

SUMMARY

English summary of Brå report No 2007:26

Violence against people with disabilities

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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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The National Council's remit

In July 2006, the Swedish National Council for Crime Prevention (Brå) was instructed by the Swedish government, in partnership with the Swedish Disability Ombudsman (HO) and the Swedish Agency for Disability Coordination (Handisam), to chart the situation relating to violence against people with disabilities. The aim was to improve the existing knowledge about this problem, to identify critical gaps in this knowledge and to look into opportunities for preventing this type of violence.

To begin dealing with these issues, data were collected in several ways. The data collection comprised reviews of the Swedish and international research literature, surveys of people responsible for disability issues in Sweden's municipalities, city districts and associations for the disabled, as well as individual and focus group interviews with researchers, key figures and practitioners. (See appendix 1. For a complete account of the methods and the bibliography of studies included in the research review, see the main report entitled *Våld mot personer med funktionshinder* [Violence against people with disabilities]. Brå 2007:26.)

In the following, the findings produced using the research methods described above are presented in summary. Firstly, the results of the review of national and international research literature are summarised. Particularly important gaps in the existing knowledge are then highlighted, partly on the basis of the research review but also on the basis of data collected by means of the National Council's focus groups and surveys. There then follows a description of the crime prevention work conducted by Swedish municipalities and city districts and a discussion of a range of crime prevention measures that were described by those who participated in the National Council's focus groups. The summary concludes by presenting the National Council's assessment.

Knowledge about violence

Three themes emerged from the Council's review of the research literature, and likewise from the surveys and interviews with key figures in the area. These themes recur repeatedly in descriptions and explanations of violence against people with disabilities. They are invisibility, vulnerability and dependency.

Invisibility, vulnerability and dependency

Invisibility particularly characterises people whose only contact with the world around them is mediated via a small number of care providers or who have disabilities that entail difficulties in communicating and in making oneself understood. Invisibility can also exist in the sense that the violence an individual is subjected to is not viewed as or responded to as if it constituted a violent crime. In a broader sense this invisibility itself may also constitute a disability.

Vulnerability is in part dependent on the nature of a given individual's disability, and can therefore vary with the type and degree of disability. People who lack the physical ability to protect themselves from assault are vulnerable, as are those who lack knowledge about their rights or the opportunity to express these rights. Vulnerability can also be a consequence of age, gender or of having less opportunity to take advantage of the information, care or assistance that is available to others.

Many people with disabilities are dependent on others for their everyday existence, for support and for their sense of being close to other people. In some cases this dependency is very high. Dependency on carers and other people may also serve to increase the level of vulnerability associated with a given disability.

This special dependency on other people has been emphasised as constituting one reason why women with disabilities are at higher risk of being subjected to repeated violence than women without disabilities. There is also good reason to assume that children with disabilities are more dependent on care-providing relatives, which may serve to increase the level of vulnerability within this group as well.

Several of the key figures interviewed by the National Council have also emphasised particularly problematic dependency relationships that exist between children and carers who are relatives. These for the most part relate to situations where one or more individuals support their families wholly or in part with the income that they receive from being employed as personal assistants to a family member with a disability.

Dependency may also contribute to victimisation in the form of a higher risk for repeated incidents of violence in cases where this violence is committed by the individual(s) on whom the person with a disability is dependent for care.

Invisibility, vulnerability and dependency vary with age and with the type and degree of disability. Nevertheless, it is not possible to systematically describe various groups' exposure in relation to one another or in relation to the total population, since the extent and the nature of violence against people with disabilities cannot be specified on the basis of available data sources. This is also true of the nature of trends in violence against people with disabilities over time. The National Council's review of existing knowledge shows that neither research into disabilities nor criminological research distinguishes sufficiently between various groups with regard to gender, age and the type and degree of disability. There are also variations with regard to what the research considers and defines as bad conditions, assault, violence and crime. The review also shows that existing research in this area is largely based on small, non-representative samples.

A number of general patterns may, however, be discerned on the basis of the National Council's review of the existing knowledge in this area. The following presentation describes research focusing on children, women, men and the elderly.

Children and assault

The victimisation of children has for the most part been studied in relation to bullying, various forms of neglect, and sexual assault. The locations for these various types of violence are first and foremost the school, in the case of bullying, and the home, or close to home, in the case of neglect and sexual assault.

The nature of the sexual assaults varies with the age of the child, particularly as regards who it is who commits the assault and where it takes place. The older the child, the more common it is that the violence is committed by someone outside of the family. Research also shows that girls are more frequently subjected to this type of violence than boys. Even so, it is not clear from the research whether children with disabilities are generally subjected to sexual assault to a greater extent than those without disabilities. This does appear to be the case with bullying and neglect however; several studies indicate that children with disabilities are more exposed to these forms of violence. At the same time it is often difficult to determine to what extent a disability has arisen prior to or as a consequence of neglect or assault.

Children with intellectual (particularly developmental) and physical disabilities feature particularly prominently in studies of the prevalence of disabilities among children who have been subjected to various forms of assault.

Women with intellectual and mental disabilities

In the research, it is mainly women with intellectual and mental disabilities who are referred to as risk groups, particularly in connection with sexual assault. This is also the impression that emerges from the National Council's focus groups and interviews with researchers into disabilities. The research review also reveals that in many respects this violence is characterised by the same factors as male violence towards women in general: the violence is often repeated and often carried out by the woman's partner. In addition, the presence of the disabilities entails complicating circumstances. Women with disabilities are also exposed to violence committed by other groups of perpetrators in the form of care workers and other care recipients.

Victimisation among men with disabilities may be assumed to differ from that experienced by other men

There is very little research into violence against men. However, it is reasonable to assume that the victimisation experienced by men with disabilities is that which deviates most from that experience by the corresponding group in the total population. When it comes to men with extensive physical or mental disabilities, the research review indicates that they are more often victimised in the home, in special accommodation or in institutions than is otherwise the case, and that they are more often victimised by people they know.

Exposure among the elderly

Age plays a significant role when it comes to illnesses and disabilities. Most types of reduced function are more common among the elderly than they are among the young. Knowledge about exposure to violence within this group is low however.

Studies in Sweden indicate that disability is a factor that increases the risk of assault for elderly women, but not for elderly men. Among the elderly, gender may play an even more important role for exposure to violence than the presence of a disability. The Swedish findings indicate that elderly women are subjected to assault more often than elderly men and that the assaults involved are more serious in nature. This may partly be associated with the fact that elderly women are more often subjected to repeated assaults.

Trends in violence against people with disabilities

As regards trends in violence against people with disabilities, it is not possible at the present time to state the extent to which violence against people with disabilities has increased, decreased or changed in character over time, either at the aggregate level or on a more detailed basis. It may, however, be assumed that the extent and nature of this violence is influenced by the extent to which different groups are given the opportunity to participate in various social arenas.

The need for knowledge

Based on the review of existing knowledge carried out by the National Council, several knowledge gaps emerge which need to be addressed. These knowledge gaps can broadly be classified as systematic or scientific, and practical.

Gaps relating to systematic knowledge are for the most part associated with a lack of major studies focused on describing the victimisation of various groups defined on the basis of gender, age and the type and degree of disability. It is also important to further highlight exposure to violence in groups such as boys and men, as well as among people whose disabilities make it more difficult for them to communicate about their victimisation. Research focusing on girls and women

is relatively extensive, however, particularly with regard to sex crimes. More knowledge about the exposure of boys and men, and of people with communicative disabilities, is therefore also a prerequisite for making comparisons between the exposure to violence experienced by different groups, and consequently for identifying risk groups and their various needs. It would also produce a better point of departure for the application of equality-based perspectives.

One important condition for obtaining more systematic knowledge about violence against people with disabilities is making the violence visible. Generally speaking, this can be achieved in two ways: through the greater use of existing registers and through improving the level of knowledge about violence and disabilities among those working within the care sector and the justice system.

Two existing sources of information which contribute to making violence against people with disabilities visible, and which can make further contributions in this area, are the Level of Living Surveys conducted by Statistics Sweden, and to some extent also official crime statistics. In addition to these sources, special studies and the extended use of the National Council's Swedish Crime Survey constitute additional potential means of expanding and increasing the extent of the knowledge on violence against people with disabilities.

Filling knowledge gaps does not only entail creating new knowledge about the extent and nature of this type of violence however; it is also important that the knowledge that already exists, however incomplete, is disseminated to the people and organisations who come into contact with those affected. The participants in the National Council's focus groups viewed it as very important that this knowledge be disseminated to practitioners in both the care sector and the justice system.

Increased awareness and a more attentive approach among those who spend time in the environments of people with disabilities may help reduce the risk both of situational and more systematic, repeated violations. In the long term, this could also result in more crimes of violence being reported, which would in turn increase the opportunities for conducting research and thus for improving our knowledge of both the extent and the nature of the victimisation experienced by various groups. In order for suspected offences to be reported, there is a need for improved knowledge among the practitioners who work in various contexts as to how to ask questions and what questions can and should be asked. An improved knowledge of the nature and effects of different types of disability could also lead to improvements in the way such cases are dealt with by the justice system, resulting in a more appropriate approach to the investigation of such cases. In this context the National Council's focus groups also highlighted a need for increased awareness and knowledge among those affected and their close relatives about their rights.

In conclusion, improved knowledge, and thus greater visibility, in a variety of different areas has an important role to play in improving the opportunities for people with disabilities to achieve equality before the law.

Possible ways of preventing violence

The following section outlines a series of potential ways of preventing violence against people with disabilities that emerged from the National Council's review of the existing knowledge in this area. The section begins by presenting the results from the National Council's questionnaire survey of the crime prevention work conducted by Sweden's municipalities and city district administrations. This is followed by a number of proposals discussed by the key figures who participated in focus group interviews at the National Council's invitation. The majority of these proposals point to ways of making violence against people with

disabilities more visible, but they also focus on means of reducing vulnerability and dependency in a manner that may lead to the prevention of violence in a number of different ways and across a broad range of arenas.

No scientific evaluations of projects describing effective methods for preventing violence against people with disabilities were identified in the literature review carried out by the National Council.

Crime prevention in municipalities and city districts

Eighteen of the 186 administrations that answered the National Council's survey answered that they had been involved in some kind of initiative to prevent violence against people with disabilities in the past three years. Of these, fourteen administrations were involved in ongoing initiatives at the time of the survey. The majority of these initiatives involved staff training, with the responses indicating that the issue of violence against people with disabilities was subsumed under the more general question of violence against women (and children). These initiatives may therefore be understood as involving prevention projects in which women, and to some extent their children, constitute the intended target group for the work of the staff who are undergoing training.

Crime prevention measures can be divided into three types of initiative that can be summarised as follows: *primary prevention* aims to prevent crime before it is committed; *secondary prevention* is targeted at risk groups; and *tertiary prevention* is deployed once an offence has been committed, in part with the objective of preventing reoffending or repeat victimisation.

The administrations who responded to the survey referred to the following primary prevention measures:

- training on violence against people with disabilities for all care system staff working with such people
- continuous further training in communication for care system staff working with people with disabilities
- improved lighting in public places, such as bus stops
- self-protection instructors who train staff in the prevention of situations that may give rise to violence

The secondary prevention measures referred to in the survey data were as follows:

- the production and distribution of informational material to people with developmental disabilities about sexual assault
- the establishment of advisory groups (comprising representatives of the police and the justice system, adult rehabilitation services and the care system for people with disabilities) to disseminate information on assaults against people with developmental disabilities via informational materials and seminars

The same administrations also mentioned the following tertiary prevention measures:

- the training of personnel in how to act in the event of their discovering that acts of violence have been committed against a person with a disability
- the preparation of routine guidelines for dealing with suspected violence and the compilation of a list of sheltered accommodation that can admit people with various kinds of disability, such as developmental disabilities and physical disabilities; and adapting sheltered accommodation to the needs of people with disabilities

The administrations were also asked whether they knew of any further initiatives in Sweden in addition to those they were involved in themselves. Sixteen of the 186 administrations stated that they did know of other initiatives. Half of these referred to Bräcke Diakoni, a provider of medical and social care in Gothenburg which runs a project called *Dubbelt utsatt* (which translates literally as *Doubly Victimised*). The project has its base in a development centre which aims to make violence and assaults against women with disabilities visible and to improve the available knowledge in relation to this phenomenon. The primary objective of the work is to support and further develop the existing emergency measures for women with disabilities, to prevent additional people becoming victims and to offer training for professionals. Other administrations for the most part referred to women's crisis centres and various forms of collaborative groups that existed in the municipality or city district in question.

Crime prevention measures proposed in the National Council's focus groups

There follows a description of the proposals which emerged from the National Council's focus group interviews with key figures in the area, as regards possible means of improving crime prevention efforts. The proposals therefore constitute an important part of the results produced by the National Council's knowledge inventory. With the occasional exception, the proposals do not relate to specific groups of people with disabilities, but are rather intended to reduce invisibility, vulnerability and dependency more generally.

The proposals presented are divided into three groups depending on the specific target group for the proposals in question. These groups are care providers and family carers, the justice system and people with disabilities.

Care workers and family carers

Staff recruitment

Given the extent to which violence against people with disabilities is perpetrated by care staff, one proposal discussed in the National Council's focus groups, related to the introduction of a more thorough staff recruitment process in the care system for people with disabilities, which could help prevent violence against care recipients. The focus group participants emphasised the importance of assessing the suitability of job applicants in the care system for people with disabilities. Suitability may refer both to the risk of care staff perpetrating violence, and to the knowledge required to detect the signs of violence and respond appropriately.

Support for relatives

Reactions to extreme stress or frustration can manifest themselves in violence, not only among people employed as care workers but also among relatives. Both the National Council's focus groups and existing research in the area show that the line between care provision and various forms of assault is often fuzzy. Relatives of people with disabilities may therefore need a forum to meet and talk to others in similar situations, or an opportunity to talk to professionals. The need for greater access to short-term relief was also discussed in this context. This might also result in a greater insight into the care relationship and reduce care recipients' dependency on a small number of individuals. The need for an improved knowledge of the rights of both care recipients and carers was also raised in connection with situations where it is difficult to differentiate between care provision, the exercise of power and assault.

Improving care workers' knowledge on violence and conflict management
Training is also an important preventive factor when it comes to staff in the healthcare sector. One of the Swedish researchers interviewed by the National Council advocated that staff training in this area be made mandatory, which is not the case today. The researcher also argued that there is a need for further training measures.

More generally, professionals need to know both that violence against people with disabilities does occur and what forms this violence takes. Part of the training could focus on learning to detect the signs of victimisation. These might for example include behavioural changes, such as a person becoming more shy or withdrawn, or changes in body language. Training is also required to ensure good treatment and to change attitudes. Improved knowledge of and skills in conflict management may also prevent violence both among care recipients themselves, and between carers and care recipients.

Guidance and supervision for care staff

According to participants in the National Council's focus groups, providing continuous guidance and supervision for staff, and opportunities for them to discuss their work situation may provide a means of preventing carers resorting to violence and thus of reducing the vulnerability of those receiving care. The care worker's situation may in certain cases, or for certain periods of time, be particularly demanding and frustrating. This may be the case for example if care staff are often required to deal with violent situations or if they lack the necessary knowledge and skills in conflict management. Reactions to stress can sometimes manifest themselves in the form of violence. Stress among care workers may also be caused by factors other than the behaviour of the individual care recipient, such as lacking the resources required to do the job properly.

Different care and support contacts

The review of the research literature, together with the National Council's interviews, focus groups and questionnaire survey of Swedish municipalities, indicates that violence against people with disabilities is sometimes committed by care staff. The focus groups therefore took up the possibility of reducing the extent to which care workers work alone as one means of reducing the risk for violence against care recipients, and also of increasing the likelihood that the violence that does occur will be made visible.

Both the research literature and many of those interviewed stressed the fact that people with disabilities are particularly vulnerable when they are heavily dependent on just one or a few individuals. One way of dealing with this problem is by ensuring that care and support are provided by several people, e.g. by ensuring that individuals requiring personal assistance are helped by more than one assistant. However, since care work entails both the development of a relationship of trust, e.g. in connection with personal hygiene and other functions affecting the care recipient's bodily integrity, and ensuring that there is functional communication between care giver and care recipient (even in cases where there may be considerable communication difficulties), it is also important that the care recipient is not placed in the hands of too many different carers.

Alterations to the way care is provided to people with disabilities

Focus group participants suggested several minor changes to the way care work is provided for people with disabilities that could serve to prevent crime. Suggestions included improving the relief offered to care workers experiencing difficult situations and during periods considered particularly stressful. Another proposal

related to the length of the shifts worked by care providers. The focus groups emphasised that excessively long shifts can be tiring and thus both produce a poorer working environment and an increased risk that care situations may result in violence and molestation. A high turnover among care workers may also have an important impact on levels of stress and conflict among carers and care recipients alike, which can increase the vulnerability of the latter.

Access to victims' and women's support centres

It is important that crime victims' and women's support services are also made available to people with disabilities who need this type of support or protection, not least in order to prevent the risk of continued victimisation. Participants at the focus groups arranged by the National Council complained however that victim support service providers are generally neither sufficiently accessible nor sufficiently well-prepared to assist women with disabilities who are exposed to violence. Improved access to such services and places of refuge could help reduce the level of vulnerability among those at risk. It would also help increase the likelihood that violence becomes visible.

The justice system

Increased knowledge of disabilities in the justice system

According to those who participated in the focus groups arranged by the National Council, the training of justice system staff may constitute an important measure for several reasons. Increased knowledge of different types of disability could improve conditions for enabling people with disabilities to participate in the legal process on equivalent terms to those of people without disabilities. Increased knowledge of various kinds of disability may also help reduce the risk that criminal investigations will suffer as a result of the interrogations conducted with the affected parties being negatively affected by prejudice or incorrect judgements and assumptions.

Focus group participants argued, for example, that a lack of knowledge could lead to social signals among people with mental or communicative disabilities being interpreted incorrectly (irrespective of whether the individuals concerned were victims, suspects or witnesses). There may also be good reason for agencies to adapt their questions on the basis of the disabilities of those affected in order to reduce the effects of vulnerability that different disabilities can entail.

Study participants argue that improvements in these areas may result in better opportunities for the justice system to prosecute and convict those who commit acts of violence against people with disabilities. More knowledge and improved awareness of disabilities would also mean that violence against people with disabilities is made visible within the framework of the criminal justice process.

People with disabilities

Education on sex and living together

The importance of providing sex education to people with various types of disability, and of ensuring that it is adapted to a given individual's circumstances, constitutes a recurring theme in the data collected by the National Council in the course of the study. The Council's focus groups emphasised both a need for specially adapted sex education measures, and that a lack of sexual experience may contribute to difficulties in assessing what does and does not constitute assault. A special need was also emphasised for sex education tailored to meet the needs of young people with developmental disabilities.

Improving the availability of sex education measures adapted to the needs of different groups could therefore help reduce the vulnerability of people with various types of disability.

Self defence

In the National Council's focus groups, improving the opportunities available to people with disabilities to assert their integrity was discussed as a particularly important violence prevention measure, irrespective of whether this violence is perpetrated by strangers, relatives or care workers

Self defence can take many forms, since assaults may take different forms: physical, sexual and emotional. Examples include picture books specifically developed for people with intellectual disabilities which aim to improve knowledge on sexual assault among people with different kinds of disability.

Self defence might also involve learning to physically defend oneself against assault, thereby reducing vulnerability. One of the prominent figures in this field is Lydia la Rivière-Zijdel, a self-defence instructor with a disability who has developed self-defence techniques based on karate and aikido for people with disabilities.

Improving visibility – secure accommodation

People with serious disabilities sometimes live in isolation. The view of the participants at the National Council's focus groups was that this puts them at risk of exposure to violence, and to repeated violence in particular, at the hands of relatives or care workers. Strategies aimed at reducing this isolation may thus have a crime prevention effect by making their situation more visible.

Increasing levels of visibility in the context of care provision may also produce crime prevention effects. According to one Swedish researcher working with disability issues, one way of achieving this in group accommodation, is for the supervisor to make unannounced visits in addition to the planned unit meetings. In this context, participants in the National Council's focus groups have also stressed the importance of ensuring that the issue of violence and assault is constantly kept 'on the agenda' within the healthcare system in order to be able to prevent violence by means of primary intervention (prior to assaults or violence taking place) and not just by means of tertiary prevention (after the act).

One example of how to reduce the insecurity and vulnerability of elderly people living alone is a system whereby the elderly person him/herself can choose which member of the home-help team or equivalent visits, and when.

Increased efforts on the part of disability associations

Only two of the five associations that responded to the National Council's survey within the time-frame allowed by the survey said that they work in some way with the issue of violence against people with disabilities. This low figure is probably linked to the fact that many of the 51 associations represent members whose disabilities are not of significance for their exposure to crime. At the same time, a high number of the key figures who participated in the National Council's focus groups said that the issue of violence is often absent from the agenda of many of the associations for people with disabilities. The view of the focus group participants was that one reason for this is that many associations do not consider violence against their members to be an issue of general, broad, policy interest in the same way as discrimination or accessibility, for example. This observation was also made by several associations in e-mail communications to the National Council. The focus groups also noted that there may be a disincli-

nation to link a given disability with factors such as vulnerability and exposure to crime, in part out of a desire to avoid being regarded as a “weak” group.

The National Council’s assessment

Violence against people with disabilities

The inventory of existing knowledge carried out by the National Council shows that we do already know a certain amount about violence against people with disabilities. Knowledge on exposure to sexual violence among women with intellectual and physical disabilities is relatively extensive. However, the lack of major studies – and in particular the lack of studies comparing the exposure of different groups – means that it is not possible to identify potential risk groups in an empirically reliable way. Consequently, it is also impossible to describe the extent or character of violence against people with disabilities, and trends in this violence over time, in a systematic way. The existing knowledge is mainly based on small-scale studies employing non-representative samples and varying definitions of violence and disability.

Based on the inventory of the existing knowledge conducted in the course of the project, the National Council’s assessment is that levels of invisibility, vulnerability and dependency are of special importance in relation to exposure to violence. The significance of these three factors for exposure to violence is in part associated with the type and extent of the disability in question. This is particularly clear when it comes to various forms of communicative disability, which in themselves render the detection of violence more difficult. Intellectual and mental disabilities can also have an effect on the level of exposure to sexual violence as a result of an increased vulnerability. Sexual violence affects both genders, but girls and women in these groups appear to be subjected to this type of violence more often than boys and men, as is the case in the population as a whole. Physical disabilities may in turn entail an increased risk for repeat exposure where they involve high levels of dependency on help from others in order to get about or protect oneself. High levels of dependency on other people may also in themselves produce vulnerability, irrespective of the type of disability involved.

The lack of systematic knowledge may in part be attributed to an inadequate knowledge of the kind required among practitioners to make violence visible via the recording of incidents, the reporting of incidents to the police and the obtaining of convictions. At the same time, the lack of systematic knowledge may be assumed to contribute to the lack of relevant knowledge of the kind required among practitioners, particularly in relation to the questions of which groups may be at particularly high risk, and of how the violence perpetrated against these groups might be made visible.

It is therefore important that the systematic knowledge that does exist is disseminated in some way to the actors who work with people with disabilities, both in the healthcare system and in the justice system. It is also important that research succeed in producing knowledge that may be used to determine whether, and to what extent, certain groups of people with disabilities are more exposed to violence than others. Increased knowledge about potential risk groups, along with increased knowledge about those groups which have not yet been examined in the research, may in turn increase the opportunities available to various professional groups to make this violence visible and thus to prevent it being repeated.

Proposed crime prevention initiatives of special interest

Since both researchers and practitioners largely feel that violence against people with disabilities remains invisible, the National Council highlights four proposals

in this section whose aim is to prevent violence against people with disabilities by making any violence that does occur visible. The proposals also involve a concretisation of the need for knowledge on this issue in the healthcare and justice systems respectively.

Routines and guidelines for reporting suspected violence

The legislation that exists today only covers the reporting of suspected exposure to violence or negligence that occurs in certain specified circumstances. At the present time there are no general, uniform routines in place for dealing with questions of this kind. As is shown by the findings from the National Council's questionnaire survey, different municipalities employ different routines with regard to how staff should act if they suspect violence against people with disabilities. Further, a small number of the municipalities that responded to the National Council's survey stated that they have no such routines in place.

The National Council's assessment is that it may be beneficial to discuss the extent to which a greater level of standardisation might be desirable and, if this is the case, how it might be achieved. A more uniform approach may also reduce the risk that the conditions faced by people with disabilities who are exposed to violence vary depending on where they live in Sweden. This would not rule out the possibility of adapting the routines employed to fit local conditions and needs. Routines and guidelines should be formulated in a way that not only clarifies what is to be done, but also who is responsible for acting and in which situations.

Discussion regarding an obligation to report in relation to adult crime victims

At present, care workers must breach confidentiality in order to report suspected offences committed against an adult. As regards children, i.e. persons under the age of eighteen, Chapter 14 Section 2 of the Social Services Act (2001:453) contains an exception to the confidentiality rules and states that care workers have a responsibility to report suspicions of ill treatment against children to another authority. Personal assistants are also covered by this obligation, but not legal guardians. However, there is no such exception in place when the suspected violence relates to an adult. In these cases the adult must consent to the care worker passing on information to the justice system. This legal situation may contribute to violence against people with disabilities remaining invisible.

The National Council's assessment is that it would be beneficial to discuss the current situation regarding the opportunities available for reporting crimes committed against adults with disabilities. This might, for example, be important in cases where the individuals suspected of being subjected to violence have extensive intellectual or communicative disabilities, and find it difficult to safeguard their own rights.

Monitoring relations between carers and care recipients rather than screening candidates during the recruitment process

One proposal raised in the National Council's focus group interviews was to check the criminal records of various groups of care-workers who come into contact with adults or children with disabilities. The National Council's assessment however, is that this type of screening would not constitute a satisfactory means of preventing violence against people with disabilities for several reasons. The view of the National Council is that criminal record checks will only ever be able to detect a very small group of individuals, since crimes of this kind are in all likelihood only rarely reported to the police and even more rarely taken to court. Such a proposal also raises questions as to which types of crime should be

taken into consideration and for how long previous convictions should be taken into account.

The Council's view is that more promising opportunities for the prevention of violence are to be found in initiatives and developments relating to the working environment, to the way in which this form of care work is organised and to the professional status of the care workers involved. In this context the Council would like to place particular emphasis on the need for better monitoring of the relations that exist between care workers and care recipients.

The justice system

The measures taken by the justice system in connection with violence against people with disabilities presuppose that the violence that occurs is made visible and reported to the police. Since all of the sources included in the National Council's review of existing knowledge show that there is a need to make the violence that does take place visible, the Council believes that measures focused on the justice system should primarily have the objective of developing methods that will increase the opportunities available to people with disabilities to make their voices heard and to be understood. Initially this will involve the police finding ways to enable those subjected to violence to make themselves heard in a way that suits them. This might be achieved, for example, by means of an increase in the use of experts in the same way that special expertise is sometimes used in matters involving contacts with children.

The National Council's focus groups have also argued that courts could improve the conditions for equality before the law by improving their knowledge of various disabilities, both as regards the relevant group's living conditions and the ways in which they talk of their experiences and react to them. The need for improved knowledge of various disabilities within the justice system has also been emphasised in Swedish research. A lack of knowledge may involve a risk that various individuals' credibility will be assessed incorrectly and that police interviews and courtroom cross-examination will be conducted in an inadequate fashion. If the representatives of the justice system are unable to correctly interpret the statements and reactions of people with disabilities, this will inevitably have a negative effect on the way crimes are investigated. The National Council is therefore of the view that a discussion is needed of the question of how equality before the law can be assured for groups with different characteristics, not least against the background of Articles 13 and 16 of the Convention on the Rights of Persons with Disabilities adopted by the United Nations General Assembly in December 2006, and ratified by Sweden in March 2007 (see www.un.org/disabilities).

Appendix. Methods and materials

Review of the research literature

The database search of international literature was conducted on 1 February 2007 and encompassed literature dating back to the year 1986. The search identified 235 articles and reports excluding case studies. To allow for the conduct of a more detailed study, only abstracts of articles and reports published in or subsequent to 1995 were selected. Altogether the material comprised 167 abstracts. The relevant reports and articles referred to in this sample of abstracts have also been utilised in the report.

The keywords used in the Swedish National Police Academy database search were: disabilities, crime, offences, violence, abuse, prevention, victims and support as well as the expressions “disabled people”, “handicapped persons”, “crime prevention”, “crime prevention measures”, “sexual abuse”, “sex offences”, “mental disorders” and “support programs”. The following databases were used: PsycINFO, ASSIA, Csareults and NCJRS.

The Swedish literature search was carried out in August/September 2006 and had no retrospective cut-off date.

Interviews

Interviews were carried out in two stages. In the initial phase of the project, interviews were conducted with six Swedish researchers into disability issues. These were followed by more in-depth interviews in the form of two focus groups with a total of 10 key figures in the area. The participants comprised researchers, representatives of Sweden’s National Board of Health and Welfare, organisations for people with disabilities and a research institute, people with experience of preventive activities and the City of Stockholm’s disability ombudsman.

Surveys

Some data were collected from web-based questionnaire surveys. An invitation to participate in the web-survey of associations for people with disabilities was emailed to the 44 member associations of the Swedish Disability Federation (HSO) and to seven organisations outside of the HSO. Of these 51 associations, five completed the National Council’s survey within the set time. The majority of associations invited to participate in the survey do not represent groups whose exposure to violence may be assumed to be linked to their disability. This may largely, if not completely, explain the high level of non-response.

An invitation to participate in the survey of municipalities and city district administrations was sent to the local government officials responsible for disability issues. An initial contact was taken with 338 municipalities and city districts, and a request made for the name of the appropriate person to whom the invitation to participate in the web-survey should be sent. The invitation was then emailed to all 298 named recipients. The response frequency was 62% (186 administrations completed the survey within the set time).