Silence is Violence:
A Shadow Report to UN CEDAW re Sweden

Submitted to the United Nations CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) Committee for its review of Sweden, 63rd Session, February 2016

by the International Organization for Self-Determination and Equality (IOSDE)

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I. Introduction

1. Sweden creates a clean exterior image and product presentation regarding adherence to women's rights and the CEDAW Convention and human rights to the outside world, yet the reality lived for people and women within Sweden is very different, especially for but not limited to immigrant, Indigenous, refugee, foreign-born or foreign-born descent and all minority women.

2. There is a large gap between the presentable outlines of legislation, policy, funding and even gender-based work of (Stockholm- and South-Sweden concentrated) organizations of Sweden and the actual success of their functioning on the ground amongst the people and systems in the opinions of the women said to be served themselves, based on experiences of women in high-risk categories for abuse and domestic violence due to already existing in situations of intersectional discrimination in Sweden.

3. As an immigrant- and domestic-violence-victim-founded, Indigenous-Peoples/Rights-based, unfunded and voluntary non-governmental organization and network, IOSDE has keen insight into both silent and silenced truths in not only the international arena regarding women's rights and violations therein, but in Sweden, its organizational home base. IOSDE stands firm that no policy, law, legislation, system, funding, reporting or otherwise can make up for the silencing of the victims themselves as the persons holding the solutions, ideas, keys, answers and concepts to a better today and tomorrow.

II. Intersectional Discrimination

4. In Sweden the systems-focus is on maintaining and enforcing top- and center-down systems and organizational methodologies to a degree of structural violence itself when discriminatory. This can be seen in real-world circumstances of women in Sweden who face multiple intersectional discriminations often resulting in domestic violence and/or abuse, including but not limited to immigrant women who have relocated to Sweden or Sápmi for love-partner relationships, migrant women who have come for manual labor to feed their families back home, Sami women in both Swedish and Sami societies, women seeking asylum with children, and rural women; at particular risk also are women in the North and rural North of Sweden, as many resources are concentrated in Stockholm in the South that are not available to women and families in the North, including adequate domestic violence resources, health care facilities, counseling and integration and culturally-sensitive authorities and justice officials.

5. Large gaps in statistics regarding domestic violence, such as the absence of ethnically/racially/foreign-national disaggregated data, testimonials of victims of gender violence (versus court-processed and court-written decision versions), and within that discrimination against small-scale civil society and inclusion, representation and equal access to fair work in particular for 'love immigrant' women (women who have relocated to Sweden to be in a relationship), all leave women in Sweden who face intersectional discrimination at especially high risk for domestic violence and abuse- abuse not only by partners or family, but by Swedish systems, society members, organizations and institutions at large, and rights-based local integration processes or lack thereof.

6. In is not a silent secret that Sweden has for many years been formally criticized,[1] and rightly so, for it's real-time racism, discrimination and exclusivity faced by immigrants and persons of immigrant family origin; thus far and to this day, Sweden's policies and systems, but even more importantly the social atmosphere lived in daily, condones an assimilationst mentality, versus integration and multiculturalism, which puts non-majority women at risk. In fact, Swedish society continues to debate to this day if *multiculturalism* is even a good thing or something Sweden should engage in at all – this whilst all persons in Sweden considered 'non-nationals', 'foreign-born nationals', and even 'national minorities' are forced to wait in the wings to be accepted as having own cultures, contributions, positive diversity, decision-making, influence, rights and voices – including even in the form of skills-based employment and navigating

[1] UN CERD (Committee on the Convention on the Elimination of all forms of Racial Discrimination) Concluding Observations re Sweden, May 2001: "C. Concerns and recommendations: 10. The Committee is concerned that a recent upsurge in racism and xenophobia has been seen which has given rise to increased neo-Nazi violence, especially among youth.", CERD/C/304/Add.103

domestic abuse. This reality severely affects women, who are already at a disadvantage as women, compounded by discrimination based on ethnic or national origin or race. If Sweden and its organizations and systems continue to lobby and rally together to create a false appearance to the outside as superior in women's rights, it is exactly the women facing intersectional discrimination who suffer most and are being strategically silenced when they desire to speak out as empowered yet disadvantaged foreign-born minority (as IOSDE defines minority to be all persons not of the Swedish ethnic majority- not only 'national minorities') or Indigenous women working for real change in the systems and not simply change that looks good on the outside.

Recommendations:

1. Strive to actively invite small-scale civil society groups and organizations in Sweden created and run by women not of Swedish ethnic origins to participate in concrete systems-change processes, procedures, and working groups and sessions. Utilize immigrant women's expertise and fairly and justly so. **(Articles 7, 13)**

2. Prioritize concrete programs and projects with the above persons and groups as experts, and with a focus on developing Sweden into being a multicultural, non-racist, open society that celebrates diversity, culture, abilities, contributions, potential and skills of all women and peoples equally regardless of national origin, race, language and ethnicity. **(Articles 7, 13, 33)**

3. Increase and improve health care and domestic violence services and resources to women in rural areas and the North of Sweden. **(Articles 3, 12, 14)**

III. Accessibility: disadvantage

4. Does 'inadequate accessibility' in the context of Sweden's policy-making include notions of inherent societal disadvantage? For example, in cases of discrimination against immigrant women because they are of foreign-born nationality and/or culture, do not speak Swedish, or do not know the Swedish systems? How does Sweden account for disadvantage immigrant women face as disabling?

Recommendation:

5. Create special mechanisms, services and procedures to account for and equalize the differential of power imbalance and accessibility issues for immigrant and other non-majority and Indigenous women in Sweden. **(Article 2)**

IV. The Discrimination Act, Foreign Nationals and the Swedish Constitution

1. In its reporting to CEDAW Sweden states, "The objective of the Government's action against discrimination is a society free from discrimination. Under the Swedish Discrimination Act no person may be discriminated against or prevented from enjoying their rights on account of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age"[2] and then (under 2: Legislation), "The principle of gender equality is expressed in the Swedish constitution."[3] However, Article 25 in the Swedish Constitution contains a long list of restrictions of fundamental human rights of 'foreign nationals' at disposal in Sweden, including but not limited to (see footnote for full list) freedom of expression, protections against physical violations, invasions of privacy, public court proceedings, authors', artists' and photographers' rights to their works, the right to trade or practice a profession, and protection against violations on grounds of an opinion;[4]

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[2] Committee on the Elimination of Discrimination against Women CEDAW/C/SWE/8-9, 17 November 2014, Consideration of reports submitted by States parties under article 18 of the Convention Eighth and ninth periodic reports of States parties due in 2014 Sweden, para. 3.

[3] CEDAW/C/SWE/8-9 para. 17

[4] Swedish Constitution: Art. 25. "For foreign nationals within the Realm, special limitations may be introduced to the following rights and freedoms:

2. What is the scope of application of Article 25 of the Swedish Constitution, and are all of these restrictions of rights, liberties and freedoms of foreign nationals truly necessary for the functioning of the Swedish State, given the potentially adverse effect on 'foreign-national' women as well as the inclusion-exclusion mentality of Swedish society? Within the scope of the Swedish Constitution, who exactly and under what circumstances is defined as a 'foreign national'- women without citizenship but with permanent or temporary residency?; women with citizenship but with dual citizenship, and thus foreign nationality?; all women born foreign nationals and still identifying with their national origin in cultural, spiritual or intellectual thinking?

6. What is the relationship between the Discrimination Act, Article 25 of the Swedish Constitution, and does this include national origin, including for resident but not citizen 'love immigrant' women, equal other women in Sweden? Does the Discrimination Act cover immigrant women, in particular 'love immigrant' women, who have been treated as the wards of their hosts and have not been informed of or had equal access to or influence on/in Swedish systems as a result, who are then further penalized by such systems, including unemployment resources and domestic violence systems authorities, for not knowing how they work? And which takes priority in legal reasoning thusly in Sweden- discrimination against foreign nationals within the Constitution itself, legislation and policy against ethnic discrimination, or the will at random of how Swedish authorities and the general society choose to navigate (or not) such seeming contradictions?

7. What are the real results of a Swedish assimilationist policy and mentality towards immigrant women? When a State desires to force the diversity out of groups of women, does this not teach to their partners, authorities, and the society at large that they can do the same, resulting in both structural violence and greater risk of domestic abuse?

Recommendations:

8. Clarify the definition of 'foreign nationals' within the scope of the Swedish Constitution and Article 25 and the scope of and reason for application of Article 25. Clarify the relationship between Article 25 of the Swedish Constitution, its scope and purpose, and the Discrimination Act, and if the Act applies to all persons residing in Sweden including foreign nationals. **(Articles 2, 9)**

9. Explain the difference between 'ethnicity' and 'foreign nationals', and a foreign national can be considered to have own ethnicity and thus be protected under Swedish law and policy. **(Articles 2, 9)**

10. Revise as necessary to protect the fundamental, inalienable rights and integrities of all persons residing in Sweden, regardless of nationality, especially in the case of all women's rights and access to employment, physical well-being and justice. **(Article 2, 9, 11)**

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1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship (Article 1, paragraph one);
2. protection against coercion to divulge an opinion (Article 2, sentence one);
3. protection against physical violations also in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, against violations of confidential items of mail or communications and otherwise against violations involving surveillance and monitoring of the individual's personal circumstances (Article 6);
4. protection against deprivation of liberty (Article 8, sentence one);
5. the right to have a deprivation of liberty other than a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs two and three);
6. public court proceedings (Article 11, paragraph two, sentence two);
7. authors', artists' and photographers' rights to their works (Article 16);
8. the right to trade or practise a profession (Article 17);
9. the right to freedom of research (Article 18, paragraph two); and
10. protection against violations on grounds of an opinion (Article 21, sentence three)."

From http://www.riksdagen.se/en/Documents-and-laws/Laws/The-Constitution/

V. Legal-political-policy definition of 'minority' in Sweden and the Minority Act

11. As in its legal, political and policy approaches, Sweden's section "Minority policy" (paras. 27-33) in its reporting to CEDAW is entirely and solely about 'National Minorities" – a disguised hidden racism and nationalism agenda in Swedish legal-political structuring.[5] In fact, 'national minorities' are women who already speak Swedish, have been born into the Swedish system, and have understanding of and are in part connected to Swedish culture and life. "National Minorities" with protection of rights therein are only 5 categories of ethnic-racial groupings in Sweden- the five recognized national minorities in Sweden are Jews, Roma, the Sami people (an Indigenous People), Swedish Finns, and the Torne Valley Descendents (Tornedalians). Sweden's definition of 'minority', and any State obligations to non-majority (Swedish) persons or groups therein, thusly excludes all other non-majority persons- foreign -born immigrants and their Sweden-born offspring, refugees and their offspring, and all others not considered historically either colonizer or colonized or 'of the [Swedish Nation]'.

12. For example, in Sweden's reporting to CEDAW it describes, "Action for women who belong to the national minorities - Improving access to public services also improves women's opportunities of shaping their lives in the light of their own needs and circumstances." (para 29) – but what about other non-ethnic-Swedish groups and persons in Sweden not of those 5 groups deemed 'national' by Sweden law, politics and policy? What effect on the mentality of Swedish society do such constructs that eradicate the existence of other minorities in Sweden law and policy have? How does such eradication of rights and minority statuses and awareness therein affect immigrant women and their generational offspring? Are they assumed to 'become Swedish' by identity?

13. To the outside eye such misuse of the concept of 'minority' may make it appear that Sweden is accounting for and protecting the existence, diversity, identities and rights and diversity of well-being of all non-majority people, or at least all Swedish citizens, however this is not so. The many persons and groups not falling into one of the 5 categories of 'national' minorities go simply unaccounted for to assimilation.

> **Testimonial story:** A 'love immigrant' woman with no Swedish heritage had resided in Sápmi in Sweden for only two years at the time and had moved to the region from abroad to be with her Sami partner as a 'love immigrant'. She was asked by a self-identified ethnic Swedish educator, editor and activist from the ranks of a major Stockholm-based Swedish university, knowing she was from abroad and only in Sweden for two years, 'Since you are not Sami but live in Sápmi in Sweden, do you then self-identify as a Swede?' – amazingly, even from within the ranks of academia, completely ignorant to the fact that immigrants have their own identities and histories and narratives they bring with them, and, unable to see immigrants as real whole persons bringing own cultures, skills needs and stories, he had already unknowingly erased the 'love immigrant' woman's entire identity in his head and force-assimilated her unknowingly. Later, she came to find he, as an employed Swede in a major university, had also published her work under his name, while she remained unemployed, un-integrated, and fleeing just shy of the two-year permanent residence mark from domestic abuse committed at the hands of her influential Sami partner of Swedish citizenship. To have been valued recognized for her foreign identity, which included all of her experiences, connections and contacts, talents, work and skills, could have given her all the opportunity she needed to become more equal in her relationship and society, receiving of recognition for her work, and could have potentially prevented the abuse all together or some safe societal footing. Despite revealing these circumstances and many others to many people, including the 'boss' for the project, no one informed the woman on ways she could gain justice

[5] "There is no such thing as an immigrant in Sápmi; it's not a political issue" -politician partner-host to his 'love-immigrant' partner and victim of domestic violence.

for these wrongs and discriminations that put her at risk and enabled her oppression, but simply turned the other way.

14. Furthermore, the Sami are an Indigenous People, not simply a 'minority', and have Indigenous Rights under international law- not simply 'minority rights', and should be accounted for thusly by the Swedish State rather than deemed 'of the Swedish Nation'.

15. Such mechanisms aimed at only certain non-majority groups, and thus pitting some minority groups against others, in nationalized State favoritism / recognition by majority-based States are not acceptable in the era of Universal Human Rights for all or transparent democracy.

Recommendations:

16. 'Minority' and 'minority rights' must include all women in Sweden who are not a part of the statistical majority, ie ethnic Swedish or otherwise. **(Articles 2, 9)**

17. Granting rights specifically to the said groups deemed 'national minorities' should be identified and labeled as what it is in its socio-legal-political context - for example, as a mechanism meant for correcting historical injustices (such as colonialism and culture and language loss therein) - and not presented or treated as sweeping 'minority rights' with exclusion of equal rights and identities of refugees and immigrants and other foreign-born nationals and their offspring as minorities in Sweden. **(Preamble; Articles 2, 9)**

VI. Disaggregated Data and Gender Mainstreaming

18. Concerning *gender mainstreaming* in Sweden's report, how are immigrant women, Sami women, other minority women and in particular 'love immigrant' women accounted for, and especially regarding rates of domestic violence?[6] How is it know what access such non-majority women have to gender mainstreaming, gender equality, and other assumed norms of Sweden's gender programming if such data is not disaggregated?[7]

19. "Since World War II, statistical data in Sweden collected by the State has not been collected or categorized by ethnicity, in accordance with Swedish policy. Due the horrendous race-based politics of the European Nazi regime leading up to World War II and also Sweden's own shameful eugenics and race biology programs of the time, the Swedish State put a ban on all data collection and statistics based on ethnicity after WWII, something now criticized by the UN Committee Against Torture (CAT) in review of Sweden. CAT criticizes Sweden for the reason that without such data there is no way for the CAT Committee and others to analyze Sweden's adherence to the CAT treaty in difference ethnic contexts within Sweden, in addition to Sweden not having the knowledge it needs to know what changes and services are required by its populations. This lack has deep effects on statistics regarding domestic violence rates […] It also means no statistics-provable grounds for need for legal redress or systems changes, even under urgent conditions and situations of neglect […] lack of data also leaves women who are from other ethnic and non-majority circumstances in Sweden with a lack of possible opportunity to discuss any common issues regarding rates of domestic violence with Sami women in Sweden and for the women to create solidarity [as neglected women within the Swedish State across cultural and national origin lines]. The lack of such data and the resulting silence of the State on such issues also prevents situations of intersectionality (issues crossing through multiple spheres of oppression at the same time, such as minority/Indigenous/immigrant) and problem-solving regarding State policies therein to further address larger issues of structural State and societal discriminations."[8]

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[6] See CEDAW/C/SWE/8-9 para. 8-10

[7] See IOSDE Shadow Report to UN CAT (Committee on the Convention against Torture) for review of Sweden, 2014, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SWE/INT_CAT_NGO_SWE_18652_E.pdf

[8] Preparatory Report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, B.A. LL.M., https://www.sametinget.se/92639 p. 25

Recommendations:

20. Undergo collection of disaggregated data based on ethnicity, national origin, race and other important factors to understanding the real situation of women in all groups in Sweden regarding domestic violence. **(Articles 2, 3, 9)**

21. Do not base investigative statistics purely on crime data but on safely questioning all women willing to participate; do not assume in the sharing of statistical results that women have automatically answered the truth concerning experienced abuse regardless of how questions are frame or put forward. Options: to this end, make such information gathering welcoming and accessible to women- interviews conducted by other women and in their native language with options for 'safe talk' for example simple yes/no questions and only a brief list of questions regarding abuse, freedoms, access to systems and society, discrimination, give option for women to reach out for further contact or conversation if needed upon ending the brief interview, and provide alternatives to the phone interview such as internet or in-person visits to local agencies; provide local agencies, such as unemployment/Arbetsformedlingen and health centers with the same questionnaire to give to women. **(Articles 2, 3, 7)**

VII. "Love Immigrants"[9]

A. At-risk conditions of women who have immigrated to be with domestic partners

22. Anti-immigrant/foreign-born discrimination in Sweden, coupled lack of concrete and needs-based structural support in the transitional/integration process post-relocation, puts 'love immigrant' women as a dangerously high risk for abuse and domestic violence.

23. 'Love immigrant' women are treated by the structure of State systems as dependents of their 'host' partners in the integration process- from becoming educated on the Swedish systems, ie what they are and how they function, to gaining information regarding what resources are or are not available to the 'love immigrant' woman and what she should sign up for to become a functioning member of Swedish society, to knowing her rights and options and safety measures provided by the State, to assistance in such processes involved in integration from opening a bank account, to signing up for courses and registering with the various Swedish and other authorities related to the woman's security and functioning within the Swedish system, including also all insurances and safety net mechanisms.

24. Moreover, despite the fact that love immigrant women are initially only given a 2-year temporary residence permit to live in Sweden, if they have a valid driver's license from a non-EU country it becomes invalid for driving within Sweden at the end of the first year of her temporary residency. The process of gaining a driver's license is extremely costly, which, combined with unsure residency future, results in being a complication in obtaining a Swedish driver's license to a recent arrival to Sweden who may not have secured steady income or employment or even know about such laws. Love immigrant women have also reported experiencing discrimination and discriminatory rejection when attempting to open bank accounts, from being offered lesser services, including not being given access to a standard bank account credit card (the only kind of card accepted at many places that can be necessary in emergencies, such as gas stations, transportation and food shops), to being flatly rejected due to not having secured employment despite proof of generous funds to transfer from home country, to being rudely told 'why don't you just ask your husband [Swedish citizen partner] for money' and turned away. Compounded by this is the fact that a woman cannot then purchase a regular mobile phone plan without a bank account or other security, or many other services. All of these discriminatory factors concern basic needs to function in Swedish society independently without over-dependence on the 'love immigrant's' partner. Such circumstances leave the love immigrant woman at the complete whims of her Swedish citizen (or otherwise host) partner and his/her decisions, desires or knowledge regarding how to indoctrinate or integrate her. Programs like SFI

[9] One politician has explained to the author of this report, a foreign-born woman who immigrated to Sweden for a relationship, that such women as herself are called 'love immigrants' in Sweden, and thus amongst colleagues in her (the politician's) workplace- Arbetsformedlingen (the unemployment agency). The author has chosen to use this label to re-claim it and exhibit the inherent discrimination contained within its production by Swedish society.

(Swedish for Immigrants) offer financial assistance to refugee participants, however 'love immigrant' persons/women do not receive such assistance, so a woman in such a position is oftentimes forced to choose between immediate but temporary or lesser gainful employment, leaving the house work sphere, and attending the Swedish courses at the designated location.

25. Especially noteworthy and problematic is that domestic partners of United Nations employees relocated to Sweden gain special temporary residence permits that do not grant them the right to work in Sweden, making women in such situations at even risk for abuse and placed into dependent relationships with the male (or female) UN-employed partners in Sweden.

Testimonial: "I moved to Sweden in 2012 with my (now ex) husband, and our daughter who was 1.5 years old at the time, I was 4-5 months pregnant and had just finished graduate school. My ex got a job at a university in Malmö associated with the United Nations and our residence permits were not the usual kind most people have when they come to live in Sweden. It's issued by Sweden's Protokollet (UD-PROT). We were given person numbers, but because he did not pay any taxes to Sweden, we were not fully "in the system" so to speak, in terms of social benefits; after our second child's birth, we didn't receive any barnbidrag, föräldrapenning, [Swedish State family benefits] etc. When I first arrived, I immediately started to look into if there was any kind of work I could do, and learned quickly that I wasn't allowed to because I did not have a permit to work, and if I wanted one, I would have to have the person/company hiring me to negotiate/sponsor me for one, which seemed to be an impossible task. I had tried to go to arbetsförmedlingen [Swedish unemployment agency] to see if I could register there and get some kind of job, but I was told because of my permit status I was not allowed to. About a year and a half after I moved to Sweden, my husband announced he wanted a divorce, which was 3-4 months before we were supposed to have our permits renewed.

I called the Protokollet to ask about my situation, what would happen if we were divorced, and if I could somehow transfer my permit to a normal one with a work permit through migrationsverket [Swedish immigration agency]. I was told that my current permit with Protokollet would only be given another 6 months at renewal (whereas my kids and my ex were given 2 years) and I would simply have to send an application to migrationsverket to live here based on my kids being here. I immediately did that as soon as we all got the new residence cards. At the time of filing with migrationsverket, the waiting period was 18 months for that type of application. In the meantime, I was completely dependent on my ex husband for rent, food and survival. He often threatened to stop helping me, and used it as a way to manipulate me. People suggested I go to försäkringskassan [social services] to have them resolve the money support issue, but they said I was not allowed to be in their system, and because he wasn't in the system either, they couldn't force him to pay anything anyway. One person I spoke to there told me I should just "go home." I did not have the legal right to leave the country with my children to go *anywhere* without their father's permission, which he would not have done.

I did finally get some work as a maid, but only because I was never asked if I had a permit. I could never get any kind of work contract to prove to places like försäkringskassan (which is what they ultimately were asking for) so I could qualify for parental benefits (VAB, sick leave, health care, and so on). I continued to live this way for a little over a year, with multiple long periods of not having any hours offered from my employer, no response from my application to migrationsverket. In the middle of that, my original residence permit expired, and then I was even unable to leave the country for fear I would not be able to get back in to Sweden and somehow be separated from my children and/or my home. I was nervous even to go across the bridge from Malmö to Copenhagen."

Recommendations:

26. Provide comprehensive integration support consisting of education about Swedish systems, resources, mechanisms, protection and services to women who immigrate to Sweden for family/love purposes. **(Articles 2, 3, 4, 10, 11)**

27. Provide all women who immigrate to Sweden for relationships, including to be with UN-employed partners, the right to work with the residence permit. **(Articles 2, 11)**

28. Allow immigrant women and all immigrants on temporary residence permits to continue to drive on their non-EU driver's license beyond the first year, but rather until they become permanent residents and can securely invest in a Swedish driver's license process. **(Articles 3, 4, 13)**

29. Educate and sensitize Swedish businesses and agencies to diversity and the at-risk nature of women who immigrate for love or family purposes; require banks and mobile phone services to provide reasonable and equal services and access to immigrant women and to not discriminate against immigrant women in this regard as property of their host partner/families in opening accounts or needing full services under own name and ownership. **(Articles 2, 3, 4, 11, 13)**

30. Prioritize in programming the treatment of immigrant and all minority women as positive and equal contributors to changing systems and promoting cultures of diversity in Sweden **(Articles 2, 3, 4, 7, 9, 13)**

31. Prioritize creating a society of multiculturalism and celebration of diversity in which 'love immigrant' women are not subjected to domestic, structural or social-societal abuse because they are neither Swedish nor 'national minorities' and bring new idea, wealth of experience and life stories, and change **(Articles 2, 3, 4, 7, 9, 13)**

32. Include immigrant and all minority woman equally in women's rights work and groups in Sweden so as to learn from them in equal exchange and collaboration, do not treat them as 'recipients' of 'better' Swedish morals and ethics, as in fact Sweden is a very racist and conservation place for many immigrant and minority women to move to or live in. **(Articles 2, 3, 4, 7, 8, 9, 13)**

33. Create a program for Swedish-systems introduction and case workers therein for all immigrant women, including 'love immigrant' women, to lower their risk of domestic abuse and violence and to empower them to integrate based on the universal rights of all women in accordance with CEDAW and the UN. **(Articles 2, 3)**

B. Lack of resources for 'love immigrant' women who are victims of domestic violence

34. Domestic violence against foreign-born women is generally stereotyped in mainstream Swedish society and in Swedish reporting and evaluations as occurring at the hands of their same-culture foreign-born men, ie honor killings and abuse, and is often targeted at peoples of certain faiths. However, these conceptions are not based on statistical data but rather racial profiling and diverts the analytical gaze from a domestic violence statistics that go unaccounted for and an invisible group subject to exclusion: 'love immigrant' women who have immigrated to Sweden to be with a partner host born in Sweden considered to be of Swedish national descent. This group of women is often stereotyped as 'Thai brides' condescendingly, also a product of racism and stereotyping. In fact, 'love immigrant' women are of all nationalities and backgrounds and are all vulnerable to domestic violence, control and abuse at the hands of their partner hosts, due to lack of integration services, resources and restricted rights upon arrival and within the first two years, along with general anti-immigrant mentalities within the Swedish National populations.

35. Despite having the right to stay in Sweden under Swedish and EU law, 'Love immigrant' women have no access to legal or other assistance when attempting undergo the legal immigration process for gaining right to stay in Sweden after leaving a partner due to domestic violence during the first two years of

temporary relationship-based residency. It is only if a woman loses her immigration case and must then go to the immigration appeals court that she is given access to legal support. Already traumatized and terrified and brave enough to leave their abusive partners, 'love immigrant' women should not have to the undergo the process of advocating for themselves alone to immigration for right to stay alone and without expertise, forcing them to remain in fear and survival mode, with the stakes of loss even higher due to leaving an abusive partner. Moreover, if a woman leaves her abusive partner even just one month prior to qualification for permanent residency, she is forced to completely start over with the immigration process and the immigration agency, Migrationsverket (immigration), takes 12-18 months to decide on her case instead of 5 days had she remained in the relationship, during which she cannot leave the country after the tourism period for her home country passport expires.

36. This situation forces women who have just left domination, control, and abuse to face continued restrictions of her movement, decision-making, access to work, travel, freedom of self, constant fear of losing house and home and stability and more in an interpersonal relationship, all due to leaving the abusive partner risking rejection of right to stay and possible deportation. She faces a parallel power dynamic to the one she just left, but with the State via immigration, including inaccessible[10] Migrationsverket case managers, no access to rights to come and go across the borders of Sweden internationally for work, family crisis or other needs, and continuing to live in constant terror of losing the life she has built and survives on in Sweden. If Sweden is truly committed to women as women, and not as 'Swedish' or 'National Minority' women only, Sweden will treat all women within its borders and the world with due equal respect, integrity, rights and safety at all stages of residency.

37. When an uninformed immigrant woman leaves her abusive partner, she has nowhere to go to gain access to comprehensive knowledge concerning what financial support or assistance systems she might qualify for or be able to use to survive on her own, putting her at risk for repeat abuse or to not leaving at all.

> **Testimonial:** "I know a Swedish man who received paid sick/'burnout' leave for months for 'exhaustion' from being married to a pregnant women and working at the same time. After fleeing my domestic violence partnership in Sweden I suffered the ongoing effects in addition to calculated torment from my abuser and exclusion from the society as an immigrant woman. Eventually someone suggested I see a doctor for sick benefits, as I could not work and could barely get out of bed. I could not even get an appointment with a doctor in my local health clinic to discuss with a doctor if the trauma I was suffering warranted sick/'burn out' assistance. Instead, the receptionist forced me to say why I wanted to see a doctor and then pre-screened me with more questions when I told her; she asked if I currently had physical injuries in the form of cuts or bruises on me or was currently being injured physically by my ex-partner. When I said not at the moment, but that I was traumatized and that he was still trying to do harm to my life circumstances, the receptionist told me that I must instead see the health center therapist, that she could not give me an appointment with a doctor, and that I would not qualify for sick benefits unless I was then diagnosed with a mental illness by the therapist and prescribed corresponding medication. I was never diagnosed with a mental illness, and I never received support for sick benefits or any other assistance. After five session or so the therapist simply stopped returning my calls to make a new appointment, which happened right when things became worse and I needed her help. I never found out why. It has been almost a year now since I last reached out to her. I've been needed someone to talk to desperately, things have intensified, I don't know why she stopped making appointments. I gave up. I did not learn about the existence of 'försäkringskassan' (social services) until a year and a half after that, and to this day have no knowledge

[10] Domestic abuse survivor immigrant women report not being able to contact once their immigration officers in over a year, despite regular calls and letters, including in pleading to be able to come and go freely from Sweden during the decision-waiting period so as to be able to work, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SWE/INT_CAT_NGO_SWE_18652_E.pdf

of what I might have qualified for if anything from the agency in support. I've lost everything, my entire savings. And unemployment has penalized me and disqualified me for not reporting my status during the three months I was fleeing until I resettled. My abuser has multiple high-paying jobs and an entire network of support because he is from here."

Recommendations:

38. Provide legal aide for immigration application purposes to women immediately who report to Immigration (Migrationsverket) that they have been abused and left their partner due to violence, so as to avoid further victimization. **(Articles 2, 3, 4, 16)**

39. Lessen waiting time for immigration application results for domestic violence victims. **(Articles 3, 4, 15, 16)**

40. The problem is not the 2-year rule re temporary residency for love immigrant women- it is the lack of resources for such women to become functioning members of Swedish society upon arrival, as well as lack of culturally-appropriate resources and procedures and knowledge as such if she does become a victim, including assurance that she has the right to remain in Sweden if she leaves domestic violence. **(Articles 2, 3, 4, 9, 10, 11, 13)**

41. It should not be assumed that the procedures of shelters, police, and adversarial court processes and deliberations or health centers as they are today are actually justice and healing or the right path for all domestic violence victims. Victims should not be treated in a top-down manner as primarily persons to process through a status-quo Swedish system when receiving services. All women domestic violence victims in Sweden have much insight to provide to Swedish society as to why they are abused, and should not be treated with silencing and assimilationist mentalities after fleeing. Swedish agencies must be trained in these regards with cultural sensitivity. **(Articles 2, 3, 11, 12, 13)**

VIII. Domestic Abuse, the Swedish State, and the Sami Parliament in Sweden

42. In the section "Policies of apartheid and racial discrimination" in an ECOSOC report of 1971, genocide is discussed as having occurred via policy of apartheid in ways that can be said to be experienced by Indigenous Peoples as well, historically and currently: "A veritable act of genocide was being committed, not by violent means such as gas or firearms, but by a slow process of repressive laws, segregation, unjust detention and inhuman punishment, and forced settlement of people in barren regions and by all measures calculated to weaken and degrade non-white inhabitants. In tolerating that state of affairs, the world community was allowing an explosive situation to build up…"[11]

43. Indigenous Peoples experience a violence as colonial dependents via discriminatory State and international laws and policies. That violence can be understood as similar to the emotional violence that a domestic dependent experiences when she or he cannot exit an abusive relationship due to dependency, danger and surrounding external societal discrimination: "When indigenous peoples have reacted and tried to assert their rights, they have suffered physical abuse, imprisonment, torture and even death."[12] […] State

[11] United Nations Commission on Human Rights, Report on the Twenty-Seventh Session (22 February -26 March 1971), Economic And Social Council Official Records: Fiftieth Session, Supplement No. 4, United Nations, B. Comprehensive review of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify the obstacles encountered and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance. Referencing "Special study of racial discrimination in the political, economic social and cultural spheres", chapters X, XI and XIII(E/CN.4/Sub.2/307, Add.3 and 5 and Add.5/Corr.l, 3 and 4)

[12] United Nations Department of Economic and Social Affairs (DESA), Division for Social Policy and Development, Secretariat of the Permanent Forum on Indigenous Issues "State of the World's Indigenous Peoples", New York, 2009, p. 92.

socio political structuring and repressed self-determination affect similarly. State grabbing of Indigenous territories so as to be able to utilize Indigenous lands for resource extraction and other purposes result in State-sponsored cultural discrimination, international political and judicial dominance, and a denial of the right to say 'no' to land-grabbing and 'development' (a violation of free, prior and informed consent), and effects of cultural genocide […], paralleling State-to-Indigenous abuse and domestic violence with interpersonal abuse and domestic violence.[13]

44. Looking to the development of such policies in the understanding of domestic abuse and psychological trauma, a form of violence, for a more current definition of aggression and conflict, experts explain that psychological abuse- continued discriminatory treatment, for example, can be just as damaging as if not more damaging than physical violence. Acts that threaten the peace and security of Indigenous Peoples in the world context include non-physical aggression- these acts of aggression include psychological and emotional violence through discrimination, segregation and restricted traditional culture-based self-determination. The following Articles support that what Indigenous Peoples experience acts of aggression as committed by States against Indigenous Peoples ushers a need for international attention to and responsibility taken for these acts of aggression by State(s) and must also apply to grabbing of Sami lands, especially in regards to Sami women, violence, and access to culture for next generations: Article 5(3) of General Assembly Resolution *Definition of Aggression*: "No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful."[14]

45. The neglect with which the Swedish Government treats the Sami People in regards to both resolution timely regarding the status of self-determination of the Sami Parliament and Sami Indigenous Rights, and within that the Sami Parliament's accountability, as a branch of the Swedish Government, for adherence to women's rights in the framework of domestic violence, doubly compounds the situation for women in Sápmi. In the year 2008 the Sami Parliament supported a session on domestic violence and Sami women and in 2015 a paper on the issues to the UN Special Rapporteur on the Rights of Indigenous Peoples,[15] yet the Sami Parliament has yet to establish resources or projects for women experiencing domestic violence in Sápmi.

46. According to Sweden's reporting to CEDAW, the Gender Equality Program includes ending violence against women as one of its four pillars;[16] however, the Sami Parliament, as branch of the Swedish government, states that it has not have started any initiatives or projects concerning violence against women in Sápmi / Sami women – developing resources or projects or information for women or otherwise - due to lack of funding, and that for that reason at present the Sami Parliament in Sweden is solely focusing solely on the funded 'gender equality work' and *not* domestic violence.

47. "45% of the Sami women in Norway who responded to a survey stated that they had been subjected to violence and abuse against 29.6 per cent of the ethnic Norwegian respondents. The 15 March 2006 Report on Sweden to the Human Rights Council by Special Rapporteur on Violence Against Women, its Causes and Consequences, Yakin Ertürk, criticized Sweden for not having paid attention to violence against Sami women. The report pointed out that Sami women avoid Swedish women's shelters because they lack knowledge on the Sami community and then they are alien to the Sami women. The Swedish

[13] See "IOSDE demands an immediate and urgent halt of all mineral prospecting- and mining-related activity in Gállok [Sampi] due to Negligence, Violence, and unresolved Indigenous Land Rights", 1 September 2013, https://www.scribd.com/doc/164891197/IOSDE-Statement-to-Immediately-halt-all-mineral-prospecting-and-mining-related-activity-in-Gallok-due-to-Negligence-Violence-and-unresolved-Indigen

[14] United Nations General Assembly, Resolution 3314 (XXIX), Definition of Aggression, 14 December 1974, Annex, Article 5(3)

[15] Preparatory Report from the Sami Parliament in Sweden/Sámediggi/Sámedigge/Saemiedigkie/Sametinget for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, https://www.sametinget.se/92639

[16] "The purpose of the Government's gender equality policy is to counter and change systems that conserve the distribution of power and resources between the sexes. The objective of gender equality policy is for women and men to have the same power to shape society and their own lives. On this basis the Government works towards 4 subsidiary objectives: […] • Men's violence against women has to stop. Women and men, girls and boys, are to have the same right to and opportunities for physical integrity." CEDAW/C/SWE/8-9 Para. 4

Government established an action plan in 2007 that claimed to take into account special needs of women in different minority groups may have, but did not mentioned anything specific about Sami women's Rights as Indigenous women or special needs therein for women in general living in a relationship in Sápmi. Such lack of resources further silences the stark reality of domestic violence, gender inequality and needs for counseling services and historical and current justice in Sápmi in Sweden. The situation for Sami women and women in Sápmi and domestic violence is compounded by a lack in Sweden of disaggregated statistical data. There remains no formal documentation of violence against Sami women in Sweden."[17]

48. Of extra-intersectional vulnerability are 'love immigrant' women in Sápmi who have relocated from abroad to live with a Sami man (or woman) and are entirely dependent on that partner host for integration into an already discriminated against and outsider-wary Sápmi- women who at the same time have little access to or understanding of external Swedish society and systems as immigrants.

49. Sami women, immigrant and other women alike experiencing abuse at the hands of a Sami man or woman in Sweden or Sápmi in Sweden, or Sami women at the hands of any man or woman in Sweden or Sápmi in Sweden, do not necessarily want to or relate to going outside of the Sami cultural-social realms to a Swedish resource network for help, and they should not have to. Shelters, hotlines, working groups, sessions for women, and development of resources within Indigenous communities that serve Indigenous communities and those who reside in them are now commonplace and self-determined world-wide. That both the Swedish Government and the Sami Parliament continue to neglect domestic violence in Sápmi is appalling and horrific and must be treated with urgency as much as land-grabbing of Sami territories.

50. It is of the utmost importance that women in Sápmi can hold their own Sami governance accountable for the harms it might put upon them, just as much so as it is for women under the umbrella of any governance. That the Swedish government funds the Sami Parliament regarding gender equality and claims that violence against women is one of the four main prongs of the gender equality program of Sweden, and yet at the same time turns a blind eye to the complete absence of any domestic violence program or work whatsoever by the Sami Parliament still to this day even with gender equality funding and mandates, is a primary example of the negligence women in Sápmi face regarding their issues.

Recommendations:

51. Take urgent an immediate action enable and enforce development of comprehensive Sami resources, projects and programs regarding domestic violence in Sápmi. **(Preamble; Articles 2, 3, 5, 9, 12, 13, 14)**

52. Implement the Indigenous Rights common law contained within the Declaration on the Rights of Indigenous Peoples (UNDRIP), ratified by Sweden in 2007. **(Preamble; Articles 2, 3, 7, 8, 9, 14)**

53. Presence of the Swedish Sami Parliament at the CEDAW review of the Swedish State and other UN mechanisms and procedures for reasons of due accountability, transparency and self-determination on the parts of the Swedish State and the Sami Parliament in Sweden alike. This presence should, in accordance with Indigenous Rights International Law and Humans Rights Law, be self-determined and be in the form of participation either as members of the delegation of the Swedish State or as own autonomous Sami Parliament delegation alongside the State delegation as a part of the governance being reviewed, ie accountable to review by CEDAW simultaneously as a component of the Swedish State governance, and thus beholden to the responsibilities of the State regarding human rights, including women's rights, as well as civil society including the Sami people themselves, as long as the Sami Parliament maintains its political influence over the realm of Sápmi within Sweden as a branch of the Swedish Government itself. **(Articles 2, 3, 7, 8, 9)**

54. Should the Sami Parliament in Sweden or the Swedish State deny the Sami Parliament's responsibility in upholding International Human Rights as a governance that is simultaneously a benefactor

[17] Preparatory Report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, https://www.sametinget.se/92639

of the Swedish State which has signed onto such conventions and has UN membership presence, the Sami Parliament and the Swedish State must make clear, legal explanation as to what legal mechanisms of accountability, as well as self-determination, the Sami Parliament is held to and by whom and what avenues the Sami people have to critique, file complaint against, or influence the Sami Parliament as a governance in a democratic way, and what the relationship is to responsibility to International Human Rights therein. **(Articles 2, 3, 7, 8, 9)**

55. A study on participation and access to justice in such instances of partial self-determination of the Indigenous Sami People, and especially for women domestic violence victims, in such situations where persons or groups might not report justice/rights issues for lack of access to own Sami Indigenous self-determined methods/mechanisms of justice and social service and domestic violence resources. **(Articles 2, 3, 5, 7, 9, 14)**

IX. The Role(s) of the Equality Ombudsman

A. Access to Justice

56. If the decision whether or not to take up a discrimination case is in the hands of the Equality Ombudsman, what next-level options does a woman have for legal redress if the Equality Ombudsman does not take up her case?

B. The Sami Truth Commission and Sami women's access to justice

57. In 2008 Sáminuorra's (Sami youth organization) Chairman Lars Miguel Utsi said that the historical abuses against the Sami by Sweden are "an open wound in Sami society and in Swedish society" and that "Sweden has not taken hold of sorting out the abuse and reconciled themselves with the Sami and compensate and recognize the Sami as an indigenous people." Utsi continued, "A truth commission would give an objective and historically accurate description of the abuse committed."[18]

58. Restorative Justice is the underlying legal process that is the foundation of Truth Commissions. Restorative Justice is utilized in many legal and structural/societal/institutional contexts around the world. The Swedish State needs to be a full and thorough process that is victim-led, i.e. Sami-, driven, so as to be restorative a Truth Commission process. Restorative justice legal processes are victim- and healing-driven justice processes and are practices as acts of good faith in the perpetrator(s) and victim(s) alike, and in that context are chosen by the victims in lieu of traditionally adversarial systems.[19]

59. In the situation of the Equality Ombudsman working hand-in-hand with other Swedish State organizations and agencies, such as with the Swedish Sami Parliament regarding the Sami Truth Commission in Sweden, how can it be guaranteed that the Equality Ombudsman then also be neutral and accessible to women who might wish to file a complaint regarding discrimination concerning the Sami Parliament itself, including but not limited to regarding the process of the Truth Commission or its results or proceedings? This is of special concern regarding a historical justice process of colonialism and colonization and an Indigenous governance that is not a traditional structure but one of the colonial system. It is of utmost important that their remains in the process of the Sami Truth Commission a politically neutral external justice mechanism to file complaint with, especially for Sami women. Sami women who need to critique the Swedish Sami Parliament itself must have access without intimidation to the Equality Ombudsmen.

Recommendations:

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[18] See "Requiring a Truth Commission", Sami Radio & SVT News Sápmi & SVT News Sápmi, 22 September 2008, http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=2327599

[19] Excerpts from Preparatory Report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2015 August, Written for the Sami Parliament in Sweden by India Reed Bowers, https://www.sametinget.se/92639

60. There must be a higher mechanism in place for those whose cases do not get opened by the Equality Ombudsman to then appeal to, if there is not already. **(Article 2)**

61. The Equality Ombudsman should be a neutral and independent party open to all persons in Sweden, and not favoring to any agency or organization in partnership. **(Article 2)**

62. The Sami Parliament can access in Sweden and internationally a number of organizations, experts and intellectual resources to gain assistance from regarding its role and ideas work of the Truth Commission, utilizing any of these would be a more appropriate and legally sound procedure than biasing the Equality Ombudsman to the interests of the Sami Parliament alone, given its historical context and the relationship therein to the lack of the option of a true people-based decolonization (voting on political status or otherwise) in Sápmi. In this way, all Sami women will have better access to full historical justice collectively. **(Articles 2, 7)**

XI. Abuse-victim narrative, body ownership and women's rights

A. Non-exploitative prostitution

63. Women must have the right to choose, under healthy circumstances, if they would like to use their own bodies for sexual or suggestive work. To assume all women with such inclinations are only victims who know no better is a moral attitude steeped more in tradition than the reality of all women in an absolute vacuum.[20] It is important here to point to the fact again, as throughout all issues raised in this report, that it is women's bodies on which the grounds of war, dispute and other conflict often ultimately occur.[21] If a woman is not given/respect to have authority over her own mind, body and spirit, she is often in turn being dominated by other forces and motivations. The assumption that sex and sexual or suggestive acts are in and of themselves negative or degrading has no relevance in today's open and gender empowering society. To shame a healthy, happy woman for being a self-controlled sexual being and professional makes such a woman subservient to the women who are telling her to be ashamed or that she is a victim, even when she is in fact empowered. Even if the group of empowered, happy, health sex workers are in a small minority, they should not be silenced, rendered invisible or oppressed by social norms for the sake of simplifying legislation or others' conflicting moral standards.

Recommendation:

64. Differentiate legally between forced, trafficked or circumstance-based prostitution and chosen, healthy sex work. Allow for complexity within prostitution laws, de-'victimize' empowered and healthy self-determining sex professionals. Target criminality of human trafficking, sex tourism of Swedish citizens abroad, and all uses of women by others for their own gain and agendas. **(Articles 2, 5, 6)**

B. Mishandling of domestic violence victims by police, courts and other parties

65. In its reporting to CEDAW Sweden states, "In order to spread knowledge about violence in close relationships and encourage people who are victims of violence to make a report, the police have conducted special information campaigns. The police have also developed a special information page, *Come to us*, for people who are victims of violence in close relationships. On it information is available in eighteen different languages."[22]

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[20] See for example 2009 HCLU-SWAN film titled: 'We want to save you! And if you don't appreciate it you will be punished!' (A Swedish sex worker on the criminalization of clients), Interview with Pye Jacbsson a sex worker activist from Sweden. https://www.youtube.com/watch?v=7D7nOh57-I8

[21] "Feminist analysis has explained the linkage between patriarchal notions of female sexual purity with honour and VAW. These values attached to female sexuality legitimize sexual regulation of 'one's' women", from "15 years of the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences", 2009, http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf

[22] List of issues and questions in relation to the combined eighth and ninth periodic reports of Sweden, Addendum Replies of Sweden, 17 November 2015, CEDAW/C/SWE/Q/8-9/Add.1, para. 9

66. Police at times take several months to even respond to a domestic violence report filed directly to a police department in Sweden, and such circumstances are treated as the norm by authorities and average persons alike. As stated in another NGO report to CEDAW re Sweden, in Sweden 1 in 2 of all reported cases of deadly violence against women in close relationships could have been avoided if the relevant authorities had timely taken effective action.[23] Moreover, when police mislead victims or make mistakes that further restrict and harm the victim's rights and access to justice or healing of trauma, courts do not always acknowledge the wrongs of the police or systems a victim is in, but rather seek ways to blame the victim herself, thus covering up the situation.

67. The patriarchal-hierarchal system-dependent myth that the police in Sweden will be the one-size-fits-all providers of safety and security for a woman also puts her at risk when improperly trained or the justice system therein needing drastic improvement or shift in methodology or loyalties.[24] The facts show that the Swedish police have currently not been adequately trained in handling such cases and can actually worsen situations and re-victimized already vulnerable victims, especially women at risk due to intersectional discrimination in Swedish society and legal-political structure.[25]

> **Testimonial:** "I went to the local shelter a few months after I fled. I had been looking for counseling specifically for victims of domestic violence, a therapist. The woman at the shelter said there was no such thing in my city, and that I could tell her what happened to talk, but that she would not document it. I told her then in that case I wanted to talk to a lawyer to find out my options and talk about my situation. She said she could take me to a lawyer but that it would be mandatory following a free 30-minute consultation with the lawyer that I go to file a report with the police. Which I was unsure if I wanted to do, I had seen in the news what the police had done to other women, and I just did not want to go through it all. She said those were my options. So I left without getting the help I needed."

68. Moreover, while the 'come to us' police pamphlet mentioned in Sweden's report is available in 18 languages, courts refuse to provide victims (or offenders) with any official or written language translations of court decisions or documents, and only offer casual verbal translations from court staff and judges over the phone, who in turn simply use lay-understanding or dictionaries while attempting to translate for a 'general understanding' for the party requesting the translation; leaving the party (victim or offender) without an actual document to analyze or take elsewhere (including to the United Nations), further forcing them into blind and disempowered dependency on the Swedish system versus active and empowered participation. This discriminatory restriction severely affects immigrant women who cannot read Swedish and are already potentially at high risk for being subjected to court, legal aide and police systems that are not trained in the array of rights due to her under international law, including cultural rights and women's rights. In turn, accountability within the domestic violence system for system mistakes can easily be placed on the victim who has limited access to justice due to limited access to active and informed decision-making and participation in overall access to justice as the goal for all women equally.

69. When a woman chooses to enter the police and court system - *if* she is granted the right to choose, versus being forced by a third party with own motivations or incentives to put her there - her story no long becomes her own. The only final documentation, forever public and with her name attached to it, is the

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[23] Information from the National Centre for Knowledge on Men's Violence against Women (NCK), Våld och hälsa – En befolkningsundersökning om kvinnors och mäns våldsutsatthet samt kopplingen till hälsa, 2014:1

[24] See IOSDE 2nd Brief in Support of Gállok [Sapmi] Human Rights Defenders, 18 February 2014, https://www.scribd.com/doc/207642989/IOSDE-2nd-Brief-in-Support-of-Gallok-Human-Rights-Defenders-18-February-2014

[25] See "Sex crime police chief soon free", 24 January 2014, http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=5765453; "Police registered thousands of abused women", 16 December 2015, http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6047107; and "Transsexual woman refused police training", 2 November 2014, http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6007504

regurgitation by the court of the few facts and impressions it chooses to share and re-write in it's own version in the form of its decision, not the victim's story from her own words. This is no small amount of personal property a woman is forced to give away- a woman's personal story of her abuse is often all she has left to her name. To assume it is her duty or even her protection for her to give this away blindly to a court or police system or anyone is to continue to treat her as a disempowered woman. Rather, a woman must be empowered to make her own choices in the process from a position of providing her justice on all fronts and offenses/violations, including by the society at large which enables an assailant and broken or prejudices/narrow systems.

70. Many women who experience domestic violence are not the conveniently submissive, troubled, or 'weak' victims that many women's organizations, shelters, and procedures, such as police and courts as justice, assume them to be due to domestic violence stereotypes based on steering the 'helpless victim'. In fact, many women are beaten and abused precisely because they are not submissive- because they have minds of their own, are strong and/or independent, have senses of self, and other such characteristics that naturally cause them to be a challenge to the status quo (patriarchal systems and relationships, other women who have found ways to benefit within such systems and relationships while maintaining 'lesser' roles, or even the dominance of other women or cultures/people). It is for this reason and the fact that putting a woman 'back into' a scenario of having to 'prove it' and face her abuser again as justice do not work for many victims. So long as domestic violence victims are treated by the systems in place as specimens for strict status quo legal processing, versus intelligent women who can make their own informed decisions, tell their own stories, and provide solutions to bettering access and justice, the abuse continues and simply shifts hands from the perpetrator to the next dominance-seeking entity in the victim's life.

71. The very assumption in a legal and political system that what happens to a woman's body actually is a crime against, and therefore the legal and intellectual property of, the State and not the woman herself, can be experienced as another patriarchal violation and colonialism. To force State mechanisms upon a woman, for example in having no safeguards regarding third party filings of domestic abuse cases if a woman is seeking alternative mechanisms and methods, leaving the situation completely, speaking out her story, counseling and otherwise, is further assault a woman's body, mind and spirit as her own.

72. Restorative justice for domestic violence victims in cases where the method is appropriate means giving both the direct aggressor and the enabling and/or prejudiced society responsibility and exploration in why they have enabled and have done what has been done to a woman against her well-being, if such a situation has occurred. A man (or a woman) cannot as easily beat, put down, or abuse a woman who is treated as a full human being already by society.

Testimonial: "The police took six months to contact me as the domestic violence victim after a report was filed by a third party when my assailant had admitted to committing domestic violence against me. I was not even sure if they had actually filed a report, and I didn't know where or what it said. Prior to that, the third party, political party board whose leader was in fact the assailant, had done nothing for eight months despite my pleas for help, accountability, and restorative justice as an immigrant woman in Sweden under societal webs of discrimination and oppressions resulting in the violence.

It was only when my ex-partner confessed in a meeting that I myself and my assailant arranged together for a restorative healing and collective accountability process, that his party board suddenly took action and filed a police report instead of apologizing for their own wrongdoings in the situation, again silencing me. They ignored, silenced and hid my efforts and knowledge of alternative justice and would only say 'that doesn't exist here'; they told me my only options were to file with the police or go live in a remote village and forget it all and find a new man.

They filed a police report without my free consent, refusing to let me to talk to a lawyer first, went to the media and their constituents to create a story in their own

versions and not mentioning me or the real story, despite my telling them my desire to tell my story. It was all I had left- my story. This was all while I was abroad at my grandfather's funeral. In the eight months prior that they had done nothing regarding their leader's violence when I asked for help and wanted to take action- instead of talking with me they continuously met and talked privately amongst themselves, asking other persons in the community if such a 'rumor' of domestic violence coming from me could be true. They did not even stop my assailant from attending UN sessions, knowing I would also be there and what he had done to me. They instead suggested I not go, so as to avoid him. But I went anyway, it's my career and my social support- it's my life.

When the police finally contacted me 6 months after the filing, the investigator was a man cold-calling me repeatedly on the phone which brought back trauma. He mislead me to believe I could work with an attorney I had already found who understood my cultural and professional background, who was willing to talk with me about what the party had done and when, why and how; the investigator assured me that I could first talk with a local attorney in town to ask questions if I wanted and then switch; he did not tell me it was a court process to see an attorney initially to ask questions about the system, and he had intimidated me when I asked why it took 6 months for the police to contact me- he responded that I needed a lawyer to protect me from him, which scared me, so I agreed to his suggestion. It turned out to be a lie- he had the court appoint me an attorney and did not inform the court what we had agree to or that he had promised me. When I tried to then shift to the lawyer I had found, the court denied my right to do so. In my appeal decision the courts have permitted this abuse by the police, as well; the police are not being held accountable, instead I am simply refused to change to the attorney I had already found, told my circumstances are not of special nature to warrant changing, and made to take the blame for the wrong-doings of the police by a twisting of the facts in the appeals decision. I cannot give you the decisions because they are in Swedish, the courts refused to provide me with a written or official translation. I do not read or speak/understand Swedish. When I requested translation of the appeals decision the judge herself called me and used a dictionary to translate over the phone; at one point she told me no one would come looking to find out what had happened to me, that the UN would not come looking because it is all in Swedish. The police misinformed me and the courts are protecting the police. The police are protecting the political party, which is protecting itself.

They've even hired him at his work again knowing what he did, and tell me nothing can be done unless he is convicted by a court, despite his admitting to it. The media will not let me tell my story, they only offered him the chance and let the party spin their tale. As the victim I feel continuously raped by everyone for their own agendas. There is no justice for me here.

They can do this to me because I am an immigrant woman without a network established, knowledge of the systems or language, or contacts that I have access to to help me. The persons handling my situation are perpetuating the same discrimination, use and abuse my ex-partner and his circles did. I cannot escape the discrimination and lies even though I left the abuse; it's even worse.

People here ask me why I don't just go back to the place I came from, but this is my home now- I've built a life here. It hurts when they say that, and I can't understand.

This is not even the whole story, so much has happened; it seems to never end."

Recommendations:

73. Spread the fact that knowledge about violence in close relationships first and foremost must come from victims themselves, from those who wish to tell their stories and speak out as diverse experts from lived experience. **(Articles 2, 3, 5, 7, 15)**

74. If in domestic violence cases police, courts, lawyers, shelters, hotlines, health centers, and other such resources (or lack thereof) do not perform to healthy or needed/necessary standards for an systems-uninformed immigrant domestic violence victim, she should not be then further penalized by the system or victimized, but rather have rights to maintain own empowered and informed decision-making. Improve police sensitivity training and International Human Rights Law integration into the Swedish legal system **(Articles 2, 3, 7, 12, 13, 15)**

75. Rather than focusing solely on the police and thus adversarial court procedures (pitting the victim against her assailant yet again and putting her story and body in the hands of others without question) as the sole saviors of women and thus perpetuating the patriarchal myth and thus potentially disempowering women, provide parallel and equal comprehensive change-based options to women including but not limited to: a) expert counseling specifically tailored to domestic violence victims, b) alternative and restorative justice processes should the assailant be willing to come forward and admit the truth, or if the larger community or social circles have been involved in the oppression of the victim, as well, and such processes would be safe c) requirements for free, prior and informed consent to be gained from victims who are in the capacity to make their own informed decisions regarding their path to healing, justice, legal representation and court communications and transmissions in her name, d) right to talk with a lawyer without obligation to go to the police, e) court decisions provided in not only Swedish but also minority and immigrant languages in official written text upon request. **(Articles 2, 3, 9, 12, 15)**

76. Do not equate 'victim' with 'no ability for decision-making' in systems structures and programming for domestic violence victims. Enable women who want to tell their stories as a form of healing and justice to do so; enable appropriate societal and group restorative justice practices addressing the change and healing and societal issues surrounding the domestic violence circumstances as equally if not more important than penalizing one person. **(Articles 2, 3, 5, 7, 12)**

77. Safeguard against women domestic violence victims being treated as property of political parties, the State, funded organizations, and other entities with own agendas; provide domestic violence specific counseling resources to women to help them think through what services and assistance and paths to safety, justice and healing they want and need, instead of forcing them into any one system or way. **(Articles 2, 3, 6, 7, 13, 14)**

78. Provide domestic violence victims with the right to change lawyers freely before reporting to the police or undergoing police interrogation. **(Articles 2, 3)**

79. Allow for victims to define what justice and healing feels and looks like for them; build resources from there. **(Articles 2, 3, 4, 7, 8, 13, 15)**

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