2004, however, the Swedish Prison and Probation Service has been in the process of introducing a new programme called IDAP (Integrated Domestic Abuse Programme). The program originates in the UK and its introduction in Sweden is being conducted in consultation with the UK's Prison Service and Home Office. In the autumn of 2006, the programme was in place at twelve prison service institutions in Sweden. One important element of IDAP is a "partner contact", which involves an individual taking contact with the man's partner on at least four occasions to ensure that the work being conducted with the man is not producing an increased level of threat to the partner. The partner contact therefore functions as a form of crime victim support and is optional for the woman (but not for the man).

The situation of children involved in restraining order cases

It is only in recent years that the situation of the children of abused and threatened women has been highlighted in Sweden. It has been observed, for example, that children are adversely affected by living and growing up in an environment where violence, threats and harassment are regular occurrences. It has also emerged that children in families that have frequently witnessed threats and violence are often themselves victims of crimes, but that this rarely comes out in contacts with public authorities.¹¹ Regardless of whether or not children have been directly victimised, they will have been victimised indirectly by having seen and heard much of what has occurred. Slightly over half of the parents who responded to the National Council's questionnaire stated that the children were suffering and needed support in connection with the application for a restraining order, but at the same time only one quarter of the parents stated that the children had received support. Above all, the parents call for their children to be given counselling.

According to the personnel interviewed by the National Council at support organizations for children, children are often used as "intermediaries" when a restraining order is in force between their parents, and these interviewees call for more restraining orders to provide protection for the children themselves. All support organizations emphasize that arrangements for parents to deliver and collect children, and parental access in general, are difficult when a restraining order is in force between the parents. They point out that obtaining a support officer often takes a long time and that many social services departments do not have the resources to help the children and their parents. In the National Council's survey, parents also raised the issue of the problems involved in achieving the necessary exchanges of information between the two parents in relation to their children when a restraining order is in force.

¹⁰ Ministry of Industry, Employment and Communications (2006). *Perpetration of violence by men – children's experiences. An analysis of interventions, knowledge and needs for development.*

¹¹ Almkvist, K & Broberg, A (2004). *Children who have witnessed violence against their mother: a study of women and children who have stayed at women's support organizations in Gothenburg.*

The support organizations also referred to a lack of communication between the legal system and the social services, which produces a situation where many children do not come to the attention of the social services.¹² Their account is supported by the National Council's survey, which shows that only one in five have had contacts with the social services.

In the autumn of 2006, the law that governs the work of the social services was changed. The vulnerability of children and the responsibilities of the social services in relation to vulnerable children were defined more clearly. The Social Services Act now states that children who have witnessed violence or other attacks by or against adults who are close to them should be regarded as victims of violence and may therefore be in need of support or help. However, the change to the legislation does not imply that these children are considered as injured parties in a legal sense.

Does having children in common affect the decisions taken by public prosecutors?

Generally speaking, the presence of minor children of the parties involved in an application does not significantly affect the way the application is dealt with. Of the 198 applications involving children, half were granted, the same as the figure for all of the cases covered by the study. However, differences become apparent when cases where the parties have children in common are compared with cases where the children are not common to the two parties. In just under half of the cases where the parties have children in common, the applications were granted, while in cases where the children are not the common children of the parties, almost two out of three applications were granted. On this evidence, it appears that public prosecutors are less inclined to issue restraining orders when the parties have children in common. In interviews, public prosecutors also say that they are more cautious in cases where a divorce or custody dispute is in progress, because they want to avoid a loss of contact between the child and one of the parents on false grounds. This may be assumed to be particularly important in cases where there is an absence of supporting evidence and where it is therefore a case of one person's word against another's.

The National Council's assessment

The National Council's study indicates that the number of applications for restraining orders continues to rise. This persistent increase suggests that more and more individuals who experience harassment, threats and violence in the context of an intimate relationship have become alerted to the possibility of obtaining protection through a restraining order. Many of those who apply are placing their hopes in this possibility in a difficult situation, and those who are granted a restraining order have major hopes that the order will help them move on from a destructive relationship and increase their sense of security. The expectations that the Restraining Orders Act has engendered in many of the people concerned places considerable demands on the legal system, in terms both of making correct judgements as to which applicants should be granted a restraining order and of following up restraining orders and ensuring that they are observed.

Overall, the National Council's evaluation suggests that both the public prosecution service and the police are endeavouring to improve the quality of

¹² Under the law, the Swedish police have a duty to inform the social services as soon as possible about circumstances that should lead to action by the social services. Courts and public prosecutors that grant restraining orders are also under a statutory obligation to inform the social services immediately if the parties concerned by the issuance of a restraining order have children together who are under eighteen years of age. (When a domestic exclusion order is issued, the social services must always be informed.)

their work with restraining orders by developing documented routines, specialization and in-service training. However, the evaluation also illustrates that the work being conducted with restraining orders still requires development and clarification to ensure that the purpose of the legislation is fully realized.

Are public prosecutors' decisions consistent and properly considered?

In the National Council's view, there is good reason for the Public Prosecution Service to make greater efforts than today to ensure that the decision-making procedures of public prosecutors are as consistent and transparent as possible. This is important in terms of both the victims' right to protection and support, and the legal rights of the opposite parties.

In view of the fact that such a high percentage of those who apply for a restraining order have their applications rejected, it is also important that the Act's criteria for the granting of applications should be as transparent and understandable as possible, both to the police and to those affected by the law. The fact that half of those who believe they are entitled to, and apply for, a restraining order have not had their application approved is in itself a problem, even if the rejections are based on a correct interpretation of the law by public prosecutors.

Quality of decisions improved by systematic assessment of risk

In earlier evaluations, the National Council has noted a need for the legal system to develop its expertise and routines in order to systematically apply structured threat and risk assessments. The study conducted by the National Council in the present context indicates that this is an area in need of development.

Application of a standardized procedure for threat and risk assessment does not require a new way of working in police investigations; rather, it should serve as an aid for securing and documenting the information used and for clarifying the conclusions produced by the analysis.

Cases involving individuals born outside Sweden place special demands on the police

The review of applications from the three metropolitan areas indicates that nearly half of the parties involved were born outside Sweden. There is good reason to highlight this group in particular, since work on these cases makes special demands on the police. It is important that the police, particularly in areas with a high proportion of individuals born abroad, should receive skills training to enable them to deal with people of non-Swedish origin in a satisfactory way.

Important to systematically follow-up the views of those under protection as to how effective the restraining order has been

The National Council's survey indicates that those under the protection of a restraining order have a range of views – favourable and unfavourable – as to how effective the work of the police has been. It also shows that many of the respondents appreciated being asked about their experiences of the restraining order. In the Council's view, it may be beneficial for the police service itself to systematically obtain the views of those granted a restraining order as to how effective the order has been. The National Council takes the view that it would be of value to have a routine in place within the police in which those who had been granted a restraining order were asked to complete a form and state how they felt their contacts with the police had worked and whether the restraining order had been complied with.

Restraining orders help to create a sense of security

The Restraining Orders Act also aims to increase the sense of security among vulnerable individuals. The National Council's survey indicates that those are granted a restraining order are more likely to feel secure than those whose applications are rejected. Nearly two thirds of the respondents who had been granted a restraining order stated that they felt more secure, as compared to the very low figure of slightly over one in ten of those whose applications had been rejected. The fact that those granted a restraining order feel more secure despite the fact that many had experienced the order being violated, may be the result of several factors. Important among these, no doubt, is the fact that a decision to grant a restraining order represents an acknowledgement that society believes the victim. Another important factor is the higher level of support, from both police and others, that the restraining order may bring.

More cases should be brought to the attention of social services

The National Council's survey confirms the conclusion of the interim report that the social services represent an unused resource in restraining order cases. Following their application, only a small minority of respondents had been contacted by the social services and offered support. In quite a number of cases, the reason for this seems to be that the social services had not been given information on the woman's situation. The National Council's study of the individuals affected by restraining orders in Sweden's three metropolitan areas indicates that socio-economically weak groups are more likely to be represented in restraining order cases than others. This implies that the individuals affected by restraining orders are in many cases doubly vulnerable and may therefore also have a particular need for support from organizations other than the legal system.

The children

The National Council's study confirms what has emerged in several other contexts: the social services are not always informed that an application for a restraining order has been filed in a family with children, and as a result the children are not always given the opportunity to receive any help that they may need and are entitled to. The National Council's survey demonstrates that only one in five applicants with children have had any contact with the social services in connection with the perceived situation of threat, and interviews with representatives of both specialist child care units and the regular social services suggest that in many cases the legal system neglects to inform the social services when a case involves children at risk of suffering harm. Several of the police officers and public prosecutors interviewed also acknowledge the existence of shortcomings in this area. It is a matter of urgency that this issue be given higher priority by the police officers and public prosecutors who are involved in restraining order cases. Children are often in a highly vulnerable situation in cases of this kind and may have considerable need for attention and support from the social services.

The men

The questionnaire distributed by the National Council to persons placed under a restraining order suggests that these men represent a neglected group as regards their opportunities to obtain help and support in changing their behavioural patterns and life situation. Apparently, society relies primarily on legal procedure. Only two out of 28 respondents said they received information about the possibilities for support in connection with the decision to approve a restraining

order,¹³ while many stated that they would have liked to be provided with information and offers of support. Many also felt that they did not receive support from any source during this period, neither from family members or friends, nor from any public sector agency or other body. The possibility of receiving support and treatment to change their behaviour is important not only for the men's own sake but also for the sake of the women they have subjected to threats and violence and for the sake of their children.

Programmes focusing on men who perpetrate violence are being implemented in several locations across Sweden. But more are needed to ensure that more men can be reached, and strategies need to be developed to ensure the quality of the work conducted in these programmes.

¹³ Here, as in the responses from women, it must be remembered that what the survey reflects is the perception of the respondents as to the information and support they actually received.